[illegible] by ye Grace of God King
of Great Britain France & Ireland
Defender of the Faith etc.

10 a — 3

Hiſtorical Collections.

The Second Part,

Containing the

PRINCIPAL MATTERS

Which happened from the

Diſſolution of the PARLIAMENT,

On the 10th of *March*, 4 Car. I. 1628.

Until the Summoning of another *Parliament*,

which met at *Weſtminſter*, *April* 13. 1640.

With an Account of the Proceedings of *That* PARLIAMENT, and the Tranſactions and Affairs from that Time, until the meeting of another PARLIAMENT, *November* the 3d following. With ſome Remarkable Paſſages therein during the firſt Six Months.

Impartially Related and Diſpoſed in ANNALS.

Setting forth only Matter of Fact in Order of Time,
Without Obſervations or Reflections.

By *John* RUSHWORTH of *Lincolns-Inn*, Eſq;

LONDON,
Printed by *J. D.* for *John Wright* at the Crown on *Ludgate-hill*, and
Richard Chiſwell at the Roſe and Crown in St. *Paul's* Church-yard, 1680.

Sr Robert Pye of Clifton
Campville Staffordshire Bart

THE PREFACE.

MY former Collections having bin found useful, and the intent of the Second Part being only to lengthen the same Clue, that may guide the Reader through the dark Labyrinth of those Years, there's the less need of an Introduction to this Book.

I seem to come to my Reader, [illegible] to give him my Hand to lead him [illegible] dare in his own Country [illegible]

Man's Life is [illegible] what is doing in it, and [illegible] and it is but fit that of all parts of the World, every Man should know his own Country best.

For that reason I have chosen to be a Collector of Matters of Fact, rather than to write in the usual form of [illegible] to pretend to have seen into the Closets of Statesmen and Church-Mens Minds, and to have [illegible] and [illegible] the first Models by which they wrought. In such an Attempt I might have bin a false Guide to my Country-Men against my will, and have assumed to my self to be wiser than they.

But whilst I entertain the Reader only with a bare and simple Narrative of what was done, and by whom, and when, every Man is left to his native freedom to judg of Men and Things, to find out the Causes by the Effects, to compare Transactions past, with such as now occur, to make his own Comment upon every Fact, and from such Text to read to himself, his own improvement, Lectures of Prudence, Policy, and Morality.

The Reader should not have staid so many Years in the Dark, where I left him, at the Dissolution of the Parliament 4 Caroli, if I could have bin sooner permitted to have sent him through the Press.

Theſe further Lights every conſidering English-Man *knows in general, that after that time there was a great change in the way of the* English Government, *no Parliament being held for twelve Years and upwards, one only met without making a Seſſion by paſſing an Act, and was Diſſolved within three weeks.*

I ſuppoſe moſt Men cannot but wiſh to know in particular the Arts and Methods uſed in Government *in ſuch a long ſuſpenſion of the Excerciſe of the Supream Legiſlative Power, ſo that neither the* King *could have any Aſſiſtance from the People, to ſupport the Honour, Strength, and Intereſt of the Nation; nor the* People *any Relief of their preſſing Grievances, or any Proviſions made by Law for the Security and Advancement of their common Welfare.*

I hope every ſtudious Reader *may reaſonably ſatisfie himſelf by the following Papers, of the true* State *of the* Government *and* Kingdom, *during the diſcontinuance of Parliament, whilſt I keep my ſelf cloſe to my* Province, *of relating only in my* Annals *the ſeveral* Proclamations, Commiſſions, Inſtructions, Orders, *or Acts of* Council-Table, Patents *and* Grants *which then paſſed; together with the proſecution of the ſame, by* Judgments, Decrees, Orders, *and other Proceedings of the Courts of* Star-Chamber, High-Commiſſion; *of the* Preſident *and* Council *of the* North, *and ſeveral other Courts.*

It will be the Reader's *part to call them all into Judgment, to Try, Condemn, or Acquit them, according to their ſeveral Merits; it belongs to him, by forming Inductions from the particular Facts, to enable himſelf to underſtand the Deſigns then managed, and the Methods propounded to effect them.*

The Reader may with eaſe, by Reflections made upon theſe Annals, *inform himſelf by whoſe Counſels the King ſteered in his Government during the long Intermiſſion of Parliaments; What Means and Methods were deſigned, practiſed, or attempted to levy Mony for ſupport of the King in his way of Government without Parliaments; What unuſual Powers of Judicatory were aſſumed and exerciſed in the menage of the Government during that time; What Principles and Maxims in Law were endeavoured to be eſtabliſhed; What* Doctrine *and Diſcipline were obtruded upon the Church of* England; *And what were the Effects and Conſequences, not only in* England, *but alſo in* Scotland *and* Ireland, *of the manner of governing whilſt Parliaments were diſcontinued.*

Perhaps theſe Collections *may be read by moſt occaſionally; ſometimes the Reader may deſire to be ſatisfied what was done upon* *ſome Emergency or notable Accident; and ſometimes to ſee a particular Argument in Law, or a Deciſion of ſome memorable Caſe, or the Tranſactions of ſome one Year, (few having leiſure ſo deliberately to read all theſe* Annals, *as to obſerve nicely whoſe hands were moſt conſtantly upon the Helm of the Kingdom, from 1619 to 1640, or by what Rules they ſteered, either in the Matters of State, or the Diſtribution of Juſtice, or the Affairs of the Church); and for that reaſon it may be an eaſe to the Reader to know before-hand the Perſons that were upon the Stage, or in the Retiring Room, in every Scene of the whole Interval of Parliament, and the ſeveral Parts they acted.*

The principal Conduct of all Affairs about the Government, was committed by the King to three of his Council, Dr. William Laud *Arch-Biſhop of* Canterbury; James *Marqueſs of* Hamilton, *after Duke* Hamilton; *and Sir* Thomas Wentworth, *after Baron, then Vicount, and laſtly Earl of* Strafford; *many other noble Perſonages were of the King's Council, but the Power and Authority reſted in theſe, whoſe Advices and Reſolutions in all the Matters of* State *and higheſt Moment [by their conſtant correſpondence when they were far diſtant each from other] were brought to the Council Table for Countenance and Execution.*

Theſe three great Miniſters of State had each his more peculiar Province, *yet they had all an influence on the whole* Government. *The Earl of* Strafford *reſided much in* Ireland, *and was buſy to execute there the Advices which he had given his Maſter at the Council-Table, and ſuch mutual Advices as were conſtantly given and received between the Arch-Biſhop and him. The Marqueſs of* Hamilton *had the Conduct of the* Scotiſh Affairs, *yet with the concurrence of the Arch-Biſhop, who preſided in all the moſt ſecret Councils concerning all the three Kingdoms; and the Addreſſes in Matters Temporal as well as* Spiritual, *were made through him to the King by the moſt Noble Perſonages.* This Triumvirate *was ſolely depended upon for Advice in the greateſt Exigencies of the* Crown. *It appears by the Arch-Biſhop's own* Diary, *that after ten Years diſcontinuance of Parliaments, the Advice was from theſe three great Men to the King to call a Parliament; the Arch-Biſhop entred it upon the 5th of* December 1639, *thus:*

The King this day declared his Reſolution for a Parliament, in caſe of the Scotiſh Rebellion; and the firſt Movers of it were, the Lord Deputy of *Ireland*, the Marqueſs of *Hamilton*, and my Self; and the Reſolution voted at the Board to Aſſiſt the King in extraordinary Ways, if the Parliament

ment ſhould prove peeviſh and refuſe, *&c. And before the Council did then riſe, it was declared the* Parliament *was to meet the* 13th *of* April, 1640.

The Reader *will need no fuller ſatisfaction of the influence which this* Arch-Biſhop *had upon the* King, *than his own* Diary; *and for that reaſon I have inſerted it in the beginning of ſeveral Years in theſe* Annals: *Not knowing how to relate more impartially, or to evince more clearly the truth of the* Matter of Fact, *which that* Diary *contains, eſpecially in ſome particulars, which would have bin of very doubtful credit, had they dropt from any Pen but the* Arch-Biſhop*'s own.*

I ſhall inſtance only in one Fact *entred in this* Diary; *the* Offer *made to him by a Meſſenger from the* Pope *of a* Cardinal's Cap, *and his Anſwer,* That ſomewhat dwelt within him which would not ſuffer that, until *Rome* were otherwiſe than it is. *Few would either have believed that the* Papiſts *Deſigns of ſubverting the* Proteſtant Religion *were advanced in thoſe days to that height of Hope, as to attempt the* Metropolitan *of* England *to accept of ſuch a Preferment from* Rome, *or that ſo great a Counſellor and Miniſter of State to the* King *ſhould ſuffer ſuch a bold Attempt againſt his Crown and Dignity, and ſuch an Underminer of the* Proteſtant Religion *to paſs away unqueſtioned, to proſecute his* Treaſonable Deſigns, *of* Introducing a Foreign Power and Religion.

I cenſure not that Great Prelat *for what he did, or omitted; but I give the* Reader *the reaſon of my inſerting his* Diary, *being willing to put it out of doubt who were the* King's *moſt confiding* Cabinet Counſellors, *in the Years whereof theſe* Annals *give an Account.*

After the Diſſolution of that Parliament, *wherein the* Petition of Right *was granted, a* Proclamation *came forth, forbidding the People to raiſe or nouriſh* Reports *or falſe* Rumors *of* Parliament; *and it ſeems (by what followed) the* Kingdom *for twelve Years together was governed without a* Parliament.

One of the firſt Fruits of thoſe Advices to the King, was to provide well for the Support of his Crown, *that there might be ſufficient Supplies of* Monies *to anſwer all its* Wants *during the Intermiſſion of* Parliaments, *and there wanted not thoſe that had variety of* Inventions *to draw Mony from the People, whilſt none could be charged upon them in the Ancient* Legal Courſe.

The firſt Advice that was given, was not only to continue Tunnage and Poundage *without any conſent of* Parliament, *but alſo* *to inhance the* Book of Rates *upon ſeveral Merchants Goods, and the Collections of ſuch Rates to be enforced out of the Courſe of ordinary* Courts of Juſtice.

The next Deſign for Mony *was, by* Proclamation *to revive an obſolete Law about* Knighthood, *under colour whereof Summons were ſent throughout the Kingdom to every Man poſſeſſed for three Years of* 40 l. per Annum, *who did not appear before the* King *at his Coronation to be made a* Knight, *to ſubmit to ſuch Fines as they could compound for*; *and* James Maleverer *of* Arncliff, *in the County of* York, *Eſq; put himſelf upon the Judgment of the* Court of Exchequer, *what Fine they ſhould think fit to impoſe upon him*: *but the* Court *doubting the Law would not bear them out, refuſed that* Regular Courſe *of impoſing a Fine, and put the Party ſubmitting, to go and compound with Commiſſioners in the Country, contrary to the intent of the Law.*

Another Advice to advance the King's Revenue, *was, To grant* Patents *under the* Great Seal; *by which* Monopolies *were created, in a manner, of all ſorts of Commodities*; *as* Soap, Salt, Wine, Leather, Sea-Cole, Cards, Pins, *even to the ſole gathering of* Rags; *which Projects were countenanced with the name of* Incorporations. *And the Titles of all* Proclamations *countenancing the new* Corporations, *as well as* Proclamations *of* Matters of State, *are put in the end of every Year, in order of Time, in the Body of the* Collections, *and ſome in the* Appendix.

Another Advice was given, to raiſe a Revenue *for the* King, *by granting of Commiſſions under the* Great Seal *for* Offenders to Compound; *and the better to effect the ſame, ſome* Examples *were made by Sentence in the* High Court of Star-Chamber *againſt ſeveral Perſons, to pay great Fines, as for* Depopulations, Nuſances in Building between High and Low-Water Mark, *for* pretended Encroachments upon the Foreſts, *with other things of that nature, and accordingly Commiſſions were iſſued out, and Offenders in that kind did compound, which brought in a conſiderable Revenue.*

But of all the Inventions for raiſing of Monies during the Intermiſſion of Parliaments, *the* Ship-Writs *(as they were called) for impoſing* Ships *and* Furniture *upon every part of the Kingdom, upon the* Inland *as well as upon the* Port-Towns, *and taxing Mony for the ſame at the* King's *Pleaſure, by his Writ expreſſed*; *and that as often and in as great proportion as his* Majeſty *ſhall judg needful, was the greateſt diſſatisfaction to many of the Nobility and Gentry, they alledging that way of Supply included in it ſelf a claim of the* King's *unto the whole* Eſtates of the Kingdom, *when he would ſay he wanted*

Monies, upon that occaſion, the Judges having then declared the King to be the ſole Judg of the Danger.

The Diſputes and Conteſts that aroſe from this way of levying Monies, will be found in the following Annals; and the Author hath related that great and memorable Caſe of Ship-Mony more fully than others, becauſe there is ſo much excellent Learning ſhewed in the Arguments made therein before all the Judges of England in the Exchequer-Chamber, which were never yet publiſhed in print: therefore he hath ſelected out the Arguments made by two of the Counſel, viz. Oliver St. John of Lincolns-Inn Eſq; his Argument for Mr. Hambden, and Sir John Banks Kt. the King's Attorny General his Argument for the King; both which, and all the Arguments of the reſt of the Counſel, as alſo of the twelve Judges, the Author took with his own Pen verbatim (as near as he could) except ſometimes through defect in hearing, by ſome accidental interruption, a Word, or the exact citing of a Record, or other Paſſage might happen to be omitted.

In theſe Arguments the young Students of the Law will find Matters of great Antiquity before the Conqueſt, mentioned as pertinent to this Caſe, out of Ancient Authorities and Hiſtorians in the time of the Saxons and Danes, made uſe of as introductive to this Caſe of Ship-Mony. And ſuch mention is alſo made of Matters of State, as comes near Arcana Regni, of a higher nature than the Arguments in any other known Caſe, the higheſt Prerogative of the King in Caſes of the greateſt Exigency being there brought into debate.

And that the Reader may more clearly judg of the Conſequence of the Caſe, the Author hath annexed an Account of what Mony was levied out of every County by virtue of this Tax, the ſame amounting to about 200000 l. per Annum for five Years, as may appear by the inſerted Account of Sir William Ruſſel then Treaſurer of the Navy.

The Reader will alſo find in theſe Collections, a large Account of the Proceedings in the Court of Star-Chamber for ten Years; ſome Caſes are briefly reported, others more conſiderable are ſet down at large, with ſome Speeches made by the Lords when they gave Sentence in open Court, as in the Caſe of William Prinn Eſq; when he loſt his Ears the ſecond time; and in the Caſe of the Biſhop of Lincoln, when he was twice ſentenced in that Court, and impriſoned in the Tower; and in divers other Remarkable Caſes.

Likewiſe the Reader will find a particular and large Account of the Tranſactions of Affairs in Scotland, wherein the Year 1637. the firſt Sparks of Diſcontent there brake out; and when Marqueſs Hamilton, the King's High Commiſſioner, the next Year (1638) was ſent down to compoſe the Differences and Commotions in that Kingdom, but without effect. And the next Year after (1639) when the King marched with an Army againſt the Scots, and encamped near Berwick, where the Author then was when a Pacification was concluded; as likewiſe at the Fight at Newborn, the Great Council at York, and Treaty at Rippon, Anno 1640. At all which Places the Author was preſent, and it's hoped the Reader will find much ſatisfaction in a punctual Account of the Tranſaction of Affairs in thoſe Places.

And as for a clear Account of the Proceedings in Scotland during the ſaid Years, the Author is the better enabled to give the ſame, by the help of that exact Hiſtory of the Lives of the two Duke Hamiltons, written by that Learned Divine Dr. Gilbert Burnet, whoſe Example, in ſetting down Vouchers for what he doth write, is a worthy and good Example for any Hiſtorian to follow.

And another help to the Author was, the Records of Scotland, whilſt they remained here, which after the taking of Sterling-Caſtle, were brought from thence to be kept in the Tower of London.

The Author alſo endeavoured to get what other Informations he could, by Proclamations, Declarations, and Proteſtations, pro and con, concerning thoſe Commotions in Scotland; all which Matters, and alſo other things, throughout the whole Collections, the Author ſets down for moſt part at large, becauſe he would not confine the Reader to his Abſtract, nor limit him to minutes of material Evidences of Truth, except it be in ſome leſs conſiderable Matters, and hopes the Reader will pardon him for ſo doing.

Another thing ſomewhat conſiderable, which the Author doth mention, (with which ſome Readers, martially inclin'd, will not be diſpleaſed) is an account of Actions of War, and Military Proceedings in Germany, wherein the Subjects of Great Britain were concerned, upon the ſending over of ſix thouſand Men, under the Conduct of Marqueſs Hamilton, in the Year 1631, to aſſiſt the King of Sweden, in order to the Recovery of the Palatinate, &c. And alſo of the Proceedings of the Ambaſſadors ſent upon Treaties with the Emperor, and afterwards with the King of Sweden, about the Reſtitution of the Prince Elector [illegible] to [illegible] first [illegible] of the [illegible]

[illegible] be [illegible] of the [illegible] adhered to His Cause during the time of the late un- happy Wars [illegible] laboured under the same disadvantage with himself, upon the [illegible]

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FINIS.

REMAINS
OF
Hiſtorical Collections.

For the Year, 1629.

IN the Preface to this ſecond Part, the Author acquaints the Reader how it happened that theſe following Additions, which come under the Title of *Remains*, were omitted in the firſt Part of *Hiſtorical Collections*, and not then inſerted in the Year 1629, as was intended.

Among the things (ſo omitted) no mention was made of an Expreſſion in the Diary of Dr. *William Laud*, then Biſhop of *London*, of which the ſubſequent Parliament took ſpecial notice, (*viz.*) *That that Parliament which was Diſſolved (the King being preſent) upon the* 10th *of* March, 4. *Car.* 1. *had laboured his Ruin.* And probably the reaſon for that *Memento* might be, becauſe the Houſe of Commons in their *Remonſtrance* in that Parliament had reflected upon that Biſhop. Unto which *Remonſtrance* an Anſwer was given in the King's Name, (but omitted alſo in the Firſt Part) penned by the ſaid Biſhop of *London*, being of his own hand-writing, produced afterwards at his Trial, and was to this effect.

The King's Anſwer to the Commons Remonſtrance.

'WE are not bound (ſaith his Majeſty) to give an account of our Actions to any but to God only; yet out of the Honour and Integrity of our Grace, the Love and Care of our People, the great and hearty deſire we have to take off all Fears and Jealouſies from our Loyal and Loving Subjects, We have thought fit to declare theſe Reaſons following, why we have called in this Remonſtrance, which yet we preſume and conſtantly believe was framed and delivered up unto us with good Intentions, tho by a miſguided Zeal.

'For firſt, That Remonſtrance begins at Religion, and fears innovation of it by Popery: But we would have our Subjects of all ſorts to call to mind what Difficulties and Dangers we endured, not many years ſince for Religion's ſake; that we are the ſame ſtill, and our Holy Religion is as precious to us as it is, or can be to any of them, and we will no more admit Innovation therein, than they that think they have done well in fearing it ſo much.

'Tis true, that all Effects expected have not followed upon the Petition delivered at *Oxford*, but we are in leaſt fault; for that Supply being not afforded us, diſenabled us to execute all that was deſired, and cauſed the ſtay of thoſe legal Proceedings which have helped to ſwell up this *Remonſtrance*; yet let all the Counties of *England* be examined, and *London* and the Suburbs with them, neither is there ſuch a noted increaſe of Papiſts, nor ſuch cauſe of fear as is made;

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‘nor hath any amounted to ſuch an odious tolerating as is charged upon it, nor near any ſuch.

‘For that Commiſſion ſo much complain'd of, both the Matter and Intent of it are utterly miſtaken; for it doth not diſpenſe with any Penalty, or any courſe to be taken with any Papiſts, for the exerciſe of their Religion; no, nor with the pecuniary Mulct, or not-Conformity to ours. It was adviſed, for the increaſe of our Profit, and the returning of that into our Purſe: which abuſe, or connivance of Inferior Miniſters, might, perhaps, divert another way: if that, or any other ſhall be abuſed in the Execution, we will be ready to puniſh upon any juſt Complaint.

‘The next Fear is, the daily growth and ſpreading of the *Arminian Faction*, call'd, a cunning way to bring in *Popery*; but we hold this Charge as great a wrong to our Self and our Government, as the former; for our People muſt not be taught by a *Parliament Remonſtrance*, or any other way, That we are ſo ignorant of Truth, or ſo careleſs of the profeſſion of it, that any Opinion, or Faction, or whatſoever it be call'd, ſhould thruſt it ſelf ſo far, and ſo faſt into our Kingdoms, without our knowledg of it. This is a mere Dream of them that make, and would make our Loyal and Loving People think we ſleep the while.

Dr. *Laud* Bp of *London*, and Dr. *Neale* Bp of *Wincheſter*.

‘In this Charge there is great wrong done to two Eminent Prelates that attend our Perſon: for they are accus'd without producing any the leaſt ſhew, or ſhadow of proof againſt them; and ſhould they, or any other, attempt Innovation of Religion, either by that open, or any cunning way, we ſhould quickly take other order with them, and not ſtay for your *Remonſtrance*.

‘To help on this, our People are made believe, there is a Reſtraint of Books Orthodoxal: but we are ſure, ſince the laſt Parliament began, ſome, whom the *Remonſtrance* calls Orthodox, have aſſumed to themſelves an unſufferable liberty in Printing. Our Proclamation commanded a Reſtraint on *both ſides*, till the Paſſions of Men might ſubſide and calm: And had this bin obey'd, as it ought, we had not now bin toſſed in this Tempeſt; and for any diſtreſſing or diſcountenancing of Good Preachers, we know there is none, if they be (as they are called) Good, but our good People ſhall never want that Spiritual Comfort which is due unto them. And, for the Preferments which we beſtow, we have ever made it our great care to give them, as Rewards of Deſert and Pains: But as the Preferments are ours, ſo will we be Judg of the Deſert our Self, and not to be taught by a *Remonſtrance*.

Ireland.

‘For *Ireland*, We think, in caſe of Religion, it is not worſe than Queen *Elizabeth* left it; and for other Affairs, it is as good as we found it, nay, perhaps better: And we take it for a great diſparagement of our Government, that it ſhould be voiced, That New Monaſteries, Nunneries, and other Superſtitious Houſes are erected and repleniſhed in *Dublin*, and other great Towns of that our Kingdom: for we aſſure our Self, our Deputy, and Council there, will not ſuffer God and our Government ſo to be diſhonoured, but we ſhould have had ſome account of it from them; and we may not endure to have our good People thus miſled with Shews.

‘There is likewiſe ſomewhat conſiderable in the Time when theſe ‘practices to undermine true Religion in our Kingdom are ſet on Foot. The Remonſtrance tells us it is now, when Religion is oppos'd by open Force in all other Parts: but We muſt tell Our People, there are no undermining practices at Home againſt it, if They practiſe not againſt it that ſeem moſt to labour for it. For while Religion ſeems to be contended for in ſuch a Factious way (which cannot be God's way) the heat of that doth often melt away that, which it labours earneſtly (but perhaps not wiſely) to preſerve. And, for God's Judgments which We and our People have felt, and have cauſe to fear, We ſhall prevent them beſt by a true and religious Remonſtrance of the amendment of our Lives, *&c.*

Upon the Diſſolution of the laſt Parliament, the People were highly diſcontented, and uttered unpleaſing Speeches and Diſcourſes; That if a Parliament was not preſently called again, all things would be unſetled and out of Order, and Trading would fail, and Conteſts would ariſe about Tunnage and Poundage, *&c.*

Whereupon his Majeſty put forth a Proclamation, on the 27*th* of *March*, for ſuppreſſing of falſe Rumors touching Parliaments, to this Effect.

Againſt falſe Rumors of Parliament.

‘That notwithſtanding his Majeſties late Declaration for ſatisfying of the Minds and Affections of his loving Subjects, ſome ill diſpoſed Perſons do ſpread falſe and pernicious Rumors abroad, as if the ſcandalous and ſeditious Propoſition in the Houſe of Commons, tumultuouſly taken up by ſome few, after that by his Majeſties Royal Authority he had commanded their Adjournment, had been the Vote of the whole Houſe, whereas the contrary is the Truth: which Propoſition was a thing of a moſt wicked and dangerous Conſequence to the good eſtate of this Kingdom, and it appeareth to be ſo by thoſe impreſſions which this falſe Rumor hath made in Mens Minds, whereby, out of cauſeleſs Fears, the Trade of the Kingdom is diſturbed, and Merchants diſcouraged to continue their wonted Traffique. His Majeſty hath thought it expedient, not only to maniſeſt the Truth thereof, but to make known his Royal Pleaſure; that thoſe who raiſe, or nouriſh falſe Reports, ſhall be ſeverely puniſhed; and ſuch as chearfully go on with their Trades, have all good encouragement; not purpoſing to overcharge his Subjects by any new Burthens; but to ſatisfy himſelf with thoſe Duties that were received by the King his Father of Bleſſed Memory, which His now Majeſty neither can, nor will diſpenſe withal. And *Whereas*, for ſeveral ill ends, the calling again of a Parliament is divulged, howſoever his Majeſty hath ſhewed by his frequent meeting with his People, his Love to the uſe of Parliaments; Yet the late abuſe having, for the preſent, driven his Majeſty unwillingly out of that Courſe: He ſhall account it preſumption for any to preſcribe any time to his Majeſty for Parliaments; the Calling, Continuing, and Diſſolving of which is always in the Kings own Power. And his Majeſty ſhall be more inclineable to meet in Parliament again, when his People ſhall ſee more clearly into his Intents and Actions; when ſuch as have bred this interruption ſhall receive their condign Puniſhment, and thoſe who are miſled by them, and ſuch ill Reports as are raiſed upon this occaſion, ſhall come to a better underſtanding of his Majeſty and Themſelves.

Duke of *Rohan*
March, 12.
1628/29.

The Duke of *Rohan*, the Head of the Proteſtant Party of the Reformed Religion in *France*, (not knowing that the King of *England* had diſſolved the Parliament) implored his further Aid, on the behalf of the *Reformed Churches* in *France*, in a Letter dated the 12*th* of *March* 1628. being two days after the Parliament was diſſolved; and was to this effect.

The Duke of *Rohan*'s Letter to the King.

SIR,

The deplorable accident of the loſs of Rochel, *which God hath pleaſed to permit to humble us under his hand, hath redoubled, in the Spirit of our Enemies, the paſſion which they have for our Ruine; and the hopes to attain thereunto: but it hath not taken away from thoſe Churches of the Provinces that Courage, or Affection of oppoſing, by a juſt and vigorous defence, to their unjuſt Deſigns. This is that which hath made them take up a Reſolution, and aſſemble themſelves together, and to ſtand in a Body amidſt theſe Commotions, to aſſiſt me with their good Counſel, and provide, with me means for their Deliverance. And becauſe the moſt powerful Means, which God hath raiſed them upon Earth, is the Aid which our Churches have received, and do expect from your Majeſty, the general Aſſembly have deſired, That my Letter (which ſolely hitherto repreſented unto your Majeſty the Intereſt of the publick Cauſe) might be joined to the moſt humble Supplication, which they repreſent. I do it, Sir, with ſo much the more Affection, becauſe I am Witneſs, that this poor People breath after your Aſſiſtance, having once laid down their Arms, which the Oppreſſion of the Enemy made ſo neceſſary: and becauſe they knew it was your deſire, took them up again, when they learned that your Majeſty obliged them to it by your Counſel, and by your Promiſes. Upon this ſole Aſſurance, they have expoſed themſelves to all Dangers, overcome all Obſtacles, conſumed their Goods, and are ſtill ready to ſpill their Blood, even unto the laſt drop. Your good Will they have found more dear than their Lives: and, notwithſtanding the Promiſes and Menaces, which their Enemies have made uſe of to move them, they have not been induced to make any Breach of thoſe Oaths, by which they were tied never to hearken to any Treaty, but with your Majeſties Conſent. All the Churches of this Kingdom, which are linked together to an unexampled fidelity, are glorious Objects of your Charity and Power. You are (Sir)* Defender of that Faith, *which they profeſs. Do not ſuffer it to be unjuſtly oppreſſed: You have ſtirred up their Affections by your* Royal Promiſes, *and thoſe ſacred Words, That your Majeſty would employ all the Power of your Kingdoms to ſheild thoſe Churches from the ruine that threatned them, and have been, next to the favour of God, the only Foundation of their Hopes; they have alſo thought it to be one of the higheſt Crimes they could commit, to doubt of the performance thereof. If the beginning of their Miſeries hath moved your Compaſſion, this ſad ſubject hath increaſed upon them with ſo much Violence, that there is nothing, but your Aſſiſtance can prevent their abſolute Deſtruction: for at this day the greateſt Miſdemeanors which our Enemies accuſe us of, and publiſh, that it cannot be expiated, but by our Blood, is the imploring and hoping for your Aſſiſtance. Our Goods for this are confiſcated and deſtroyed; our Farms deſolate and burned to Aſhes; our Heads expoſed to the Block; our Families baniſhed; our Temples demoliſhed. And every where, where the cruelty of our heinous Enemies can extend, Men and Women are beaten to Maſs with Staves.*

In ſhort, the Horror and Perſecution we endure is ſo great, that our Words are too weak to expreſs them.

Furthermore, We ſee, even at our Doors, the powerful Armies, which only wait the time to deſtroy thoſe retiring places that are left, and after that baniſh the exerciſe of Religion, and maſſacre the Faithful throughout the Kingdom. Hereupon, if I ſhould intreat your Majeſty not to Abandon us; I fear by theſe Words to offend a great King, ſo powerful, and ſo faithful: but I will take upon me the boldneſs, by reaſon of our preſſing neceſſities, to ſupplicate your ready Aſſiſtance, to hinder our falling under the ſtrength of our Enemies. Your Majeſty need not ſearch elſewhere, but in your own profound Wiſdom and Experience, to render your ſuccor redoubtable to thoſe that deſpiſe it, and advantageous to thoſe People that expect it. By this means you will gain the greateſt Glory that can be deſired; you will free from Fire and Sword 300000 Families, which pray to God continually for your Proſperity; will preſerve a People, whom God hath purchaſed by his Blood, and that have kept their Faith towards God and Man amidſt the greateſt Diſtractions and cruel Sufferings; will place the Fidelity of your Word, the Reputation of your State, and your Armies in a point worthy of ſo much Grandeur, and in checking the boldneſs of thoſe, who undertake to blaſt it daily with unworthy Reproaches, will add to your Title that of the Reſtorer of the moſt innocent People in the World, and the moſt inhumanely perſecuted.

As to my own Concerns, Sir, I make no mention to your Majeſty of my Intereſt. I might (having the Honour to be what I am) do it without blame, as to outward appearance: but it is ſo long ſince I had conſecrated them to the uſe of the Publick; that I ſhall always eſteem my condition happy enough, provided the Church be not miſerable; and that I may have this advantage, to be known by ſuch occaſions which your Majeſty doth not diſprove of, that I am,

At Rohan *the 12th of* March, 1629.

Your Majeſties Moſt Humble, and moſt Obedient Servant.

HENRY *of* ROHAN.

An Addreſs from the Deputies of the Reformed Churches.

Deputies came alſo from the *Reformed Churches*, and gave the King to underſtand, that they were informed a Treaty of Peace was intended to be propounded, between the two Crowns of *England* and *France*, by ſome Miniſters of Forreign Princes. That in caſe the Treaty do ſucceed, they humbly pray his Majeſty of *Great Britain*, to inſiſt upon the Capitulation made upon his Mediation, and for which he paſſed his Word, that the Reformed Churches ſhould perform on their parts, which they kept inviolably, till there were Forces placed, and kept in Forts againſt them, contrary to the Capitulation; and ſo, in their own Defence, were neceſſitated to take up Arms.

To the Duke of *Rohan*'s Letter, His Majeſty returned an Anſwer, which was to this effect.

The Effect of the King's Anſwer to the D. of *Rohan*.

'That his Majeſty underſtands there is an Intention, by the Mediation 'of ſome Forreign Princes, to propoſe a Peace between the two 'Crowns of *England* and *France*, which probably he may incline unto; 'and

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‘and therefore adviſeth the ſaid *Duke*, and thoſe of the *Reformed Religion*, timely to apply themſelves to the *French King*, and to get as advantageous Terms for himſelf, and thoſe engaged with him, as he could procure: The King further informing the Duke, that he was conſtrained to diſſolve the Parliament, which he had lately reaſſembled, from whom he expected further Supplies of Mony; but failing thereof, he was not in a condition to contribute ſuch further Aid and Aſſiſtance, either by Mony or Arms, as the Duke of *Rohan*, and thoſe that adhered unto him, might expect, and their preſent Neceſſities require; His Majeſty expreſſing his ſorrow, that the Condition of his Affairs was ſuch, that he could not anſwer his and their Expectation.

The Duke of *Rohan* ſeeks to the French King for a Peace.

The Duke of *Rohan*, upon the aforementiond advice of the King of *England*, forthwith made Addreſs to the *French* King, in order to a Peace, on behalf of himſelf, *De Soubieze*, and others of the Reformed Religion engaged with them: To which Addreſs, after ſome indiſpoſition thereunto in the *French King*, He at laſt agreed upon Articles, and Hoſtages were given, and a Peace concluded accordingly, and performed on both ſides; and an Act of Parliament paſſed in *France* to confirm the Articles of Peace ſo agreed upon.

March 24. 16$\frac{28}{29}$.

AT this time there was delivered to the Lords of the Privy Council, an Humble Petition of *John Talbott*, *Edward Porter*, *Henry Tellier*, and *John Shepheard*, the four Engliſh Captains employed by his Majeſty in the defence of *Rochel*, during the whole time of the Siege.

A Petition of the diſtreſſed *Rochel* Captains.

They humbly offer unto your Lordſhips Conſideration, the great Miſeries and Pains they endured during the Siege in *Rochel*, being above 14 months feeding long on Hides and Parchments, and ſtinted in that.

That during that time the Petitioners, had every one of them deducted 3 *s.* 6 *d.* the week out of their Pay, by the Pay-Maſter, which he pretended to be for Billet Money; whereas the Petitioners, and their Officers did, when Victuals was to be had for Mony, buy ſuch Victuals as they had, at a very dear rate, from the *Rochellers*, putting his Majeſty to no Charge at all for the ſame.

That your Petitioners were at extraordinary charge, above 200 *l.* a Man to maintain themſelves and their Companies in that miſerable Service, for Cloaths and other Neceſſaries, for which they grew indebted, and ſtill owe unto the Engliſh Merchants trading there.

They therefore pray their Lordſhips to take the Premiſes into conſideration.

To this Petition, their Lordſhips returned Anſwer;

That they do take notice of the Petitioners great Sufferings, and as occaſion may be offered, for his Majeſty's Service, they will be mindful of them.

The Biſhop of *London*, after the Diſſolution of the ſaid Parliament, thought it his Duty to preſent to his Majeſty certain Conſiderations in reference to the Church, Entituled;

Conſiderations

Conſiderations for the better ſettling of the Church-Government.

The Biſhop of *London* preſents a Paper to the King concerning the Church-Government.

THat his Majeſty would be graciouſly pleaſed;

(1.) To command the Lords, the Biſhops, to their ſeveral Sees, excepting thoſe which are in attendance at Court.

(2.) That none of them reſide upon his Land, or Leaſe that he hath purchaſed, or on his *Commendam*, if he hold any, but in one of his Epiſcopal Houſes; and that he waſte not the Woods where any are left.

(3.) That they give charge in their Triennial Viſitations, and at other times, both by themſelves, and the Arch-Deacon, that the Declaration, for ſetling the Queſtions in difference be ſtrictly obſerved.

(4.) That a ſpecial charge be given them againſt frequent and unworthy Ordinations.

(5.) That a ſpecial care be had over the Lecturers in every Dioceſs, which by reaſon of their Pay are the People's Creatures, and blow the Bellows of their Sedition.

For the abating of whoſe Power, theſe ways may be taken.

1. That the Afternoon Sermons in all Pariſhes may be turned into Catechiſing, by Queſtions and Anſwers, according to an Order ſet out by King *James*, of bleſſed Memory.

If this cannot be, then,

2. That every Biſhop ordain in his Dioceſs, That every Lecturer do read Divine Service in his Surplice before the Lecture.

3. That where a Lecture is ſet up in a Market-Town, it be read by a Combination of Grave and Orthodox Divines near adjoining.

4. That if an Incorporation do maintain a Lecturer, that he be not ſuffered to Preach, till he take upon him Cure of Souls within that Incorporation.

5. That the Biſhop do countenance and encourage the grave Orthodox Divines of his Clergy, and gain them in the ſeveral quarters of his Dioceſs, to be preſent at ſuch Lecturers Sermons, as are near them; that ſo the Biſhop may have knowledg.

6. That the Biſhop ſuffer none under Noble-Men, and Men qualified by Law, to have any private Chaplain in his Houſe.

7. That his Majeſty may be graciouſly pleaſed, that Men of Courage, Gravity, and Experience in Government, be preferred to Biſhopricks.

8. That *Emanuel* and *Sydney* Colleges in *Cambridg*, which are the Nurſeries of Puritaniſm, may from time to time be provided of Grave and Orthodox Men for their Governors.

9. That his Majeſty's high Commiſſion be countenanced by the preſence of ſome of his Majeſty's Privy Council, ſo oft at leaſt as any matter of moment is to be ſentenced.

10. That ſome courſe may be taken that the Judges may not ſend ſo many Prohibitions.

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11. That his Majeſty would be graciouſly pleaſed, once in half a year, to call for an account of all, or ſo many of theſe as he in His Wiſdom ſhall think fit.

A conſideration alſo to be had,

1. As to the general Feoffees for Benefices and Preferments.
2. A new authoriſing of the Injunctions.

Alſo after the Diſſolution of the ſaid Parliament, his Majeſty moſt graciouſly declares himſelf as to Religion, and the Right and Property of the Subject; ‘That it is, and always hath bin Our hearts deſire, to

His Majeſties Declaration as to Religion, Liberty and Property.

‘be found worthy of that Title, which We account the moſt glorious
‘in all our Crown, *Defender of the Faith*. Neither ſhal We ever give way
‘to the authorizing of any thing, whereby any *Innovation* may ſteal or
‘creep into the Church, but to preſerve that Unity of Doctrine and
‘Diſcipline eſtabliſhed in the time of Queen *Elizabeth*, whereby the
‘Church of *England* hath ſtood and flouriſhed ever ſince; And that
‘We have by Our Proclamation and Commandment, ordered the
‘Laws to be put in Execution againſt Prieſts and Popiſh Recuſants, to
‘fortify all ways and approaches againſt that Forreign Enemy.

‘And as We have bin careful (ſaith his Majeſty) for the ſetling of Re-
‘ligion, and quieting the Church, ſo were We not unmindful of the pre-
‘ſervation of the juſt & ancient Liberties of our Subjects, which we ſecu-
‘red to them by Our gracious Anſwer to the Petition in Parliament, ha-
‘ving not ſince that time done any Act whereby to infringe them; but
‘Our care is, and hereafter ſhall be, to keep them entire and inviolable,
‘as We would do our own Right and Soveraignty, having for that pur-
‘poſe enrolled the Petition and Anſwer in our Courts of Juſtice.

As his Majeſty thus declared himſelf concerning Religion, and the Subjects Right and Property, ſo the Lords of the Privy Council did proceed in ſetling the Militia of the Kingdom, and of Tunnage and Poundage, to preſerve the Narrow Seas. Alſo to put the Laws in execution againſt Popiſh Recuſants; to which purpoſe theſe particular Orders and Directions were given.

Cuſtoms of Tunnage and Poundage required to be paid.

1. As concerning Tunnage and Poundage, (the great Conteſt in the laſt Seſſions of Parliament) the Privy Council thus proceeded: They directed Warrants to the Officers of the Cuſtoms in the Port of *London*, to ſeize and detain the Goods of any that ſhall attempt to Land without Warrant, till the Cuſtoms be paid.

2. And they farther ordered; That ſuch Merchants Goods as remained on Ship-board, be removed into Store-Houſes at the *Cuſtom-Key*, and, for want of Room, into the *Tower*, to remain there, till his Majeſties Duties, and the Freight due to Ship-Maſters, were ſatisfied.

3. And whereas Attempts were made by *Replevin*, directed to the Sheriff of *London*, to obtain thoſe Goods out of the King's Store-Houſes, the Meſſengers of the Council were appointed to detain them in their keeping; and to apprehend, and keep in ſafe cuſtody, all Perſons that ſhould make reſiſtance in this Caſe.

4. Alſo Letters of Command were ſent unto the Officers and Chief Magiſtrates of moſt Ports of the Kingdom, to aſſiſt the Officers of

the Cuſtoms, in caſe of oppoſition, that might be made by Refractory Perſons.

5. In like manner Sir *Francis Cottington* was authorized to call before him thoſe Merchants that had bin truſted by the Collectors for Sums grown due by Cuſtoms, and protracted the payment thereof; and to require them, without delay, to pay in the ſeveral Sums which they owe to his Majeſty; and upon refuſal, to injoin them to attend the Lords of the Council.

Rich. Chambers his goods ſeized for non-paiment of Cuſtoms; and his Fine of 2000 *l.* in the *Star-Chamber* not to be extended upon the Goods.

6. *Richard Chambers*, whoſe Goods were detained in the Commiſſioners hands, for non-payment of Cuſtoms, being fined to his Majeſty in the Sum of 2000 *l.* in the Court of *Star-Chamber*; and the Fine eſtreated in the *Exchequer*, and from thence Proceſs of Extent iſſued out to levy the ſame. It was afterwards ordered by the Court of *Exchequer*, that the Goods ſhould be delivered to the ſaid *Chambers*, upon payment of ſo much Mony into the Court, as the Duties demanded for the King did amount unto; or levying of ſo much Goods as ſhould amount to double the value of thoſe Monies. The Privy-Council required the Commiſſioners not to deliver the Goods, until the Fine was firſt levied; the Order of the Exchequer no ways intending, or being intended to prevent the ſame, and then to obſerve the Order of Court.

Merchants deſign to ſend their goods beyond Seas, to avoid paying of Cuſtoms.

7. About the ſame time a Ship returning from the *Streights*, laden with ſtore of fine Wares, belonging to the London-Merchants, and conſign'd for *London*, was appointed by the Merchants to come to an Anchor in *Dover*-Road: Whereupon the Council being inform'd that the Merchants intended to defraud the King of his Cuſtoms, by unlading their Goods into Catches, and other ſmall Veſſels, and Landing at unlawful Hours, in obſcure places, commanded the Officers of *Dover* to take a particular account of the Goods, and to put them into Store-houſes; unleſs ſecurity was given to ſend them to the Cuſtom-Houſe Key at *London*. But a farther ground of the Warrant was this; becauſe the Merchants were purpoſed to ſend their Goods into *Holland* in Catches, and not to land them at all; which purpoſe was held by divers Merchants; and afterwards an Order was made againſt this ſecret Conveying of Wares and Merchandizes beyond Sea in Catches, and other ſmall Veſſels, to defraud the King of his Cuſtoms.

Orders to ſearch in Ware-houſes, &c. in caſe a default be made to pay Cuſtoms.

8. There was alſo a ſtrict Order made, enabling the Meſſengers of the Council-Table, to enter into any Ship, or Veſſel, Houſe, Ware-Houſe, or Cellar; and to ſearch in any Trunk or Cheſt, and to break any Bulk whatſoever, in default of the payment of Cuſtoms; and to apprehend all Perſons that ſhall give out any ſcandalous Speeches againſt his Majeſties ſervice, or cauſe any diſturbance.

Militia of the Kingdom for Public defence and ſafety.

For the Publick Defence and Safety, by the ſetled *Militia* of the Nation, (the Trained Bands) this courſe was taken. The Privy-Council, in their Letters of Inſtruction to the Lords Lievtenants of Counties, expreſſing the King's Diſpleaſure, at the great neglect of Muſters in moſt parts of the Kingdom, required them to take care that the Trained Forces, both Horſe and Foot, be compleat, according to the Modern Faſhion, and be perfectly inſtructed in the Exerciſe of Arms: And that the Captains and Officers be able to perform their ſeveral Charges; and that both Officers and Souldiers be not

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only able and ſufficient Men, but well-affected in Religion; that they take the Oaths of Allegiance and Supremacy; and that if a Soldier enrol'd remove his dwelling out of the Town or Pariſh of his abode, notice be given thereof to the Deputy-Leiutenants of that Diviſion; to the end that in caſe he have Licence to depart, his Company may be made up again. And in caſe any Mannor, Manſion-Houſes, or Lands, which formerly found, or contributed toward the finding of Horſe, or Foot, do not furniſh the Muſters, as formerly, by reaſon of the dividing of ſuch Eſtate among Co-heirs, or coming into the hands of any Joynters, or Tenant in Dower, or the purchaſe of new Owners, that the ſame be ſupplied by the Owners, or Occupiers thereof, that no ſuch alteration may diminiſh the Bands, which ſhould rather be increaſed, eſpecially the Horſe. That the beſt ſort of Men provide themſelves Arms for their particular uſe; that the Beacons be repaired, and continued in good Order; that a proportion of Powder, Match and Bullets be kept in the Magazines. And in regard of the great deficiency in the Horſe-Bands; and Neglect in thoſe that ſhould ſhew their Horſes, it was required that good Bond be taken for his Majeſties uſe, of thoſe that ſhew not, or whoſe Horſes, Arms and Furniture are deficient, that they ſhall perſonally appear with their Horſes and Arms, to ſhew them on the firſt of *October* next.

Lord Mayor of *London*'s Order for Militia.

The Lord Mayor of *London* received the like command concerning the Trained Forces within the City, and concerning the Arms and Furniture, the Commanders and Officers, and a convenient Magazine.

Captains of Train'd Bands.

Moreover, the Council taking into Conſideration the Unwillingneſs, Excuſes and Refuſals of ſome Gentlemen to undertake and perform the diſcharge of Captains of Trained Bands, which are the ordinary Forces and Strength of the Kingdom: Declared and Ordered, That the Lord-Leiutenants, in the Counties of their Leiutenancy, ſhall appoint for Captains, upon the vacancy of the Charge, ſuch Gentlemen as they ſhall find moſt fit and capable: and they ſhall return to the Board the Names of all ſuch as ſhall refuſe to undertake, or execute the ſame, that they may be proceeded with in ſuch manner, as their Contempt in a Caſe of this Nature and Importance ſhall deſerve.

Muſter-maſter.

And for the exerciſing and keeping of the Train'd Bands in good Equipage and Order, each County was *Aſſeſſed* at a certain Rate, for the entertainment of a *Muſter-Maſter*, who was appointed for that Service: this Money was to be granted by the Grand Jury, and collected by the High Conſtables of every Hundred; the Perſons refuſing this payment, are to be returned to the Council-Table.

But divers refuſing to ſubmit to theſe Taxes, the Lieutenants and Deputy-Lieutenants were commanded to ſign the Aſſeſment with their own hands; that if any ſhould deny hereafter to pay, they ſhould make them enter into Bond to anſwer this their Contempt at the Council-Table.

Alſo after the Diſſolution of the Parliament, a new occaſion is offered to his Majeſty of expreſſing his ſenſe of, and his zeal againſt Popiſh Recuſants.

Popiſh Recuſants to be proſecuted.

'AS We were careful to make up all Breaches and Rents in Religion at home, ſo did We by Our Proclamation and Commandment for the execution of the Laws againſt Prieſts and Popiſh Recuſants, fortify all ways and approaches againſt that Forreign Enemy; 'which if it hath not ſucceeded according to our Intention, We muſt 'lay the fault where it is, in the ſubordinate Officers and Miniſters in 'the Country, by whoſe Remiſneſs Jeſuits and Prieſts eſcape without 'Apprehenſion, and Recuſants from thoſe Convictions and Penalties 'which the Law and Our Commandment would have inflicted on 'them.

And his Majeſty in Council made a ſtrict Order to ſeize upon all *Engliſh* going to Embaſſadors Houſes to hear Maſs, requiring the Lord Mayor and Sheriffs, Juſtices of Peace, and others, to aſſiſt the King's Meſſengers, in the apprehending of any of the King's Subjects going to Maſs, requiring the Laws to be put in execution againſt them. And, to ſhew the clearneſs of his Intention, doth declare that he hath begun already at his own Houſe, not permitting any to go to the Queen's Chappel, but thoſe of the Queen's own Houſe who do attend her, and requires the Privy-Council to acquaint Forreign Embaſſadors with this his Intention.

Recuſants going to Embaſſadors Houſes prohibited.

About this time alſo the Lords of the Council Ordered the Attorney General to take care, that the Statute 3 *Jacobi* be put in execution againſt Recuſants dwelling within 10 Miles of *London*; and that the Statute of Confinement be executed againſt all ſuch of them as are Lodgers about the City: and that he cauſe a Bill of Indictment to be Exhibited at the next Seſſions, againſt the Keeper of New-Priſon, for ſuffering Prieſts committed to his Cuſtody to walk abroad at their Pleaſure.

The Statute 3 *Jac.* to be put in Execution.

About the ſame time a Letter was ſent from the Council to the High Sheriff, and Juſtices of Peace in *Northumberland*, expreſſing how his Majeſty was credibly informed that the number of Popiſh Recuſants in that County, which of late years was very ſmall, is now through too much remiſneſs in the execution of the Laws againſt them, increaſed to ſuch an exceſſive number, as hath given his Majeſty juſt cauſe to be highly diſpleaſed therewith, and may juſtly give exceeding great offence to all his well-affected Subjects. Wherefore they thought fit (as they Declare) for the timely preventing the farther growth of ſuch an unſufferable Evil, whereby Almighty God is diſhonoured, his Majeſties moſt gracious and Religious Government may be traduced, and the Peace and Safety of the Kingdom endangered, to ſignify unto them his Majeſties expreſs Pleaſure, that they make exact inquiry into the number of Popiſh Recuſants Convicted, or Unconvicted, which may be juſtly ſuſpected, and return a Certificate. Alſo that they take care that the Laws againſt them be put in execution without Partiality or Connivance; and that they give unto the Board a faithful account of their Proceedings herein, as they tender the good of Religion, the

Recuſants in *Northumberland* not proſecuted according to Law.

the happy Government of the Common-wealth, and as they would avoid his Majeſties great Diſpleaſure.

Prieſts and Jeſuits to be ſent to *Wisbich*.

And for putting the Laws and Statutes in Execution made againſt Jeſuits, Prieſts, Popiſh Recuſants and others who had taken Orders by Authority derived or pretended to be derived from the See of *Rome*, a Proclamation iſſued forth that they be proceeded againſt and brought to Trial. It was therein farther Declared, that if upon Trial they ſhall be Convicted, and if there be cauſe to reſpite the Execution of any of them, it was reſolved not to let them lie in common Goals, but, according to the example of former times, to ſend them to the Caſtle of *Wisbich*, or ſome other ſafe Priſon, there to remain in ſtrait and cloſe Cuſtody.

In purſuance of which Proclamation the Lords of the Council wrote their Letter to the Biſhop of *Ely*, thereby ſignifying the King's Pleaſure and Command, that he do forthwith prepare and make ready the Caſtle of *Wisbich* in the Iſle of *Ely*, to lodg all Prieſts, Jeſuits, *&c.* which ſhall be ſent thither. Giving him notice alſo at that time that one *Southwood* a Romiſh Prieſt, is to be removed to that place.

Prieſts and Jeſuits in *Scotland*.

In *Scotland* alſo, the Prieſts and Jeſuits were very active in promoting their Religion; the People in many places coming publickly to Maſs, being chiefly countenanced thereunto by Marqueſs *Huntley*, Earl of *Nidsdale*, *Athol*, *Abercorn*, and ſome others of the Nobility of *Scotland* of the Roman-Catholic Religion. But this gave ſuch great diſtaſte to the Council of *Scotland*, that they proceeded by way of Proceſs againſt the ſaid Marqueſs and Earl, who flying into *England* for refuge, and not appearing according to Summons, were all of them put to the Horn; but in *England* they found no good reception, and ſo returned.

Corporation of Starch-makers.

Theſe things beforementioned of publick Concern for the Kingdom being ſettled by the Lords of the Privy Council, they in the Month of *July* this Year thought it their Duty to take into Conſideration what probable ways might be taken to get Supply for his Majeſty; and the firſt thing taken into Conſideration, was to raiſe Moneys by his Majeſties granting of Patents to incorporate Companies, and to bring Revenues thereby yearly into the Exchequer, by Indentures between His Majeſty on the one part, and the Patentees on the other part. In proſecution of which Deſign it was thought fit to confirm a Grant made by King *James* to incorporate the Starch-makers into a Company, ordering them Rules for the making of Starch, and avoiding annoyances thereby. Whereupon his now Majeſty for the better regulating that Trade, appointed a *Surveyor* to overſee the ſame in every part, and that his Majeſty's *Commiſſioners*, which hereafter to that purpoſe he ſhall appoint, ſhall be ready to hear and diſpatch all Complaints touching the Premiſes; and if they ſhall find any, whoſe offence and miſdemeanor deſerves to be made more exemplary, they are to take care that ſuch Offenders ſhall undergo the cenſure and ſeverity of the Court of *Star-Chamber* for that contempt of the King's Prerogative Royal; and alſo that all Juſtices of the Peace, Mayors, Sheriffs, *&c.* ſhall cauſe all and every the Offenders, whoſe offences deſerve exemplary Puniſhment againſt any Branch, Article or part of his Majeſties Royal *Proclamation* (Dated the 30*th* of *June*) to be bound with

Sureties in good Bond to the King's Uſe, for their appearance before the King and the *Privy Council*, and in the Court of *Star-Chamber*, there to anſwer their Contempts.

Afterwards there was a Contract by Indenture, between the King of the one part, and the Maſter, Wardens, and Aſſiſtants, and Commonalty of the Society of Starch-Makers of *London* on the other part, whereby the ſaid Society doth covenant to pay into his Majeſties *Exchequer*, the ſum of 1500 *l.* for the firſt Year; and for the ſecond Year, the ſum of 2500 *l.* And after the ſaid two Years ſhall be ended, to pay *per annum* to his Majeſty 3500 *l.*

Next to this, it was propoſed to raiſe Monies by Compoſition with Recuſants, as in the following Order is expreſt.

Recuſants to compound for their Forfeitures.

‘WHereas his Majeſty had formerly granted ſeveral Commiſſions for Leaſing Lands of Recuſants, lyable to Forfeitures; with Inſtructions for the direction of his Commiſſioners in that Service: and in expectance of a due Reformation of the manifold Neglects and Abuſes of his Inferior Officers and others, whereby that part of his Revenue had been much leſſened, and thoſe who were backward in their Religion, encouraged to perſiſt in their obſtinacy and blindneſs, his Majeſty hath now cauſed thoſe Commiſſions and Inſtructions to be revived, and in many parts altered, for his Majeſties better Profit and Service.

All which was publiſhed by Proclamation, to the intent that ſuch as ſhould be willing to contract, or to farther the ſervice on that behalf, might attend the ſaid Commiſſioners.

And whereas ſome had contracted for ſuch Leaſes, who did not ſue out the ſame, his Majeſties declared Will and Pleaſure was, That ſuch Perſons who had ſo contracted, ſhould paſs their Leaſes under Seal before the end of *Michaelmaſs* Term next, or elſe their Contracts to be utterly void.

On the 24*th* of *March*, 16$\frac{28}{29}$, A ſecond Proclamation was iſſued out for the Apprehenſion of *Richard Smith*, a Popiſh Prieſt, ſtyl'd, and calling himſelf the Biſhop of *Calcedon*, to this effect.

Concerning the Biſhop of *Calcedon*, a Popiſh Prieſt.

‘THat his Majeſty by his Proclamation, bearing date the 11*th* day of *December* laſt paſt, (for the Reaſons therein expreſſed) did ſtraitly command, That none of his Subjects ſhould harbor or conceal the ſaid *Smith*, but that forthwith they ſhould arreſt and apprehend his Body, and bring him before the next Juſtice of the Peace to the place where he ſhould be apprehended; whom his Majeſty thereby commands to be committed to Priſon without Bail or Mainpriſe; and preſently to inform his Majeſty, or his Privy Council of his Apprehenſion. And the King did thereby declare; That if any Perſon ſhould then after, directly or indirectly, harbor or conceal the ſaid *Smith*, or uſe or connive at any means whereby the ſaid *Smith* might eſcape from being apprehended or arreſted, that his Majeſty ſhould extend the utmoſt ſeverity of his Laws againſt every ſuch Offender, as by his Proclamation more at large appears. Which Proclamation hath not yet wrought that good Effect which his Majeſty expected;

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‘ the ſaid *Smith* being ſtill hidden and harboured by thoſe, who being infected and blinded with Popiſh Superſtition, prefer their Reſpects to him, before their Duty to their King, and the fear of his high diſpleaſure, and the Conſequence thereof. His Majeſty therefore, by the Advice of his Privy Council, hath thought fit by this his ſecond Proclamation, to renew his former Command in that behalf.

‘ And to the end that none of his Subjects may hereafter excuſe themſelves, by a pretended ignorance of the danger they ſhall fall into, if they ſhall harbour or conceal him, His Majeſty doth hereby publiſh and declare, That the ſaid *Smith* is not only a Popiſh Prieſt, and with high preſumption taketh upon him to exerciſe Eccleſiaſtical Juriſdiction, pretended to be deriv'd from the See of *Rome*, within this Realm, and endeavoureth to ſeduce the King's Subjects from the True Religion eſtabliſhed in the Church of *England*, (which by God's Aſſiſtance, his Majeſty ſhall ever conſtantly maintain) but doth alſo ſeditiouſly and traiterouſly hold correſpondence with the King's Enemies, tending to the diſturbance of the State.

‘ And therefore his Majeſty doth now again renew his former Command for the Apprehenſion of the ſaid *Smith*; and doth hereby farther ſignify, That whoſoever ſhall lodg, harbor, or relieve the ſaid *Smith*, or any other Prieſt, Jeſuit, or other, having taken Orders by Authority pretended to be derived from the See of *Rome*, ſhall incur the danger of the King's Laws made againſt the Harborers, Lodgers, and Relievers of Prieſts, to the full extent thereof; which by the Statutes of this Realm is Felony.

‘ And the King doth further hereby declare, That whoſoever ſhall diſcover the ſaid *Smith*, and cauſe him to be apprehended, as aforeſaid, ſhall have a Reward of *one Hundred pounds* in Mony, to be preſently paid unto him by the King; and ſhall alſo have the benefit of ſuch Penalties and Forfeitures, which ſhall or may accrue unto his Majeſty, and be forfeited by that Perſon in whoſe Houſe the ſaid *Smith* ſhall be found to have bin harboured or concealed.

‘ And his Majeſty doth farther charge and command hereby (as by his former Proclamation His Majeſty did) all and ſingular the Judges, Juſtices of the Peace, Mayors, Sheriffs, Conſtables, and all other his Officers, Miniſters, and Loving Subjects; that if they ſhall find any Perſon offending herein, that then they, and every of them, proceed with all diligence and readineſs, not only againſt the ſaid *Smith*, but alſo againſt all ſuch as ſhall harbor, conceal, or connive at his Concealment; or ſhall not uſe their beſt endeavours for his Diſcovery and Apprehenſion, according to the utmoſt extent of the Laws.

This Biſhop, as is hereafter mentioned, had bin, ſince the laſt year of King *James*, ſeverely perſecuted by the Regular Prieſts in *England*, who at laſt over-power'd the Biſhop's Faction here, and forced him to fly for ſuccor into *France*, where we was receiv'd by Cardinal *Richelieu*.

Le Maiſtre and *Rudeſindus*, write on behalf of the Biſhop.

It may not be impertinent to give ſome account of this Biſhop of *Calcedon*, and of what eſteem he had here in *England* in the exerciſing of his Function.

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N. le Maiſtre a Sorbon Prieſt, writes thus of him; That after the Death of *William* Biſhop of *Calcedon* in *England*, moſt of the *Secular Prieſts*, together with the *Benedictines*, for the advancement of the *Romiſh* Catholic Religion, became Suitors to the Pope and his Conclave, to have one or more Biſhops created by the Pope to be ſent over into *England*, to ordain Prieſts, give Confirmation, and exerciſe Epiſcopal Juriſdiction there. The *Regular Prieſts*, and ſome others here, did ſtifly oppoſe this Deſign, but the Epiſcopal *Secular* and *Benedictine* Party prevailing, Pope *Urban* by his ſpecial Bull, bearing date the *4th* of *Auguſt*, *Anno* 1625, created *Richard Smith* Biſhop of *Calcedon*, and ſent him over into *England* to exerciſe Epiſcopal Juriſdiction, and to be Superintendent over the Prieſts within the Engliſh Dominions, according to the Tenure of his Bull. But the *Regular Prieſts* writ divers printed Treatiſes againſt Epiſcopacy, and the inconveniency of having a Biſhop in *England*, whoſe Books were referred to the Examination of the Faculty of *Paris*, and there cenſured; but they raiſed up ſuch a Faction and Perſecution againſt this their New Biſhop of *Calcedon* in *England* and *Ireland* among the Popiſh Party, that they chaced him out of *England* into *France*, where he was entertained by Cardinal *Richlieu*.

And the ſaid *Le Maiſtre* writeth further, That this Biſhop was a moſt Illuſtrious Champion, *&c.* fit to be ſetled in *England*, *where the heat of Perſecution hath ceaſed, through the dignity of a magnanimous King*, and *moſt invincible Prince by the* Bourbonian *Star, which hangs over theſe Countries in a moſt dear Wife; by which Stars, peradventure the Tempeſt of Perſecution will in time be appeaſed*, &c.

And Father *Rudecindus*, Preſident of the *Engliſh Benedictines*, writes to the Sacred Congregation, conſecrated to the Propagation of the Faith, dated from the Covent of St. *Gregory* of the *Benedictines*, at *Doway* in *Flanders*; wherein (among other things) he doth with great dolor of mind lament the Oppoſition given to *Matthew Kellyſon* and *Richard Smith*, antient Prieſts, who, among others, were nominated to his moſt holy Lord, to undergo the Epiſcopal Charge in the Engliſh Miſſion, (for he reckons above 60 *Benedictine* Monks in *England* ſubject to his Congregation, and does prepare far more in their Covents to the Functions of Miſſion); and doth teſtify that the ſaid venerable Prieſts, Dr. *Matthew Kellyſon* and Dr. *Richard Smith*, are in great veneration in *England*; and that Dr. *Kellyſon* was chief Profeſſor of Divinity for many years in the Univerſity of *Rhemes*; and that Dr. *Richard Smith* was firſt conjoined in the Society of Studies to the moſt Learned Biſhop of *Luſſion*, now Cardinal of *Richlieu*; and concludes, We *Benedictines*, your humble Servants and Sons, do humbly pray that you will be pleaſed *to grant a Biſhop to our England*, ſeeing that no Province of the Catholic World hath more need of one, the obſervance of Eccleſiaſtical Diſcipline being not able to be preſerved without Epiſcopal Authority. ***Neither is it to be doubted, for we have already ſeen the good ſucceſs under the firſt Biſhop, that another Biſhop being conſtituted, you would behold more joyful Fruits within one two years in the Engliſh Miſſion, than hitherto ye have beheld for 60 years now elapſed.*** And we ſee not why the *Regulars*, with their Privileges given them by the Apoſtolic See, may not as happily agree with a

Biſhop and Secular Clergy in the Engliſh Miſſion, as well as we ſee they every where do out of *England*, &c.

The Biſhop of *London* in his Diary on the 29*th* of *March*, in which Month the Parliament was Diſſolved, makes this Memorial following.

March 29. 1629. A Libel againſt the Biſhop of *London.*

On Sunday, two Papers were found in the Dean of *Pauls* Yard before his Houſe, the one was to this effect concerning my ſelf. *LAUD, Look to thy ſelf, be aſſured thy Life is ſought, as thou art the Fountain of all Wickedneſs; Repent thee of thy monſtruous Sins before thou be taken out of the World,* &c. *And aſſure thy ſelf neither God nor the World can endure ſuch a vile Councellor to live, or ſuch a Whiſperer,* or to this effect. The other was as bad againſt the Lord Treaſurer. Maſter *Dean* delivered both Papers to the King that Night.

Lord (ſaid the Biſhop) *I am a grievous Sinner, but I beſeech thee deliver my Soul from them that hate me without a cauſe.*

Iriſh Agents.

Ireland having been a long time without a Parliament, and Grievances upon the People abounding in that Kingdom, the Lord *Faulkland* then Lord Deputy condeſcended to the deſires of the Nobility and Gentry of that Kingdom, that each Province in *Ireland* ſhould chuſe fit Perſons to go into *England* to attend upon his Majeſty, and preſent what they had to offer on behalf of themſelves, and the People: to which purpoſe he gave them leave to name Commiſſioners for every Province, and particular Commiſſions were granted accordingly, and this which followeth was granted to the Province of *Munſter*. The reſt of the Commiſſions to other Provinces being to the ſame effect.

The Lord Deputies Commiſſion to the *Iriſh* Agents for *Munſter.*

'WHereas it hath pleaſed the Right Honourable the Lord Deputy, 'upon the humble ſuit of ſome of the Nobility of this Realm, 'in behalf of themſelves and other his Majeſties Subjects here; That 'ſome fit Agents ſhould be ſent over into *England* to preſent unto His 'Majeſty ſuch things as may be to the behoof of his Majeſties Service 'and good of this Kingdom; His Lordſhip hath condeſcended to the 'ſaid ſuit, and authorized by his Lordſhips Letters of the 26*th* of *June* '1627, the Gentlemen and Freeholders of the ſeveral Counties of the 'Province of *Munſter*, and the ſeveral Corporations of the ſame, to 'aſſemble and agree upon ſuch Agents for the ſaid Province to make 'the ſaid Propoſitions as they ſhould think fit.

Which ſaid Letters of the Lord Deputy's were ſeconded and confirmed by other Letters of his Lordſhips to the ſame effect, dated the 26*th* of *July*, the year aforeſaid.

'We the Agents of the ſeveral Counties, and Corporations of the 'ſaid Province, have accordingly met at *Fermoy* the laſt of *Auguſt* the 'Year aforeſaid, and have by common Aſſent nominated, deputed and 'appointed, like as by theſe Preſents we do nominate, depute and appoint 'our Truſty and well beloved *John* Lord Baron of *Carraghmore*, Sir '*Edward Fitz-Harris* Baronet, Sir *John Mead* Knight, and *Richard* '*Osborn* Eſquire, to be our Agents for the ſaid Province of *Munſter*;

5 Caroli.

‘and do appoint and authorize them or any of them, to join with the Agents of the reſt of the Provinces of this Kingdom, in preſenting of our Grievances to the King's moſt Excellent Majeſty; ratifying and allowing what our ſaid Agents, or any three of them, ſhall do. Witneſs our hands the laſt of *Auguſt*, 1627.

Signed

Sir *William Sarsfield.*

Sir *Daniel Obrian*, &c.

The Commiſſioners arriving at Court in the Month of *September*, preſented the following Petition to his Majeſty.

The Humble Petition of your Majeſties Subjects, appointed Agents to prefer certain Humble Requeſts and Petitions to your Highneſs, in the behalf of your Kingdom of Ireland.

Humbly ſheweth,

‘THat your Majeſties Suppliants did in the behalf of your Subjects of *Ireland* offer unto your Majeſty to remit and releaſe unto your Highneſs 150000 *l.* or thereabouts already borrowed from them, or paid to your Majeſties Army there; and further to grant three Subſidies to be paid in the next three Years, which humble offers your Petitioners are now only authorized to make; as alſo do preſent certain humble Requeſts to your Highneſs, according to the inſtructions given them, of your Majeſties faithful Subjects of your Kingdom of *Ireland*: which Offers though they do not extend to that Greatneſs, as from your Highneſſes other more flouriſhing Kingdoms may be expected, yet conſidering the State and Poverty of the ſaid Kingdom, they are as much as the Subjects are poſſibly able to afford at this time.

‘And leſt it might be conceived or be objected by any, that theſe Offers are in any ſuch kind as though your Higneſs's ſaid Subjects did intend to contract with your Highneſs, and that they would not after the ſaid three years expreſs their loyal and dutiful deſires to do your Majeſty Service, by further contributing to your Highneſs's occaſions, your ſaid Petitioners do moſt humbly beſeech your Highneſs to call to mind with what celerity, alacrity, and true hearty affection and duty your ſaid Subjects, and their Anceſtors in all the times of your Majeſties royal Predeceſſors, have made demonſtration of themſelves, by ſhedding their Blood, and extending their Means in the Service of the Crown from time to time; and to conceive of your ſaid Subjects, that as they muſt acknowledg themſelves moſt bound to your Majeſty, ſo they will be ever willing with all their Ability, Means and utmoſt Power, to contribute to your Majeſties Affairs from time to time, not doubting that your Highneſs will in your Paternal Care of your loyal and faithful Subjects there, take ſuch courſes that they ſhall never be preſt beyond the neceſſity of Times and their Abilities.

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'And in regard the ſaid Kingdom hath lately and now doth ſuſtain 'great Burdens, as well by your Petitioners Attendance here as other- 'wiſe, that your Highneſs will be graciouſly pleaſed to give a favour- 'able and ſpeedy diſpatch to this Affair, that your ſaid Subjects being 'eaſed of a great Charge, might be the better able to ſatisfy your High- 'neſs, according to their Deſire and true Intention.

And they will ever moſt humbly pray, &c.

The particular Grievances preſented by the ſaid Agents, were many and long, being fifty five in Number; to each of which Grievances one by one, the King did give a particular Anſwer, either giving preſent eaſe to the ſame, or putting things into a way of future remedy. The Titles to the Anſwers were thus expreſſed.

Apoſtiles, Anſwers, and Reſolutions to the humble Requeſts of his Majeſties Subjects of the Kingdom of Ireland.

Some of their complaints were againſt the courſes held in the Eccleſiaſtical Juriſdiction, touching the extortion of 13 *s.* 4 *d.* 10 *s.* and 6 *s.* 8. Sterling for every Chriſtening, Marriage, and Burial, which being taken from the poor Huſband-man, by whoſe labour the Landlords and Gentlemen ſubſiſt, enforceth him often with his Family to beg and quit his Reſidence: whereſore ſuch Exactions being without limits, taking what they pleaſe, they procure from the Lord Deputy Warrants of Aſſiſtance to attach and impriſon any ſuch Perſon. And though thoſe Warrants of unjuſt complaints of the foul abuſes ariſing from them, have been recalled, and not to be allowed but by Act of State, publiſhed in that behalf: Yet are they now lately renewed, and the Subjects thereupon reſtrained without legal Warrant; which being abuſively carried in this violent courſe, will in ſhort time draw all the Treaſure in the Kingdom from the Laity to the Church; wherein, as for other Duties exacted, and not warranted by Law, they deſire redreſs.

Alſo againſt exorbitant Fees taken for Proceedings in Courts of Juſtice at *Dublin*, greatly to the impoveriſhment of the People.

Alſo againſt employing of Soldiers to fetch in the King's Revenue, and doing other things which ought to be performed by Men in a civil Capacity.

Alſo that the Soldiers be confined to their Garriſons, and when called to march out, that Money may be given unto them to maintain them when they are abroad.

Alſo that his Majeſty would be pleaſed to take away all Monopolies, Reſtraints and Grants of that kind to private Men for ſelling of *Aqua-vitæ*, Wine, Ale and Beer, ſealing of Barrels; abuſe by ſhort Ploughs, Tanning of Leather, *&c.*

That no new Charge be laid or impoſed on the Subjects of that Kingdom without their own conſent, being ready to contribute to the utmoſt of their Abilities in any his Majeſties Service.

That his Majeſty may be pleaſed to call a Parliament for the preſent rating of the Subſidies to be granted to his Majeſty for the Favors and Graces aforeſaid, and for ſecuring the Subjects Eſtates, granting a general Pardon, and providing for ſuch other things as ſhall be neceſſary for his Majeſties Service, and the good of the Common-wealth.

In *Ireland* they call a Parliament irregularly.

The King in his gracious Anſwer to this laſt Requeſt, declared his Pleaſure to call a Parliament to meet in *Ireland*, which did ſo overjoy the *Iriſh* Agents, as they writ Letters thereupon into *Ireland*, intimating as if they there might preſently iſſue out Writs for a Parliament to meet: which was a great Error in them ſo to do, being contrary to the Law and former courſe of proceedings; forgetting that they muſt firſt obtain a Grant under the Great Seal of *England* to enable them to iſſue Writs for a Summons of a Parliament in that Kingdom. Which extraordinary haſte of theirs, occaſioned this enſuing Order of the Council Board in *England*.

Order of Reference to the Judges, concerning a Parliament in *Ireland*.

‘WHereas the Board hath underſtood by Letters from the Lord Deputy and Council of *Ireland*, that they had already iſſued the Writs for the ſummoning of a Parliament to be held in that Kingdom in *November* next. Foraſmuch as the Writs of Summons have been iſſued illegally contrary to the Statutes made in that behalf, *Anno* *Hen.* 7. And 3 *Eliz.* And the due formality of a Licence, which ought to have been firſt obtained of his Majeſty under the Great Seal of *England*, was not obtained, whereby the ſaid Summons is in it ſelf Null and of none Effect, and the Parliament, (if any ſhould enſue thereupon) would be utterly void and fruitleſs. The Board for this Conſideration thought fit and Ordered, That all the Judges of his Majeſties Court at *Weſtminſter*, that are now in or near the City of *London*, ſhall be prayed and required forthwith to meet together, and calling to their Aſſiſtance the Commiſſioners for *Iriſh* Cauſes, eſpecially Sir *Francis Ainſlow*, Vice-Treaſurer of *Ireland*, and Sir *Henry Holcroft*, together with the King and Queens Attorneys and Solicitors General, or as many of them as may be had, and take into their Conſideration as well the ſaid Letters written to the Board concerning the ſaid Summons and the Errors committed in precipitately iſſuing of the ſaid Writs, as a Certificate made by the ſaid Commiſſioners touching the due preparations for the calling of a Parliament in *Ireland*, and upon the whole matter, as ſoon as may be, to certify their Opinions in writing what courſe they think fitteſt to be held for redreſs, and rectifying of the before rehearſed erroneous Proceedings, whether by revoking of the former Summons, ſuperceding or reſpiting them for a time, or iſſuing out of new, and by what means it may be done, ether by Letters, Proclamations, or otherwiſe, as they ſhall think beſt, and moſt expedient for his Majeſties Honour and Service; that ſatisfaction and full aſſurance may be given to his Subjects of that Kingdom, of his Royal Intention to proceed in the calling of a Parliament, ſo ſoon as things may be done in ſuch manner and form as they ought to be, according to the antient Cuſtom.

May it pleaſe your Honourable Lordſhips.

The Judges opinions concerning a Parliament haſtily called in *Ireland*.

‘ACcording to your Lordſhips Order the 19*th* of *September* laſt, we have taken into our Conſideration the Letters written from the Lord Deputy of *Ireland*, touching the Summons of a Parliament already made there, and the former Certificate made by his Majeſties

‘Commiſſioners for *Iriſh* Cauſes, as was directed by the ſaid Order. Upon Conſideration whereof we find that the ſaid Summons already made, is unwarrantable; and that if a Parliament ſhould be aſſembled and proceed thereupon, all that ſhould be done therein, would be utterly void.

‘The Statute of 10 *Hen.* 7. commonly called *Poyning's Act*, and the Statute 3 and 4 of *Phil.* and *Mary*, expounding and explaining the doubts conceived upon that Act, do preſcribe an abſolute form of ſummoning a Parliament in that Kingdom, which muſt be by a Certificate firſt made by the Lord Deputy and Council from thence, of ſuch Acts as they would offer to his Majeſties Conſideration, with the Reaſons and Motives for the ſame to be enacted there, and that Certificate to be under the Great Seal of *Ireland*: Which Acts, ſo propounded, muſt be returned back from hence, approved or altered by his Majeſty, as by him ſhall be thought fit; together with his Majeſties Licence for ſummoning of a Parliament under the Great Seal of *England*, and then, and not before, the Summons of a Parliament there is to iſſue; wherein if any failure be of thoſe Circumſtances preſcribed by theſe two Laws, which continue in force in that Kingdom, all that ſhall be done will be utterly void. We have alſo taken into our Conſideration, the Lord Deputies Commiſſion, wherein he hath power given him to ſummon the Parliament, but that is limited to be according to the Laws, Statutes, and Cuſtoms of that Kingdom, and with the King's Conſent firſt had, and not otherwiſe; which hath not been obſerved in the Summons of this intended Parliament in any of the points before mentioned, and therefore this Summons, notwithſtanding that power, is illegal and void.

‘We have alſo obſerved the paſſage in the Lord Deputies Letter, as if by an Adjournment this might be remedied; but we are of opinion that that is not a right way, becauſe it fails in the ground of the Summons, So that upon the whole matter we humbly offer our Opinions, That the beſt courſe to be held for the rectifying of the Premiſes, and for avoiding of all miſ-inſtructions thereupon, will be this: That directions be given from hence with all poſſible ſpeed for a Proclamation to be there made, wherein this miſtaking, and the reaſons thereof, may be publiſhed, that ſo the Aſſembly may be prevented, until by a due and orderly preparation, Summons may be legally, according to the ſaid Laws and Statutes, and that by the ſame direction they be adviſed to make due preparation for a Parliament, according to the recited Acts. Whereupon his Majeſty may be graciouſly pleaſed to ſend his Licence and Conſent under the Great Seal of *England* for the ſummoning of the Parliament, and ſo all may after proceed legally altho with ſome loſs of time, which cannot now be prevented. And if your Lordſhips ſhall ſo approve thereof, we humbly conceive it would not be amiſs for the better expedition of the Service, and for the avoiding of all miſtakings, that the form of a Proclamation to the effect aforeſaid were ſent thither, but to be made and proclaimed there, that the error may appear to have come from themſelves, as the truth is; which will moſt probably take away all jealouſy from the People. But we are of opinion that no General Writ of *Superſedeas* of the former Writ of Summons can be awarded, becauſe there neither was, nor can be any one General Writ of Summons, and afterwards particular Writs of *Superſedeas* to 'every one ſummoned, would be infinite and inconvenient. All 'which we moſt humbly ſubmit to your Majeſties great Wiſdom and 'Judgment. *Serjeants-Inn* in *Chancery-lane*, Octob. 2. 1628.

Signed by

Thomas Richardſon,	*George Trevour,*
Hen. Yelverton,	**Fran. Ainſly,*
Geo. Vernon,	*Rich. Shilton,*
Rob. Heath,	*John Finch,*
Henry Holcroft,	*Richard Hadzor.*
Will. Jones,	

In this conjuncture, the Lord *Faulkland* Lord Deputy of *Ireland*, put forth in the King's Name this enſuing Proclamation.

Proclamation by the L. Deputy and Council againſt Prieſts, Jeſuits, &c.

'Foraſmuch as we cannot but take notice that the late intermiſſion 'of legal Proceedings againſt Popiſh pretended or titulary Arch-'Biſhops, Biſhops, Abbots, Deans, Vicars General, Jeſuits, Friars, 'and others of that ſort, that derive their pretended Authority and 'Orders from the See of *Rome*, hath bred ſuch an extraordinary inſo-'lence and preſumption in them, as that they have dared of late not 'only to aſſemble themſelves in public Places to celebrate their Super-'ſtitious Services in all parts of this Kingdom, but alſo have erected 'Houſes and Buildings, called Public Oratories, Colleges, Maſs-Houſes, 'and Convents of Friars, Monks and Nuns, in the eye and open view 'of the State and elſewhere; and do frequently exerciſe Juriſdiction 'againſt his Majeſties Subjects, by Authority derived from the See of '*Rome*, and (by colour of teaching and keeping Schools in their pre-'tended Monaſteries and Colleges) do train up the Youth of this 'Kingdom in their Superſtitious Religion, to the great derogation and 'contempt of his Majeſties Regal Power and Authority, and great 'offence of many of his Majeſties good Subjects, contrary to the Laws 'and Eccleſiaſtical Government of this Kingdom, and the impove-'riſhment of his Majeſties Subjects in the ſame.

'These are therefore to will and require, and in his Majeſties Name 'ſtraitly to charge and command all, and all manner of ſuch pre-'tended or titulary Arch-Biſhops, Biſhops, Deans, Vicars General, 'Arch-Deacons and others, deriving any pretended Authority, Power 'or Juriſdiction from the See of *Rome*, That they, and every of them, 'forbear from henceforth to exerciſe any ſuch Power, Juriſdiction, or 'Authority within this Kingdom; and that all ſuch Abbots, Priors, 'Jeſuits, Friars, Monks, Nuns, and others of that ſort, as aforeſaid, 'do forthwith break up their Convents and Aſſemblies in all Houſes 'of Friars, Colleges, Monaſteries, and other Places, whereſoever they 'are or ſhall be conventually or collegiately aſſembled together within 'this Kingdom, and to relinquiſh the ſame, and to diſpoſe and ſepa-'rate themſelves.

'And that all and every of the Orders before-named, and other 'Prieſts whatſoever, do from henceforth forbear to Preach, Teach, or 'celebrate their Service in any Church, Chappel, or other Public 'Oratory or Place, or to teach any School in any place or places 'whatſoever within this Kingdom.

'And

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‘And we do further charge and command all and ſingular the Owners of ſuch Houſes of Friars, Colleges, Monaſteries, Schools, Oratories, Maſs-houſes, and Nunneries, That they and every of them reſpectively, in default of the Perſons before-named, their voluntary relinquiſhing of the ſaid Houſes of Friars, Colleges, Monaſteries, Schools, Oratories, Maſs-houſes, and Nunneries, do forthwith expel and thruſt forth all and ſingular ſuch Friars, Jeſuits, and other Monaſtical Perſons out of the ſame, and do convert the ſame to more lawful Uſes, upon pain to have their ſaid Houſes ſeized upon to his Majeſties uſe; and both the one and the other to be proceeded againſt for their unlawful Aſſemblies, and maintenance of ſuch unlawful Conventicles and corrupt nurture of Children, in the ſevereſt manner that by the Laws and Statutes of this Kingdom, and Eccleſiaſtical Government of the ſame, may be had or extended; whereof they and every of them are to take notice, and to yield due obedience thereunto, as they and every of them will avoid his Majeſties high Indignation, and the conſequence thereof.

The Proteſtant Arch-Biſhops and Biſhops in *Ireland* were about this time ſo much ſcandalized to ſee the boldneſs of the Titular Popiſh Arch-Biſhops and Biſhops, Abbots, Priors, Jeſuits, Friars, *&c.* reſiding in *Ireland*, to erect Houſes publickly to celebrate their Popiſh Superſtitious Services, *&c.* as they thought fit to publiſh a Declaration, in nature of a Proteſtation, againſt Popery, and a Toleration thereof, to the effect following.

The Proteſtation of the Biſhops in *Ireland* againſt Popery.

‘THe Religion of Papiſts is Superſtitious and Idolatrous, their Faith and Doctrine Erroneous and Heretical, their Church (in reſpect of both) Apoſtatical; to give them therefore a Toleration of Religion, or to conſent that they may freely exerciſe their Religion, and profeſs their Faith and Doctrine, is a grievous ſin, and that in two reſpects: Firſt, It is to make our ſelves acceſſary, not only to their ſuperſtitious Idolatries, Hereſies, and in a word to all the Abominations of Popery, but alſo (which is a conſequent of the former) to the Perdition of the ſeduced People which periſh in the Deluge of the Catholic Apoſtacy. Secondly, To grant them a Toleration in reſpect of any Mony to be given, or Contribution to be made by them, is to ſet Religion to Sale, and with it the Souls of the People, whom Chriſt our Saviour hath redeemed with his Blood; And as it is a great ſin, ſo it is a matter of moſt dangerous Conſequence: The conſideration whereof we leave to the Wiſe and Judicious, beſeeching the zealous God of Truth, to make thoſe who are in Authority zealous of God's Glory, and of the advancement of true Religion, zealous, reſolute and couragious againſt all Popery, Superſtition and Idolatry.

An Order of the Ld. Mayor of *London*, for reforming the Abuſes on the Sabbath-day.

‘WHereas I am credibly informed, That notwithſtanding divers good Laws provided for the keeping of the Sabbath-Day Holy, according to the expreſs Commandment of Almighty God, divers Inhabitants and other Perſons of this City, and other Places, having no reſpect of Duty towards God, and his Majeſty, or his Laws, but in contempt of them all, do commonly and of cuſtom greatly prophane the Sabbath-Day, in buying, ſelling, uttering, and venting ‘their Wares and Commodities upon that Day for their private Gain. Alſo Inholders ſuffering Markets to be kept by Carriers, in moſt rude and prophane manner, in ſelling Victuals to Huckſters, Chandlers, and all other Comers. Alſo Carriers, Carmen, Cloth-workers, Water-bearers, and Porters carrying of Burthens, and Watermen plying their Fares; and divers other working in their ordinary Callings. And likewiſe that I am further informed, That Vintners, Alehouſe-keepers, Tobacco and Strong-water-ſellers, greatly prophane the Sabbath-Day, by ſuffering Company to ſit drinking and bibbing in their Houſes on that day; and likewiſe divers by Curſing and Swearing, and ſuch-like Behaviour, contrary to the expreſs Commandment of Almighty God, his Majeſties Laws in that behalf, and all good Government. For the Reformation whereof, I do hereby require, and in his Majeſties Name ſtraitly command all his Majeſties Loving Subjects whatſoever: And alſo all Conſtables, Headboroughs, Beadles, and all other Officers whatſoever, to be aiding and aſſiſting to *J. S.* the Bearer hereof, in finding out and apprehending all and every ſuch Perſon and Perſons as ſhall be found to offend in any of theſe kinds; and them, and every of them to bring before Me, or ſome other of his Majeſties Juſtices of the Peace, to anſwer to all ſuch Matters as ſhall be objected againſt them, and to put in good ſecurity for their good behaviour. Whereof fail you not, as you or any of you will anſwer at your peril.

April 20.
1629.

Richard Deane

Mayor.

The French King ſhortly after the ſurrender of *Rochel*, was engaged to proſecute a War in *Italy*, which he declared was begun by the *Spaniard* in taking *Mantua* and *Monteferrat*, contrary to Capitulation; which obliged him to remedy with violence thoſe Uſurpations of the *Spaniards* over the Duke of *Savoy*, the French King's Allie, and ſent Cardinal *Richlieu* with an Army into thoſe Parts; of whoſe prudent Conduct in his Expedition formerly againſt *Rochel*, his Majeſty had had good experience.

Articles of Peace between *England* and *France*, agreed upon at *Suſa* in *Italy*.

It ſo hapned, that at *Suſa* in *Italy*, in the Month of *April*, by the Mediation of the *Venetian* Ambaſſador, Articles of Peace between the King of *Great Britain* and the King of *France* were agreed unto; and which were by that Agreement to be made public by both Princes the 10*th* of *May* following.

And accordingly the *French* King ordered them to be firſt publiſhed at *Privas*, (being gone from *Suſa* to the Camp before that City) to which his Forces had laid ſiege after the taking of *Rochel*; hoping by the ſurrender thereof, to bring the Proteſtants in *Languedoc* to terms of Peace.

And the Seiur *Le Bretagne*, French King at Arms, publiſhed the Peace there on the 10*th* of *May*, 1629, in purſuance of his Majeſties verbal Command, marching before on Horſe-back, with Trumpet in hand, Colours flying, having mounted his Coat of Arms on his ſhoulders, his Cap Hat on his Head, and his Scepter in his Hand: and this publication was made in the ſight of the Beſieged in *Privas*, and within leſs than Canon-ſhot of the Town. The

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The French King that day ſent a Summons to *St. Andre Montauban*, the Governor of *Privas*, to render the Town; which he then refuſed to do, yet on the *29th* of *May* it was ſurrendred, but in great confuſion and ſlaughter of Men in the Town, by an accident that fell out.

The 10th day of May, *was publiſhed in* England *the Peace with* France.

The Peace with *France* publiſhed in *England*.

‘WHereas there hath fallen out an interruption of Amity between the King's Majeſty and the moſt Chriſtian King; which the Common Friends and Ancient Allies of both the Crowns have earneſtly laboured to repair, by propounding and negotiating a Reconcilement between them upon honourable Conſiderations, as well to their Kingdoms, as to the general Eſtate of Chriſtendom. The King's Majeſty thereupon conſidering how pleaſing it is to Almighty God, and neceſſary to the preſent conſtitution of Publick Affairs, to have Concord and good Intelligence with ſuch as be his Neighbours; and are further ſo nearly allied unto him, hath renewed the ancient Amity between the two Crowns, their Realms, Countries, Cities, Towns, Lands, Dominions, Territories, Signiores, Caſtles, and Subjects, by Land, Sea, and Freſh-water. By which Peace it is already provided, that all Hoſtility and War, as well by Sea as Land, ſhall ceaſe on either part from the *14th* day of *April* laſt; and that the ſaid Kings and their Subjects ſhall live together in Peace; and that it ſhall be lawful for their Subjects freely, peaceably, and quietly, to go, come, remain, and to uſe and exerciſe their Trade and Commerce, and do all things elſe whatſoever in each others Countries, as freely as it hath bin done in any former time of Peace had between the ſaid Realms, and according to the ancient Treaties and Alliances between them, with opening of ſafe and free Trade betwixt the two Kings Dominions, according to theſe Treaties.

‘And it is further ordained by the ſaid Peace, in regard there are many Ships at Sea with Letters of Mart, which cannot ſo ſoon take knowledg of this Peace, nor receive direction to forbear Hoſtility, that as whatſoever hath bin, or ſhall be done during the ſpace of two months after the ſaid *14th* of *April* laſt, ſhall not derogate from, nor hinder the ſaid Peace of the two Crowns: So as whatſoever hath bin, or ſhall be taken within the foreſaid time, ſhall be reſtored, as well on the one ſide as on the other.

‘All which Premiſes his Majeſty hath thought meet to notify to all manner of his Subjects of what eſtate ſoever, ſtrictly charging and commanding them, to obſerve, and perform, and accompliſh all that hereunto belongeth, as it is certainly promiſed to be publiſhed on the French King's ſide, the date of theſe Preſents being the Tenth of *May*, 1629.

The Articles of Peace were to this Effect.

Articles of Peace between the 2 Crowns of *England* & *France*, 1629.

1. THat the two Crowns ſhall remain agreed to renew the ancient Alliances betwixt them, and to keep the ſame inviolably, opening again the Commerce ſure and free. And concerning the ſaid

Commerce, if there is any thing to be added or diminiſhed about the ſame, it ſhall be done on both Parts freely and willingly, as it ſhall be thought convenient.

2. And foraſmuch as it ſhould be difficult to make the reſtitution on the one and the other part of the divers Prizes, which during this War have bin taken, the two Crowns are agreed that there ſhall be made no Reſtitution. And there ſhall alſo not be granted any Repriſal by Sea, nor by any other ways whatſoever, for what is paſt between the two Kings and their Subjects during this laſt War.

3. Concerning the Articles and Contract of the Marriage of the Queen of *Great Britain*, the ſame are to be confirmed faithfully. And as for the ſaid Queen's Houſhold, if there be any thing to be added or diminiſhed, it ſhall be done by a mutual conſent freely and willingly, as it may be judged fit and convenient for the Service of the ſaid Queen.

4. All former and ancient Alliances both of the one and the other Crown, ſhall remain in their full force, they receiving no Alteration by the preſent Treaty.

5. The two Kings being by this preſent Treaty reunited in the ſame good Affection and Intelligence where they were formerly in, ſhall imploy themſelves, and endeavour mutually to give Aid and Aſſiſtance unto their Allies and Friends, according as by the Conſtitution of Affairs, and by the advantage of a common Good ſhall be required and ſuffered. And all this to the end thereby to procure an entire Quietneſs for Chriſtendom; for the good whereof the Ambaſſadors of the two Crowns ſhall receive Propoſitions and Overtures.

6. All theſe things being re-eſtabliſhed and accepted on the one and the other Part, there ſhall be ſent reciprocally extraordinary Ambaſſadors, Perſons of Quality, with the Ratification of the preſent Agreements; The which ſhall bring with them the denomination of Ordinary Ambaſſadors, that are to reſide in the one and the other Royal Court, thereby to confirm again the Union, and to hinder all occaſions that might trouble the ſame.

7. And whereas there are yet many Ships abroad in the Sea with Letters of Mart, and Commiſſion to fight againſt their Enemies, which cannot ſo ſoon have knowledg of this Peace, nor receive Order to abſtain from all Hoſtility; therefore it ſhall be agreed upon by Article, That whatſoever ſhall be taken during the ſpace of two months after the ſignature of this preſent Treaty, ſhall be reſtored on the one and the other ſide.

8. The two Kings ſhall ſign theſe preſent Articles on the 24*th* day of the Month of *April*, which ſhall afterwards be conſigned and delivered at the very ſame time by their Commandments into the hands of the Lords Ambaſſadors of *Venice*, reſiding near their Royal Perſons, to be mutually delivered to the ſaid two Kings at their prefixed day, as ſoon as each of them ſhall have knowledg of the other that they have the ſaid Articles in their hands, and from the day of the Signature, all Acts of Hoſtility both by Sea and Land ſhall ceaſe, and Proclamations needful to this effect ſhall be publiſhed upon one day within the two Kingdoms. Given, *&c.*

Certain Prieſts ſet at liberty.

His Majeſty at the inſtance of the Queen, in regard of the Peace concluded between the two Crowns, is graciouſly pleaſed that certain Prieſts

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Prieſts and Recuſants, who then were in ſeveral Priſons, ſhould be releaſed, and delivered to the *French* Ambaſſador to be tranſported beyond Seas, notwithſtanding any former Orders againſt ſuch Releaſes and Deliverances.

The Queen delivered of a Son.

May 13. about three of the Clock in the Morning, the Queen was delivered before her time of a Son; he was Chriſtened and died within a ſhort time, his Name *Charles*. This was *Aſcenſion*-Eve; and the next day being *Aſcenſion*-day, a little before Midnight, the Biſhop of *London* buried him at *Weſtminſter*.

July 7. *French* Wines prohibited.

Upon the Petition of the *French* Merchants, as well as of the Company of Vintners in *London*, the Importation of *French* Wines was prohibited for the ſpace of ſix months, by reaſon of the great quantities in Merchant's Cellars, already happening by the liberty taken during the time of the late Diſturbance with *France*; and command was given not to import any *French* Wines in Forreign Bottoms, contrary to the Laws.

July 12. Againſt ſelling of Ships to Strangers.

His Majeſty being informed that ſundry of his Subjects, Maſters and Owners of Ships, reſpecting more their private Gain, than the public Good and Safety of the Land, did ſell and diſpoſe to Strangers and Foreigners, their Ships, and other Veſſels, tending to the weakning of the Navigation of the Kingdom, Doth now publickly declare and command, that none of his Subjects do at any time hereafter preſume to ſell or alien any Ship or Veſſel, unto any Perſon, either born or reſident out of the King's Dominion, upon ſevere Penalties.

In this Month of *July* his Majeſty was pleaſed to order his Privy Council, to write a Letter on the behalf of Sir *Pierce Crosby* Knight, directed to the Lord *Faulkland*, Lord Deputy of *Ireland*, taking ſpecial Notice of his Service at the Iſle of *Retz*.

A Letter on the behalf of Sir *P. Crosby*.

Whereas his Majeſty, upon due conſideration of the extraordinary readineſs and ability of Sir Pierce Crosby, *in the levying and tranſporting of thoſe voluntary Troops employed under his Command at the Iſle of* Retz, *as alſo upon good experience, as well of his own as of the Officers and Souldiers well approved ſufficiency and fidelity in that Service, is reſolved to continue them ſtill in Employment; and hath therefore thought fit, with the Advice of this Board, to tranſmit them back again into* Ireland, *there to be entertained upon the Liſt of his Majeſties Army. And whereas you have received former direction from his Majeſty, bearing date the 4th day of* June *laſt, to raiſe ſeven new Companies to make up the number of forty eight. Now his Majeſtie's expreſs Will and pleaſure is, and We do in his Majeſties Name require your Lordſhip, that you forbear to raiſe any new Companies, notwithſtanding any former direction; and that you take effectual order that the Regiment of Sir* Pierce Croſby, *conſiſting of ten Companies beſides the Colonel's, may preſently be liſted as part of his Majeſties Army, under the ſame Captains and Officers that now command them; and that upon their landing in that Kingdom, the ſaid Sir* Pierce Croſby, *and Souldiers under his Command, may receive ſuch treatment and uſage as is preſcribed.*

This Gentleman ſome years after fell under the diſpleaſure of the Court of *Star-Chamber*; of which more in its proper time and place.

The ſwearing of the Peace by the *French* King *Lewis* the 13*th.*

The 16*th* day of *September*, the *French King* ſwore the Peace in this Tenor.

‘*Lewis* by the Grace of God, the moſt Chriſtian King of *France* and *Navarre.* We ſwear and promiſe upon our Faith and Royal Word, upon the Holy Evangeliſt, on which We have laid Our Hand to that purpoſe, in the preſence of Sir *Thomas Edmonds* Knight, Embaſſador Extraordinary from the moſt High, moſt Excellent and Puiſſant Prince *CHARLES*, alſo by the Grace of God, King of *Great Britain*, Our moſt Dear, Beloved and Good Brother-in-Law, Couſin and antient Allie, That We will accompliſh, obſerve, and cauſe to be obſerved and accompliſhed really and *bonâ Fide*, all and every the Points and Articles agreed upon, and imported by the Treaty of Peace and Reconciliation made and concluded between Us, and Our ſaid moſt dear Brother, and Brother-in-Law, Our Kingdoms, States, Countries and Subjects, the 14*th* of *April* laſt. Which Treaties and Articles We having heretofore approved and confirmed, do approve and confirm *de novo*; and do ſwear and promiſe before God, with joined hands, that We will obſerve the ſame without any contradiction directly or indirectly, nor will permit it any ways to be oppos'd; So help us God. In witneſs whereof We have publicly ſigned theſe Preſents with Our own Hand, and put thereunto Our Seal, in the Church of *Fontainbleau* the 16*th* day of *September*, in the Year of Our Lord 1629, and of Our Reign the 20*th*.

The Grand Seignior ſends his Viſier to beſiege *Babylon* with 200000 Men.

The Grand Seignior about this time reſolving upon the Siege of *Bagdet*, or *Babylon*, the third time, ſends his Grand Viſier, *Conſeron Baſſa* to execute the Deſign, with Ammunition and Neceſſaries for his Army, which conſiſted of 200000 Men. His Military Diſcipline was admirable, for he puniſhed every Souldier with Death that wrong'd any one, upon the ſingle complaint of the Perſon injur'd.

The French Conſul complains of the Engliſh Conſul

Engliſh Merchandizes ſeized.

In order to this Siege, the Grand Viſier ſet forth from *Nicomedia*, and arriv'd at *Aleppo* on *Tueſday* the 25*th* of *September*. During his ſtay at *Aleppo*, which was from the 25*th* of *September*, to the 8*th* of *October*, he executed many for their Crimes and Offences: But the *Engliſh Conſul* was the firſt that was ſenſible of his ſeverity upon this Occaſion. There were four Men of War, *Corſaires*, who being met in the Port of *Alexandria*, they pillaged there three ſmall Veſſels of *Marſeilles*, there being a War at that time between *England* and *France*; and upon the French Conſul's Complaint to the Baſſa of *Aleppo*, the *Engliſh* Magazines and Merchandizes were ſeized, and moſt of the Merchants impriſoned, which made the *Engliſh* return them the Veſſels and Goods they had taken, and for the reſt agreed with the Baſſa, the Aga of *Alexandria*, Caddi and other Officers of Juſtice, but at the charge and coſt of above 50000 Crowns.

The Grand Viſier being encamped, he ſent for the *Engliſh Conſul*; and the Engliſh Merchants there on the 27*th* of *September* went to find the

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the Baſſa in his Tent; but beeing too late, they had no audience at that time.

The Morrow, being the 28*th*, the *French Conſul* viſited him very early, and was much careſſed by the Viſier; but he uſed the *Engliſh Conſul* ſtrangely, who came not till the Afternoon, and contrary to the Cuſtom, made him ſtand before him, whereas there uſeth to be a Seat appointed for him oppoſite to the Viſier, who asked him, with great paſſion, Why the *Engliſh* did make that attempt in a Free Port? The *Conſul* replied, They were not Pirates, but Men of War belonging to their King of *Great Britain*. He anſwered, with greater fury, *Then thy King hath violated the Capitulations, and I am no longer obliged to obſerve them*; and commands his Executioners to take the *Conſul* and his *Interpreter*, and hang them both before the Caſtle: But the Interpreter being not able to walk by reaſon of his corpulence, they would have hang'd him on a Tree, but that the Conſul gave them thirty Ducatoons to cut off the Interpreter's Head; which they did, and furniſhed the Conſul with a Horſe, and carried him Priſoner to the Caſtle, where he was put into a ſordid naſty Hole, not permitting any of his Friends to ſee him; ſo that they thought they would murder him in the night; but this was only to ſcrue Mony out of him, for ſeven days after he obtain'd his Liberty at the Rate of 30000 Ducatoons, as it is related in the *French Mercury*.

Condemns the Engliſh Conſul and his Interpreter to be hang'd.

The Engliſh Conſul ſaves his Life by 30000 Ducatoons.

On the 11*th* of *October*, the King expreſſed his pleaſure concerning the decay of Churches, to this effect.

To repair Churches and Chappels in decay.

‘THat having of late taken ſpecial notice of the general Decay and Ruin of Pariſh-Churches in many parts of this Kingdom; and that by Law the ſame ought to be repair'd and maintain'd at the proper charge of the Inhabitants, and others having Land in thoſe Chappelries and Pariſhes reſpectively; who had wilfully neglected to repair the ſame, being conſecrated Places of God's Worſhip and Divine Service: His Majeſty doth therefore charge and command all Arch-Biſhops and Biſhops, That they take ſpecial care of the repairing and upholding the ſame from time to time, and by themſelves, and their Officers, to take a view and ſurvey of them, and to uſe the power of the Eccleſiaſtical Court, for putting the ſame in due execution; and that the Judges be requir'd not to interrupt this good Work, by their too eaſy granting of Prohibitions.

Goldſmiths ſhops in Cheapſide.

At this time the City of *London* was in great ſplendor, and full of Wealth, and it was then a moſt glorious ſight to behold the Goldſmiths Shops all of one row in *Cheap-ſide*, from the end of the Street called the *Old-Change* near *Pater-Noſter-Row*, unto the open place over againſt *Mercers-Chappel*, at the lower end of *Cheap*; there being at that time but three or four Shops of other Trades that interpoſed in the Row. Whereupon the Lords of the Privy Council were pleaſed, on the 18*th* of *November*, to make this following Order.

‘FOraſmuch as his Majeſty hath received information of the unſeemlineſs and deformity appearing in *Cheap-ſide*, by reaſon that divers Men of mean Trades have Shops there amongſt the Gold-ſmiths; which diſorder, it is his Majeſties expreſs pleaſure to have reformed;

'Whereas by occaſion that Sir *Heneage Finch* Knight, and ſome Aldermen, did this day attend the Board upon other buſineſs, there was 'the ſame time alſo mention made of the aforeſaid deformity. It was 'thereupon thought fit and accordingly Ordered, That the two Lord 'Chief Juſtices, with ſuch other Judges as they ſhall think meet to call 'unto them, ſhall conſider what Statutes, or Laws there are, to enforce the Goldſmiths to plant themſelves for the uſe of their Trade, in '*Cheapſide*, *Lumbard-ſtreet*, and the parts adjacent, and thereupon return Certificate to the Board in Writing, with all convenient expedition. Of which Order the ſaid Lord Chief Juſtices are hereby 'prayed and required to take notice, and to perform the ſame accordingly.

On the 19*th* of *December*, proviſion was made againſt the Tranſporting of Timber.

To prohibit the Tranſportation of Timber.

'WHereas his Majeſty and the Board, having been informed of the 'great decay of Timber, as well within the Kingdom of *Ireland* 'as here in *England*, and that Ship-Timber, and Pipe-Staves, and more 'particularly Knee-Timber, is grown very ſcarce both here, and in 'that Kingdom, and therefore the preſervation thereof doth much 'concern the good and ſafety of his Majeſties Dominions. Their 'Lordſhips being careful to prevent the Tranſportation thereof, have 'this day thought fit and Ordered, that the Lord Treaſurer do forthwith give effectual Order and Directions to the Officers of the Ports 'of *England*, That no Ship-Timber, eſpecially Knee-Timber, or Pipe-Staves, be Tranſported to any parts out of this Realm, without ſpecial direction from his Majeſty, or this Board. And that the like Order be given to the Officers of the Ports of *Ireland*, for the reſtraint 'of all Tranſportation out of that Kingdom.

The Death of *Bethlem Gabor*.

In the Month of *November* this year, *Bethlem Gabor*, Prince of *Tranſilvania*, who had aſſiſted the Confederate Proteſtant Princes in the War, died of a *Dropſy*, to the great regret of the *Turk*, to whom he rendred many ſignal Services, and to the great ſatisfaction of the Emperor, who looked upon him as his moſt Puiſſant and redoubtable Enemy. Here followeth his Will.

His laſt Will and Teſtament.

The laſt Will and Teſtament of *Bethlem Gabor* was opened, the particulars whereof were as followeth; as it appeared upon the peruſal thereof, *viz.* That he did give and bequeath to his Imperial Majeſty one Horſe very richly harneſſed, together with 40000 Duckets *in ſpecie*; as alſo to his Majeſty the King of *Hungaria*, one of the beſt Horſes that ever was ſeen, with the Collar, Bridle and Saddle embroidered all over with Gold, Silver and precious Stones; and withal 40000 Duckets *in ſpecie*. To the Emperor of the *Turks*, ſuch another gallant Horſe, with 40000 Duckets in like manner. To his Wife, the Princeſs of *Tranſilvania*, 100000 Duckets, 100000 Rix-Dollars, 100000 *German* Florins, and three conſiderable Signories, which ſhe was to enjoy, during Life; and made the Emperor of the *Turks* his ſole Executor.

The 30*th* of *December*, certain Inſtructions were ſent from his Majeſty to the Arch-Biſhops of *Canterbury* and *York*, under this Title, *viz.*

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Inſtructions for the moſt Reverend Father in God, Our Right Truſty, and Right Intirely Beloved Councellor, George *Lord Arch-Biſhop of* Canterbury, *concerning certain Orders to be obſerved, and put in Execution by the ſeveral Biſhops in his Province.*

Afterwards called *Regal Inſtructions*, differing in ſome things, from the Biſhop of *London's* Conſiderations before mentioned.

‘THat the Lords the Biſhops give Charge in their Triennial Viſitations, and at other convenient times, both by themſelves, and the Arch-Deacons; that the Declaration for the ſetling all Queſtions in difference, be ſtrictly obſerved by all Parties. That there be a ſpecial Care taken by them all, that their Ordinations be Solemn, and not of unworthy Perſons.

‘That they take great Care concerning the Lectures in their ſeveral Dioceſſes, for whom We give theſe ſpecial Directions following.

1. ‘That in all Pariſhes the Afternoon Sermons be turn'd into Catechiſing by Queſtion and Anſwer, where, and whenſoever there is not ſome great Cauſe apparent to break this Antient and profitable Order.

2. ‘That every Biſhop ordain in his Dioceſs, That every Lecturer do read Divine Service, according to the Liturgy printed by Authority, in his Surplice and Hood, before the Lecture.

3. ‘That where a Lecture is ſet up in a Market-Town, it may be read by a Company of Grave and Orthodox Divines near adjoining, and in the ſame Dioceſs; and that they preach in Gowns, and not in Cloaks, as too many do uſe.

4. ‘That if a Corporation do maintain a ſingle Lecturer, he be not ſuffered to preach, till he profeſs his willingneſs to take upon him a Living with Cure of Souls within that Corporation; and that he do actually take ſuch Benefice, or Cure, ſo ſoon as it ſhall be fairly procur'd for him.

5. ‘That the Biſhops do countenance and encourage the Grave and Orthodox Divines of their Clergy; and that they uſe means, by ſome of the Clergy or others, that they may have knowledg how both Lecturers and Preachers within their Dioceſſes behave themſelves in their Sermons, that ſo they may take order for any Abuſe accordingly.

6. ‘That the Biſhops ſuffer none, under Noblemen, and Men qualified by Law, to have any private Chaplain in his Houſe.

7. ‘That they take ſpecial care that Divine Service be diligently frequented, as well for Prayers and Catechiſms, as Sermons; and take a particulare note of all ſuch as abſent themſelves, as Recuſants, or otherwiſe.

8. ‘That every Biſhop, that by Our Grace and Favour, and good Opinion of his Service, ſhall be nominated by Us to another Biſhoprick, ſhall, from that day of nomination, not preſume to make any Leaſe for three Lives, or 21 Years, or concurrent Leaſe; or any ways to renue any Eſtate, or cut any Wood or Timber, but merely

‘ly to receive the Rents due, and quit the Place: For we think it a ‘hateful thing, that any Man's leaving the Biſhoprick, ſhould almoſt ‘undo the Succeſſor. And if any Man ſhall preſume to break this ‘Order, We will refuſe Our Royal Aſſent, and keep him at the place ‘he hath ſo abus'd.

9. ‘And laſtly; We command you to give Us an account, every ‘Year, the ſecond of *January*, of the performance of theſe Our Com‘mands.

Theſe Regal Injunctions were ſent to the Arch-Biſhops of *Canterbury* and *York*, and by them to all the Biſhops in both the Provinces.

The Miniſters and Lecturers about *London*, ſummoned upon this occaſion before the Bp. of *London*.

And in purſuance thereof, the Biſhop of *London* ſummoned all Miniſters and Lecturers within the City and Suburbs of *London*, and making a ſolemn Speech, preſſed obedience to his Majeſties Inſtructions, as being full of Religion and Juſtice, and advantagious to the Church and Common-wealth; tho they were miſtaken by ſome, before it was poſſible for them (as he ſaid) to ſee and weigh them.

And afterward the ſaid Biſhop, in order to procure ready Obedience to the King's Inſtructions, wrote this enſuing Letter to ſeveral Arch-Deacons.

The Biſhop of *London*'s Letter concerning the King's Inſtructions for the Clergy.

SIR,

THeſe are to let you underſtand, That his Majeſty, out of his Royal and Princely Care that the Government of the Church be carefully looked unto by the Biſhops, and others with whom it is truſted, hath lately ſent certain Inſtructions to my Lord's Grace of Canterbury, *and of* York, *to be by them diſperſed to the ſeveral Biſhops of each Dioceſs within their Provinces; to the intent, that whatſoever concerns any Biſhop perſonally, or otherwiſe, in reference to thoſe of the Clergie which they are to govern, may be by every of them readily and carefully performed. The Inſtructions which concern the Perſons to be Governed, are only the Third, for keeping the King's Declaration, that ſo Differences and Queſtions may ceaſe; and the Fifth about Lecturers, and the Seventh concerning private Chaplains in the Houſes of Men not qualified; and the Eighth about, either Recuſants, or any other that abſent themſelves from Church and Divine Service. All the reſt are perſonal to the Biſhops; yet becauſe they are ſo full of Juſtice, Honour, and Care of the Church, I ſend to you the whole Body of the Inſtructions, as they came to me, praying and requiring you, as Arch-Deacon of* London, *to ſend me at or before* Wedneſday *the third of* February *next, both the Chriſtian and Sirnames of every Lecturer within your Arch-deaconry; as well in places exempt, as not exempt; and the place where he preacheth, and his Quality and Degree. As alſo the Names of ſuch Men as being not qualified, keep Chaplains in their Houſes. And theſe are farther to pray, and in his Majeſties Name to require you, that you leave with the Parſon or Vicar of the place, a Copy, not of all, but of the four Inſtructions mentioned, with the four ſeveral Branches belonging to the Lecturers, with a charge, That the Parſon or Vicar deliver another Copy of them to the Church-Wardens; and that you do not only call upon them for Performance now preſently, but alſo take a great care from time to time, that at the end of your next Viſitation, and ſo forward at* *the end of every ſeveral Viſitation, I may, by your ſelf or your Officials, have true notice how they are perform'd, and where, and by whom they are diſobeyed: For ſo much my Lord's Grace of* Canterbury *requires of me, as you ſhall ſee by the Tenor of his Grace's Letters to me here incloſed. I pray you in any caſe not to fail in this, for if you ſhould, when I come to give up my Account, I muſt diſcharge my ſelf upon you; and that neglect would make you go backward in his Majeſties favour, beſides whatſoever elſe may follow. Thus, not doubting of your care and fidelity in this behalf, I leave you to the Grace of God; and ſhall ſo reſt,*

Jan. 4.
1629. *Your very loving Friend,*

Will. London.

Mr. *Bernard* queſtion'd in the High Commiſſion, for ſome words in his Prayer before Sermon.

On the 28*th* of January, Mr. *Bernard* Lecturer at St. *Sepulcher's* Church, *London*, had this Expreſſion in his Prayer before Sermon; *Lord, open the eyes of the Queen's Majeſty, that ſhe may ſee Jeſus Chriſt, whom ſhe hath pierced with her Infidelity, Superſtition, and Idolatry.* For theſe Expreſſions he was queſtion'd in the High Commiſſion Court, and the Court did declare, that the ſame were ſcandalous and unadviſed Speeches, derogatory to ſome particular Perſon of moſt eminent Place, which the Court did not deſire to have repeated: But in regard the ſaid Mr. *Bernard* made an humble ſubmiſſion, the Court deſired the Biſhop of *London* to acquaint his Majeſty therewith, and afterward Mr. *Bernard* was diſmiſſed.

A Letter from the Lords of the Council to the Mayor of *Chicheſter*, *January* the 4*th*, 16$\frac{28}{29}$.

Billeting of Souldiers oppoſed at *Chicheſter.*

WE *have bin made acquainted with your Letters of the* 4*th of* January *inſtant, to our very good Lord the Earl of* Dorſet, *concerning the oppoſition threatned by divers of the Inhabitants of that Town, in the Billeting of Souldiers directed to be ſent thither, by Letters from this Board of the* 28*th of this laſt Month. The manner and circumſtances whereof, in threatning to ſhut the Gates of the City againſt them, as if you aſſumed to be a Free-State, and to give Law to your ſelves, with other Inſolencies both in Speech and Action; which ſeem to us ſtrange and unheard of from Perſons living under a Civil Government; As that the ſame being come to his Majeſties Ears, he doth much marvel, and is highly diſpleaſed therewithal. And whereas we underſtand that two of the Burgeſſes of the Town have been the principal Encouragers of the ſaid Oppoſition, by taking upon them to tell you (the Mayor) that there could be no more Billeting of Souldiers by Law; and accordingly adviſed you (the Mayor) to take heed what you did, for that the Parliament would call you to an account for it, We therefore, by his Majeſties expreſs command, have ſent the Bearer hereof, one of the Meſſengers of his Majeſties Chamber, with Warrant for the taking into cuſtody, and bringing before us the ſaid two Burgeſſes; requiring you to be aiding and aſſiſting unto him in the execution of his ſaid Warrant. And we do likewiſe will and require you the Mayor, together with your Recorder, and two other Aldermen, ſuch as you ſhall think fit, to make your ſpeedy repair hither to attend us at our next ſitting at* Whitehal. *Hereof you may in no wiſe fail. And ſo,* &c.

In *Ireland* the Popiſh Biſhops, Abbats, Vicars, Jeſuits, &c. and others of that ſort, aſſembled themſelves throughout the Kingdom, in publick places to celebrate their Services, and erected Buildings, Colleges, Convents of Monks and Nuns, in the Eye and open view of the State, exerciſing Juriſdiction by Authority derived from the See of *Rome*, which every day took growth; And His Majeſty and the Lords of the Council being advertiſed thereof from *Ireland*, on the 31 of *January* 1629, wrote the enſuing Letter, directed to the Lords Juſtices and Council of *Ireland*.

A Letter to the Lords Juſtices, and Council of *Ireland*.

A Letter from the *Privy Council* in *England* to the Lords Juſtices in *Ireland*, againſt the Convents of Friars, Nuns &c. erected in *Ireland*.

BY your Letters we underſtand how the ſeditious Riot, moved by the Fryars and their Adherents at Dublin, *hath by your good Order and Reſolution been happily ſuppreſt; And we doubt not but by this occaſion, you will conſider how much it concerneth the good Government of that Kingdom, to prevent in time the firſt growing of ſuch evils. For where ſuch People are permitted to ſwarm, they will ſoon make their Hives, and then indure no Government but their own, which cannot otherwiſe be reſtrained, than by a due and ſeaſonable execution of the Laws, and ſuch Directions as from time to time have been ſent from his Majeſty and this Board. Now it redoundeth much to his Majeſtes Honour, that the World ſhall take notice of the ability and good ſervice of his Miniſters there, which in Perſon he hath been pleaſed openly in Council, and in moſt gracious manner to approve and commend, whereby you may be ſufficiently incouraged to go on with like reſolution and moderation till the Work be fully done, as well in that City, as in the other places of that Kingdom. The carriage whereof we muſt leave to your own good diſcretions, whoſe particular knowledg of the preſent ſtate of things, can guide you beſt when and where to carry a hard or a ſofter hand; only this we hold neceſſary to put you in mind, that you continue in that good Agreement among your ſelves, for this and other Services, which your Letters do expreſs, and for which we commend you much. That the good Servant of the King and State may find encouragement equally from you all, and the ill-affected may find no ſupport or countenance from any, or other connivance uſed, than by general advice, for avoiding further evils, ſhall be allowed. And ſuch Magiſtrates or Officers, if any ſhall be diſcovered, that openly, or under-hand, favour ſuch diſorders, or do not their duties in ſuppreſſing them, and puniſhing the Offenders, you ſhall do well to take all fit and ſafe advantages, by the puniſhment or diſplacing of a few, to make the reſt more cautious. This we write not as miſliking the fair courſe you have taken, but to expreſs the concurrence of our Judgments with yours. And to aſſure you of our Aſſiſtance in all ſuch Occaſions, wherein for your further Proceedings, we have adviſed, and his Majeſty requireth you accordingly to take Order, Firſt, That the Houſe where ſo many Fryars appeared in their Habits, and wherein the Reverend Arch-Biſhop and the Mayor of* Dublin *received the firſt affront, be ſpeedily demoliſhed; and be a mark of terror to the Reſiſters of Authority: and that the reſt of the Houſes erected, or imployed there, or elſewhere in* Ireland, *to the uſe of Superſtitious Societies, be converted to Houſes of Correction, and to ſet idle People on work, or to other publick uſes, for the advancement of Juſtice, good Art or Trade. And further, that you uſe all fit means to diſcover the Founders, Benefactors, and Maintainers of ſuch Societies and Colleges, and certify us their Names. And that you find* *out the Lands, Leaſes, Rents or Revenues applied to their uſes, and diſpoſe thereof according to the Law. And that you certify alſo the Places, and Inſtitutions of all ſuch Monaſteries, Priories, Nunneries, and other Religious Houſes, and the Means of all ſuch Perſons as have put themſelves to be Brothers or Siſters therein, ſpecially ſuch as are of Note, to the end ſuch evil Plants be not permitted any more to take root in that Kingdom, which we require you to take care of. As for the ſupply of Munition, which you have reaſon to deſire, we have taken effectual order that you ſhall receive it with all convenient ſpeed. And ſo,* &c.

Signed by

Lord Keeper.	*Earl of* Salisbury.
Lord Treaſurer.	*Earl of* Kelley.
Lord Preſident.	*Lord Viſcount* Dorcheſter.
Lord Privy Seal.	*Lord* Newburgh.
Lord High Chamberlain.	*Mr.* Vice Chanceller.
Earl of Suffolk.	*Mr.* Secretary Cook.
Earl of Dorſet.	*Sir* William Alexander.

Mr. *Chancey*, a Miniſter, queſtioned in the High-Commiſſion.

Mr. *Charles Chancy*, Miniſter of *Ware*, uſing ſome Expreſſions in his Sermon: *That Idolatry was addmitted into the Church; That the preaching of the Goſpel would be ſuppreſſed; That there is much Atheiſm, Popery, Arminianiſm, and Hereſy crept into the Church.* And this being looked upon to raiſe a fear among the People, that ſome alteration of Religion would enſue; He was queſtioned in the High-Commiſſion, and by Order of that Court the Cauſe was referred to the Biſhop of *London*, being his Ordinary, who ordered him to make a Submiſſion in *Latin*.

Certificate againſt Mr. *Palmer*, for non-Obedience to the Inſtructions.

Mr. *Dean*, Arch-Deacon of *Canterbury*, in purſuance of the aforeſaid Inſtructions, did certify, that Mr. *Palmer*, a Lecturer in St. *Alphage*, *Canterbury*, had no Licence to preach there. That he read Prayers againſt the Miniſter's Will; and Cathechiſed, but not according to Canon. That in the Cathechiſing he took upon him to declare the King's Mind in his Inſtructions. That he had never heretofore read Prayers, or uſed the Surplice in the Pariſh. That he preached a Factious Sermon in the Cathedral Church, and detracted from Divine Service there. That Factious Parties in all the Pariſhes in the Town are his Auditors.

Hereupon the Commiſſioners willed Mr. *Palmer* to deſiſt; but they did further certify, they had ſince been informed that his Grace the Arch-Biſhop of *Canterbury* (meaning Arch-Biſhop *Abbot*) hath authoriſed Mr. *Palmer* to preach again, but he did not long continue there.

A Grant under the Great Seal for relief of the exiled *Palatinate* Miniſters.

‘HIS Majeſty having heretofore received certain Information, as ‘well by the Miniſters and Elders of the *Dutch* Churches both in ‘the Parts beyond the Seas, and in our City of *London*, as by the ſpe‘cial earneſt Recommendation of our Deareſt Siſter, and Her Royal ‘Conſort, our Dear Brother the Prince Elector *Palatine*, of the moſt ‘diſtreſſed and lamentable Eſtate, of the poor exiled Miniſters of the

‘*Palatinate*, their Wives and Children, who falling into the power of their cruel Enemies, have been ſpoiled of all their Temporal Eſtates, and expoſed unto unexpreſſible Miſeries, and are now enforced, as Exiles, to retire and hide themſelves from the violence of their Adverſaries, in ſeveral Cities, Towns, and other Places, where they live in very great penury and want; moſt of them having formerly had plentiful and liberal Means to ſuſtain their own Charge, and to be helpful to others, whoſe Caſes are the more to be deplored, for that this extremity is fallen upon them for their *Sincerity and Conſtancy in the true Religion; which we together with them do profeſs, and which we are all bound in Conſcience to maintain to the utmoſt of our Powers.* Whereas theſe Religious and Godly Perſons being involved amongſt many others their Country-men, in that common Calamity, might have enjoyed their Eſtates and Fortunes, if with other Back-ſliders in the time of trial they would have ſubmitted themſelves to the Anti-chriſtian Yoke, and have renounced or diſſembled the profeſſion of the true Religion. The King taking theſe things into his Princely Conſideration, and being moved with the Bowels of Compaſſion towards them, as feeling Members of the ſame Body, whereof Chriſt alone is the Head. And being certainly informed, that thoſe of the *United Provinces*, and divers other *Proteſtants* in other places, have bountifully contributed towards their Neceſſities. And the King being aſſured that all his loving Subjects of this his Kingdom, who have long enjoyed the freedom of the Goſpel, and have taſted largely of the Comfort thereof, will not be inferior to any in a work ſo full of Piety and Charity towards their diſtreſſed Brethren.

‘His Majeſty, Out of his Princely Grace doth Order and Grant, that a General Collection be made of the charitable Devotions and Liberalities of all his loving Subjects throughout this his Realm of *England* and Dominion of *Wales*, towards the relief and ſuccour of the ſaid poor Exiles.

After this Patent was paſſed the Great Seal, the Biſhop of *London* being diſſatisfied at ſome Expreſſions therein, moved his Majeſty concerning the ſame, and prevailed to have the Patent cancelled, to the end theſe Words following might be left out, *viz. Which Religion we together with them profeſs, and are all bound in Conſcience to maintain to the uttermoſt of our Power.* And accordingly that Patent under the Great Seal was cancelled, and a new Patent to all the intents and purpoſes as the former, was granted, and did paſs the Great Seal; The Words laſt abovementioned being wholly left out.

The King's affection to, and great care of his only Siſter the Queen of *Bohemia*.

Towards the latter end of this year, the King did ſeriouſly take into his Thoughts and Care the diſtreſſed Condition of his only Siſter, the Queen of *Bohemia*, being driven out of the *Palatinate* by the Emperor, and her Huſband's Patrimony given to the Duke of *Bavaria*, and therefore was willing to hearken to the Ambaſſadors of Forreign Princes who applyed to His Majeſty in their Maſters Names to join with the *French King* to mediate a Peace between the King of *Poland* and the King of *Sweden*, then at Warrs together. Which Mediation thoſe two Kings immediately undertook, and prevailed for a Truce for ſix years; the one fearing leſt the Emperor being victorious againſt the confederate Proteſtant Princes, ſhould through his ſucceſs endea-

The Kings of *England* and *France* make a Peace between the Kings of *Sweden* and *Poland*.

An. 1629.

vour to extend his Empire to the prejudice of *France*; and the other hoping by making a Peace between the *Swede* and the *Pole*, to get the *Swede*'s Aſſiſtance for the recovery of the *Palatinate*.

The King of *Sweden* deſigns an expedition into *Germany*.

The King of *Sweden* after making the ſaid Truce, finding the Inclinations of his Army for Action abroad, reſolved to keep them together in order to a deſign upon *Germany*, giving out that he would relieve the oppreſſed Princes and People of thoſe Provinces in *Germany*, and endeavour to reſtore them to their antient and undoubted Rights and Liberty.

Sends an Ambaſſador into *England*.

In order to this Deſign, he ſent an Ambaſſador into *England* to treat for Aſſiſtance, and the King of *Bohemia* and the Queen, writ effectually to the King of *England* her Brother upon the ſame account; the Queen of *Bohemia* alſo writ to Marqueſs *Hamilton*, her neareſt Kinſman and greateſt Confident, to be Inſtrumental with the King her Brother, to aſſiſt the King of *Sweden* with Forces.

The King reſolves to raiſe 6000 Men.

His Majeſty readily complyed with the deſires of the King and Queen of *Bohemia*, and reſolved to raiſe an Army of 6000 Men, to go under the Conduct of Marqueſs *Hamilton*, which ſhould not appear to the World to be any otherwiſe raiſed, than as the voluntary aſſiſtance of his Subjects, for it was not then convenient publicly to diſoblige the Emperor, while Sir *Robert Amſtrother* was Ambaſſador at that Court, to endeavour the Reſtitution of the *Palatinate*; and hopes there were at the ſame time by a Treaty with *Spain* to gain the ſame.

Col. *Alex. Hamilton* and *Ramſey* ſent to the King of *Sweden*.

Hereupon towards the latter end of this Year, the Marqueſs ſent Col. *Alex. Hamilton*, Brother to the Earl of *Haddington*, to the King of *Sweden*, with a general offer of his Services; which was affectionately received by that King, who preſently ſent him a Commiſſion to be General of what Army he ſhould bring over. And to expedite a Treaty with the *Swede*, upon what terms and conditions the Marqueſs ſhall engage upon that Deſign: His Lordſhip alſo ſent unto the King one *David Ramſey*, a Scottiſh Man (a Gentleman of the Privy Chamber to the King of *England*) who well underſtood the *German* Language, and was recommended to his Majeſty by the King and Queen of *Bohemia*, as one who had approved himſelf faithful to the Intereſt of the *Palatinate* Cauſe.

Execution of the Emperor's Edict in favour of the Catholic Clergy at *Auſpurg*.

About this time the Emperor upon ſeveral Remonſtrances, commands his Edict in favour of the Romiſh Eccleſiaſtics at *Auſpurg* and other parts, to be put in Execution, which is in the Circle of *Suabia*, where the Imperial Commiſſioners arrived in the City of *Auſpurg*, with ſome Companies of the Peaſantry, raiſed in the Territories of the Biſhop of the ſaid City; where they gave the Governor of their Miniſtry to underſtand his Imperial Majeſties Mandate and Pleaſure, That they ſhould reſtore all Eccleſiaſtic Goods to their lawful Proprietors; and during the execution hereof, all the Churches of the City were ſhut up. They alſo acquainted the Proteſtant Paſtors of the *Auguſtan* Confeſſion with the ſame Mandate; That they muſt wholly forbear the exerciſe of their Religion; that thoſe among them who had the priviledg of Burgers, may continue there, and for the reſt, they were commanded to depart the City, and retire to ſome other place. During the ſaid execution, all the Inhabitants were enjoined

joined to confine themſelves to their Houſes, and to follow their Trade there, without ſtirring forth.

The Exerciſe of *Auſpurg* Proteſtant Religion to be aboliſhed.

Some ſmall time after, his Imperial Majeſty finding it expedient that the Exerciſe of the Profeſſion of *Auſpurg* ſhould be abſolutely and totally aboliſhed there; and being adviſed that there were in that City ſome Perſons who oppoſed his Imperial Majeſties Decrees in that behalf. Hereupon the Emperor's Commiſſaries, the Biſhop, Magiſtrates, and Clergy, threatned even to plunder and burn all that they had; and commanded them to abſtain from ſeditious Expreſſions upon pain of Death: And declared to the Proteſtant Paſtors, That they were to withdraw themſelves for the time to come, for that the Catholic Biſhop ſhould, as his proper right, hold the ſaid Epiſcopal See.

Eccleſiaſt. Juriſdict. recommitted to the lawful Catholic Biſhop.

The like at *Halberſtadt.*

The Proteſtants inſiſt on the Emperor's Grant in 1628

The ſame Edict was alſo executed in the Town of *Halberſtadt* on the 26*th* of *December*, the Imperial Commiſſioners being received very ſplendidly by the Duke of *Fridland* and Count *Tilly*. Two days after their Reception, they began to conſider of the Places and Revenues to be reſtored to the Catholics; and though the Proteſtants detaining them, pretended to defend themſelves by the aſſurances of the Emperor's Grant made to them; the Commiſſaries notwithſtanding all that, proceeded in their Deſigns with rigor.

The Duke of *Fidland* inveſted with the Dukedoms of *Mecklenburg*.

Alſo *Walleſtein* Duke of *Fridland*, and his Heirs, were ſolemnly inveſted by the Emperor at *Vienna* with the Dukedoms of *Mecklenburg*, and that by right of a *Fee Imperial*, and by vittue of a certain Declaration of his Imperial Majeſties publiſhed againſt the Dukes of *Mecklenburg*, and ſent to the Elector of *Saxony*, whereby they ſtood accuſed of High Treaſon, Rebellion, *&c.* And that, if they did not ſubmit to this Declaration, they ſhould be proceeded againſt by the Ban of the Empire.

The King of *Sweden* hearing of theſe and other violent proceedings againſt the Proteſtant Princes, haſtned his preparations for an expedition into *Germany*; and in the beginning of the next year 1630, concludes upon Tearms with Marqueſs *Hamilton*, for the aſſiſtance of 6000 Men to be tranſported into *Germany*; of which more particularly in time and place in the next year.

Prince *Charles* proclaimed King.

An Inſtrument in Writing was on the 27*th* of *March* drawn up, declaring the death of King *JAMES*, and that by his Deceaſe, the Imperial Crowns of *Great Britain*, *France*, and *Ireland*, are rightfully come to the High and Mighty Prince *CHARLES*: Which Writing was in the firſt place ſigned by *John Gore*, then Lord Mayor of *London*; After him by *George* Lord Arch-Biſhop of *Canterbury*; *John* Lord Biſhop of *Lincoln*, Keeper of the Great Seal of *England*; then by the Lords Temporal, and ſuch other Nobility and Gentry as appeared together at that time. Which Writing, after the ſaid Subſcriptions, was publiſhed in Print by *Bonham Norton* and *John Bill.*

We hope the Reader will not think his time miſpent, to take a view of the Titles of King *Charles* his Proclamations, as they came forth in order of time, from the firſt Year of his Reign. Wherein the Reader may obſerve where the Court was kept when any of thoſe Proclamations were ſigned. And the Author in the Appendix doth alſo ſet down the ſubſtance of many of the moſt material of thoſe Proclamations for the Reader's further ſatisfaction.

Titles of PROCLAMATIONS, &c.

Pro Anno 1625.

St. *James's*, *March* 28. A Proclamation ſignifying his Majeſties Pleaſure, That all Men being in Office of Government at the Deceaſe of his moſt Dear and moſt Royal Father, King *James*, ſhall ſo continue till his Majeſties further Directions.

By the KING.

St. *James's*, *March* 28. A Declaration of the Death of his Father King *James* of the 27*th* of *March*, and of his being inveſted in the Crown Imperial of this Realm, and all other his Majeſties Dominions; That he doth not miſtruſt but that they will ſhew themſelves obedient Subjects.

St. *James's*, *April* 1. A Proclamation to Inhibit the Sale of Latine Books reprinted beyond Seas, having bin firſt printed in *Oxford* or *Cambridg*.

Whitehall, April 13. A Proclamation for the maintenance and increaſe of the Mines of Salt-Peter, and the true making of Gunpowder, and reforming abuſes concerning the ſame.

Whitehall, April 13. A Proclamation prohibiting the Importation of Allom, and the buying and ſpending thereof in any his Majeſties Dominions.

Whitehall, May 2. A Proclamation concerning Buildings and Inmates within the City of *London*, and Confines of the ſame.

Whitehall, May 30. A Proclamation for the continuing of Our Farthing Tokens of Copper, and prohibiting the counterfeiting of them, and the uſe of all other.

Whitehall, May 13. A Proclamation for ſetling the Plantation of *Virginia*.

Whitehall, May 14. A Proclamation for the Prices of Victuals within the verge of the Court.

Whitehall, May 15. A Proclamation for the reſtraint of Diſorders in Souldiers Preſt for his Majeſties Service.

Whitehall, May 17. A Proclamation for reſtraint of diſorderly and unneceſſary reſort to the Court.

Whitehall, May 26. A Declaration to the ſame effect.

Whitehall, June 18. A Proclamation for the Adjournment of part of *Trinity* Term.

Oatlands, July 12. A Proclamation concerning the Adjournment of the Parliament.

A Proclamation for the removing the Receipt of his Majeſties *Exchequer*, from *Weſtminſter* to *Richmond.* *Ricot*, July 31.

A Proclamation prohibiting the keeping of *Bartholomew* Fair, and *Sturbridg* Fair. *Woodſtock*, Auguſt 4.

A Proclamation for recalling his Majeſties Subjects from the Seminaries beyond the Seas, and putting the Laws againſt Jeſuits in Execution. *Woodſtock*, Auguſt 14.

A Proclamation for the Adjournment of part of *Michaelmaſs* Term. *Tichfield*, Septemb. 4.

A Proclamation for making currant certain *French* Coin. *Tichfield*, Septemb. 4.

A Proclamation for the calling home of all ſuch his Majeſties Subjects as are now employed either by Sea or Land in the Services of the Emperor, the King of *Spain*, or the Arch-Dutcheſs. *Tichfield*, Septem. 11.

A Proclamation for the further Adjournment of *Michaelmaſs* Term. *Salisbury*, Octob. 11.

A Proclamation for the avoiding of all Intercourſe between his Majeſties Royal Court, and the Cities of *London* and *Weſtminſter*, and Places adjoining. *Salisbury*, Octob. 17.

A Proclamation for the commanding of all Souldiers lately employed in the Fleet, upon their Arrival, not to depart from their Colours. *Windſor*, Decemb. 15.

A Proclamation to forbid the Subjects of the Realm of *England*, to have any Trade or Commerce within any the Dominions of the King of *Spain*, or the Arch-Ducheſs. *Hampton-Court*, Dec. 24

A Proclamation for the well managing and arming of the Ships of or belonging to this Realm, upon their ſetting forth to Sea. *Hampton-Court*, Dec. 24.

A Proclamation againſt imbezelling of Armour, Munition, and Victual, and other Military Proviſions. Manner of *Hampton*, Dec. 25.

A Proclamation to declare his Majeſties Pleaſure, that a former Reſtraint enjoined to the Citizens of *London* for repairing to Fairs for a time, is now ſet at liberty. *Hampton-Court*, Dec. 30.

A Proclamation for the better confining the Popiſh Recuſants convict according to the Law. *Whitehall*, Jan. 11.

A Proclamation for reſtraint of killing, dreſſing, and eating of Fleſh in *Lent*, or on Fiſh days, appointed by the Law to be hereafter ſtrictly obſerved by all ſorts of People. *Whitehall*, Jan. 14.

A Proclamation to declare his Majeſties Pleaſure touching his Royal Coronation, and the ſolemnity thereof. *Whitehall*, Jan. 17.

A Proclamation for a general and publick Thankſgiving to Almighty God for his great mercy in ſtaying his hand, and aſſwaging the late fearful Viſitation of the Plague. *Whitehall*, Jan. 22.

Titles of PROCLAMATIONS, *&c.*

Pro Anno 1626.

Whitehall, April 24. A Proclamation for the better furniſhing of the Navy, and increaſe of Shipping.

Whitehall, May 26. A Proclamation for Fee Decree.

Whitehall, June 14. A Proclamation for the eſtabliſhing of the Peace and Quiet of the Church of *England*.

Palace of *Weſtminſter*, June 16. A Proclamation prohibiting the publiſhing, diſperſing, and reading of a Declaration or Remonſtrance drawn by ſome Committees of the Commons Houſe of the late diſſolved Parliament, and intended to have bin preferred by them to his Majeſty.

Whitehall, June 18. A Proclamation touching Mariners.

Whitehall, June 18. A Proclamation for the better ordering of thoſe who repair to the Court for their Cure of the Diſeaſe called the *King's Evil*.

Whitehall, June 30. A Proclamation for a General Faſt throughout this Realm of *England*.

Whitehall, July 10. A Proclamation commanding all Inhabitants on the Sea Coaſts, or in any Ports or Sea Towns, to make their ſpeedy repair unto, and continue at the places of their Habitations there, during theſe Times of danger.

Whitehall, July 24. A Proclamation touching the currency of certain *French* Coin.

Nonſuch, Auguſt 13. A Proclamation to declare and publiſh his Majeſties Reſolution, to aſcertain his Revenue by granting his Lands holden, as well by Copie as otherwiſe in Fee Farm.

Whitehall, Auguſt 27. A Proclamation for all Captains, Maſters and Officers of Ships, and Mariners, which are to ſerve in the King's Fleet, to make their preſent repair to *Portſmouth*.

Palace of *Weſtminſter*, Septemb. 4. *By the King.* A Declaration concerning Gold and Silver Coins.

Hampton-Court, Sept. 22. A Declaration concerning the return of Monies to be emploied in the defence of the Realm, *&c.*

Whitehall, Octob. 7. A Proclamation for the reſtraint of the diſorderly repair of Mariners and Souldiers unto the King's Court, or City of *London*.

Whitehall, Octob. 7. A Declaration of his Majeſties clear intention in requiring the Aid of his loving Subjects, in that way of Loans which is now intended by his Highneſs.

A Proclamation commanding the repair of Noble-men, Knights, and Gentlemen of Quality unto their Manſion-Houſes in the Country, there to attend their Services and keep hoſpitality. *Whitehall,* Nov. 23.

A Proclamation to reſtrain the unlawful tranſportation of Hides and Leather. *Whitehall,* Decemb. 14.

A Proclamation for the better making of Salt-Peter in this Kingdom. *Whitehall,* Jan. 2.

A Proclamation, that all Captains, Lievtenants, and other Officers, ſhall repair to their Companies, and that all Souldiers ſhall repair to their Colours. *Whitehall,* Jan. 29.

A Proclamation for reſtraint of killing, dreſſing, and eating of Fleſh in *Lent*, or on Fiſh-days, appointed by the Law to be here-after obſerved by all ſorts of People. *Hampton-Court,* Jan. 25.

A Proclamation touching Tobacco. *Whitehall,* Feb. 17.

A Proclamation to prevent the furniſhing of the King of *Spain* and his Subjects with Proviſions for Shipping, or Munition for the Wars, and with Victuals. *New-market,* March 4.

A Proclamation for the apprehenſion of *John Holland* and *Robert Blow* Gentlemen, late Servants to the Earl of *Lincoln*. *Whitehall,* March 21.

Titles of PROCLAMATIONS, *&c.*

Pro Anno 1627.

A Proclamation prohibiting the Importation of any Goods or Merchandize whatſoever in any *French* Ships or Bottoms. *Whitehall,* April 28.

A Proclamation for the explaining of a former Proclamation lately publiſhed, intituted, A Proclamation prohibiting the Importation of any Goods or Merchandize whatſoever in any *French* Ships or Bottoms. *Whitehall,* May 12.

A Proclamation for the better execution of the Office of his Majeſties Exchange, and Reformation of ſundry Abuſes and Frauds practiſed upon his Majeſties Coins. *Whitehall,* May 25.

Together with the Articles, which by virtue of the Proclamation hereunto annexed, We will and command ſhall be duly obſerved.

A Proclamation againſt unjuſt pretences for colouring of *French* Goods, taken by way of Reprize. *Whitehall,* June 25.

A Proclamation for the maintaining and encreaſe of the Mines of Salt-Peter, and the true making and working of Salt-Peter and Gunpowder, and reforming of all abuſes concerning the ſame. *Ampthill,* July 23.

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Court at *Windſor* Aug. 9. A Proclamation for the Ordering of Tobacco.

Caſtle at *Windſor*, Auguſt 10. A Proclamation for the Tranſportation of any kind of Corn, Grain, or Victuals for the ſupply of the Navy or Army in the parts of *France*.

Bagſhot, Auguſt 18. A Proclamation for the Tranſportation of any kind of Corn, Grain, or Victuals, for the ſupply of the Navy, or Army, in the parts of *France*.

Whitehall, Octob. 12. A Proclamation declaring his Majeſties gracious intention concerning his Commiſſion lately granted, to enquire of new Offices erected, and new Fees erected in Courts of Juſtice ſince 11 *Elizabeth*.

Whitehall, Novemb. 20. A Proclamation prohibiting the uſe of Snaffles, and commanding the uſe of Bits for riding.

Whitehall, Novemb. 28. A Proclamation commanding the repair of Noble-men, Knights, and Gentlemen of Quality, unto their Manſion-Houſes in the Country, there to attend their Services, and keep Hoſpitalities.

Whitehall, Novemb. 30. A Proclamation, That all Captains, Lievtenants, and other Officers, ſhall repair to their Companies, and that all Souldiers ſhall repair to their Colours.

Whitehall, Dec. 8. A Proclamation to prevent the purloining and ſtealing of Arms, Powder, and other Munition and Habiliments of War.

Whitehall, Jan. 25. A Proclamation for all Souldiers to repair to their Companies.

Whitehall, Feb. 4. A Proclamation for reſtraint of killing, dreſſing, and eating of Fleſh in *Lent*, or on Fiſh-days, appointed by the Law to be hereafter ſtrictly obſerved by all ſorts of people.

Whitehall, Feb. 10. A Proclamation againſt the unneceſſary waſte of Gun-powder.

Whitehall, Feb. 10. *A* Proclamation concerning Buildings and Inmates within the City of *London*, and confines of the ſame.

Whitehall, Feb. 15. *A* Proclamation for the better encouragement and advancement of the Trade of the *Eaſt-India* Company.

Whitehall, Feb. 16. *A* Proclamation for the Execution of the Statutes made againſt Rogues and Vagabonds.

Whitehall, Feb. 16. *A* Proclamation declaring the King's Royal pleaſure for the aſſembling of the Parliament.

Whitehall, Feb. 17. *A* Proclamation for the repreſſing of Diſorders of Mariners.

Whitehall, March 9. *A* Proclamation prohibiting the buying and ſelling of any of his Majeſties Arms of Munition, and to reform the abuſes committed at Muſters and Trainings, by borrowing of Arms.

Titles of PROCLAMATIONS, *&c.*

Pro Anno 1628.

A Proclamation for the better ordering of thoſe who repair to the Court, for their Cure of the Diſeaſe, called the *King's Evil.* *Whitehall*, June 17.

A Proclamation for the calling in, and ſuppreſſing of two Sermons, Preached and Printed by *Roger Mainwaring* Dr. in Divinity, Entituled *Religion* and *Allegiance.* *Whitehall*, June 20.

A Proclamation directing how Priſoners ſhall be ordered, which are taken at Sea by Men of War. *Portſmouth*, July 23.

A Proclamation declaring his Majeſties Royal Pleaſure and Command, for putting the Laws and Statutes made againſt Jeſuits, Prieſts, and Popiſh Recuſants in due Execution. *Southwick*, Aug. 3.

A Proclamation, for the further Proroguing of the Parliament. *Hampton-Court*, Octob. 1.

A Proclamation Prohibiting the Tranſportation of any Corn, Grain, Victuals, Ordnance, Arms or Munition for War into the Kingdom of *France.* *Whitehall*, Octob. 15.

A Proclamation declaring the King's Majeſties Royal Pleaſure touching the Inhabitants of *Algier*, *Tunis*, *Sally* and *Tituan*, in the parts of *Africa.* *Whitehall*, Octob. 22.

A Proclamation declaring his Majeſties Royal Pleaſure, touching the *Engliſh* Soldiers late employed at Sea in his Service, and now diſcharged. *Whitehall*, Novemb. 15.

A Proclamation declaring his Majeſties Royal Grace and Pleaſure, to confirm to his Subjects their defective Titles, Eſtates and Poſſeſſions (as well by colour of former Grants, as without any Grant from the Crown) by his Commiſſion granted to that purpoſe. *Whitehall*, Decemb. 6.

An Abſtract of the ſeveral Heads and Branches of his Majeſties Commiſſion of Grace for the ſecuring, ſetling and confirming to his Subjects their defective Titles, Eſtates and Poſſeſſions, by which his Majeſties Commiſſioners have power to compound.

A Proclamation for the Apprehenſion of *Richard Smith*, a Popiſh Prieſt, ſtiled and calling himſelf the Biſhop of *Calcedon.* *Whitehall*, Decemb. 11.

A Proclamation for the ſuppreſſing of a Book entituled *Appello Cæſarum*, or an Appeal to *Cæſar.* *Whitehall*, Jan. 17.

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Whitehall, Jan. 22. A Proclamation for reſtraint of killing, dreſſing and eating of Fleſh in *Lent*, or on Fiſh-days, appointed by the Law, to be hereafter ſtrictly obſerved by all ſorts of People.

Whitehall, Feb. 7. A Proclamation for reſtraint of killing, dreſſing and eating of Fleſh in *Lent*, or on Fiſh-days appointed by the Law to be hereafter obſerved by all ſorts of People.

Whitehall, Feb. 14. A Proclamation for a general Faſt to be held throughout this Realm of *England*.

Whitehall, March 2. A Proclamation about diſſolving of the Parliament.

Whitehall, March 11. An Order of the Lords of the Council, concerning the payment of his Majeſties Army employed to *Cadiz*, and for caſting up of the Accounts by the Auditors of the Impreſt, to the end that all Officers and Soldiers may be duly paid.

Whitehall, March 24. A ſecond Proclamation for the Apprehenſion of *Richard Smith* a Popiſh Prieſt, ſtiled and calling himſelf the Biſhop of *Calcedon*.

Titles of PROCLAMATIONS, *&c.*

Pro Anno 1629.

By the KING.

Whitehall, March 27. A Proclamation for ſuppreſſing of falſe Rumors, touching Parliaments.

A Proclamation for the Apprehenſion of *Walter Long* Eſquire, and *William Strode* Gentleman.

Whitehall, March 25. A Proclamation for a General Faſt to be ſolemnized throughout this Realm.

Greenwich, May 2. A Proclamation prohibiting the Exportation of Corn and Grain.

Greenwich, May 10. A Declaration of Peace with *France*.

Greenwich, May 17. A Proclamation Commanding the due Execution of the Laws, made for ſetting the Poor on work.

Greenwich, May 17. A Proclamation for the ſpeedy ſending away of the *Iriſh Beggars* out of this Kingdom, into their own Country; and for the ſuppreſſing and ordering of the *Engliſh* Rogues and Vagabonds according to the Laws.

A Proclamation for the better ordering of thoſe who repair to the Court for the Cure of the Diſeaſe called the *Kings Evil*. *Greenwich*, June 28.

A Proclamation concerning the making of *Starch*, and avoiding the annoyance thereby. *Greenwich*, June 30.

A Proclamation touching the Importation of *French Wines*. *Nonſuch*, July 7.

A Proclamation againſt ſelling of Ships. *Nonſuch*, July 12.

A Proclamation for the better Diſcovery and Apprehenſion of thoſe Malefactors, who were Actors in the late inſolent Riots and Murders committed in *Fleet-ſtreet*, *London*, upon *Friday* the 10*th* day of this inſtant Month of *July*. *Whitehall*, July 18.

A Proclamation for the preventing the decays of *Churches* and *Chappels* for the time to come. *Hampton-Court*, Octob. 11.

A Proclamation recommending to all Magiſtrates to give Paſſage to ſuch *Engliſh* and *Scottiſh Soldiers*, as the King hath called out of the Service of the States General, until the King ſhall have occaſion to call them to his Service. And that they be treated in their reſpective Countries with all charitable reſpect due to Men, who have faithfully ſerved the Allies of their Princes. *Weſtminſter*, Decemb. 27.

A Proclamation for the reſtraint of killing, dreſſing and eating of Fleſh in *Lent*, or on Fiſh days, appointed by the Law to be hereafter obſerved by all ſorts of People. *Whitehall*, Jan. 18.

That which followeth in order of time after the beforementioned Proclamation, is a Grant from King *Charles* under the Privy Seal, dated the 14*th* of *March* 2*d. Car.* of the Lights of *Dungeneſs* upon the Coaſt of *Kent*. And that there ſhall be collected of every Ship, Hoy and Bark that ſhall paſs that way, one penny upon every Tun, outwards and homewards bound, to the encouraging of which Grants, divers Sea-faring Men and Merchants have ſubſcribed their conſent. *Weſtminſter*, March 14.

The next thing Collected in Order of time after the Grant beforementioned, is a Paper, entituled *Inſtructions for the Clergy*.

The next which follows is his Majeſties Letters Patents under the Great Seal of *England*, for a Collection to be made for the poor *Exiled Miniſters* and their Wives and Children, being ſpoiled of all their Temporal Eſtates, and expoſed to unexpreſſible Miſeries, whoſe Cauſes are the more to be deplored for that extremity is fallen upon them for their Sincerity and Conſtancy in the true Religion. *Weſtminſter*, March 16.

A

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Whitehall, March 7. A Proclamation, reviving and enlarging a former Proclamation made in the Reign of King *James*, Prohibiting the bringing in of any Commodities traded by the *Eaſtland Merchants* into this Kingdom, as well by Subjects as Strangers, not free of that Company, with a Publication of certain Statutes for the reſtraint of all his Majeſties Subjects from ſhipping any Commodities in Strangers Bottoms, either into, or out of this Kingdom.

Whitehall, March 9. A Proclamation for the reſtraint of exceſſive Carriages to the deſtruction of the High-ways.

Hiſtorical Collections

For the Year 1630.

WE begin this Year in order of Time, with a Letter dated the firſt of *April*, written from the Biſhop of *Kelmore* in *Ireland*, to the Biſhop of *London*, to this effect.

Biſhop of *Kelmore's* Letter to the Biſhop of *London*, of the increaſe of Popery in *Ireland*, and of the decay of Churches.

I *Have bin* (ſaith he) *about my* Dioceſs, *and can ſet down, out of my knowledg and view, what I ſhall relate; and ſhortly to ſpeak much ill matter in a few words. It is very miſerable every way; The Cathedral of* Ardagh, (*one of the moſt ancient in* Ireland, *and ſaid to be built by* St. Patrick) *together with the Biſhop's* Houſe *there, are down to the Ground: The Church here built, but without* Bell *or* Steeple, Font *or* Calice. *The Pariſh Churches all in a manner ruined, unroofed and unrepaired. The People, ſaving a few britiſh Planters here and there* (*which are not the tenth part of the Remnant*) *obſtinate Recuſants; a Popiſh Clergie more numerous by far than we, and in the full exerciſe of all Juriſdiction Eccleſiaſtical by their* Vicars General, *and* Officials, *who are ſo confident, as they Excommunicate thoſe that come to our Court, even in Matrimonial Cauſes; which affront hath bin offered my ſelf by the Popiſh-Primate's* Vicar-General: *for which I have begun a Proceſs againſt him. The* Primate *himſelf lives in my Pariſh, within two miles of my Houſe: The Biſhop in another part of my* Dioceſs *farther off; every Pariſh hath his* Prieſt, *and ſome two or three a piece, and ſo their Maſs-Houſes: Alſo in ſome places Maſs is ſaid in the Churches.* Friars *there are in divers places, who go about, though not in their Habits; and by their importunate begging, impoveriſh the People, who indeed are generally very poor.*

On the ſixth day of *April*, his Majeſty cauſed to be publiſhed this Proclamation for the better ordering of thoſe who repair to the Court for the Cure of the Diſeaſe called the *King's-Evil*.

Concerning the cure of the Diſeaſe called the *King's-Evil*.

'WHereas by the Grace and Bleſſing of God, the *Kings* and *Queens* of this Realm, for many Ages paſt, have had the happineſs, by their ſacred Touch, and Invocation of the Name of God, to cure thoſe who are afflicted with the Diſeaſe called the *King's Evil*: And his now moſt Excellent *Majeſty*, in no leſs meaſure than any of his Royal Predeceſſors, hath had good ſucceſs herein; and in his moſt gracious and pious diſpoſition is as ready and willing as any *King* or *Queen* of this Realm ever was, in any thing to relieve the diſtreſſes and neceſſities of his good Subjects; yet in his Princely Wiſdom, foreſeeing that in this, as in all other things, Order is to be obſerved, and fit Times are neceſſary to be appointed for the performing of this great work of Charity: His moſt excellent *Majeſty* doth hereby publiſh and declare his *Royal Will* and *Pleaſure* to be; That whereas heretofore the uſual times of preſenting ſuch

'perſons

An. 1630.

‘ Perſons to his *Majeſty* for this purpoſe were *Eaſter* and *Whitſontide*;
‘ that from henceforth the times ſhall be *Eaſter* and *Michaelmaſs*, as
‘ times more convenient both for the temperature of the Seaſon, and
‘ in reſpect of any Contagion, which may happen in this near acceſs
‘ to his *Majeſties* Sacred Perſon; and his *Majeſty* doth accordingly
‘ will and command, That from the time of publiſhing this Proclama-
‘ tion, none preſume to repair to his Majeſties *Royal Court*, to be healed
‘ of that Diſeaſe before the Feaſt of St. *Michael* now next coming.

The Form of Divine Service uſed at the time of this Solemn Ceremony, was as followeth.

The Goſpel was read written in the *16th* of St. *Mark*,
Jeſus appeared unto the Eleven, &c.
And the Goſpel written in the firſt of St. *John*,
In the beginning was the Word, &c.
And as often as the King putteth the *Angel* about their Necks, repeat theſe words,
That Light was the true Light, which lighteth every Man into the World.

After this the Lord's Prayer is ſaid; and another Prayer on the behalf of the Diſeaſed, that they receiving Health, may give thanks to God, *&c.*

William Earl of *Pembrook* on the *10th* of *April* departed this Life; he was the third Earl from his Creation, Lord Warden of the *Stannerys*, Governour of *Portſmouth*, Knight of the Garter, Lord High-Steward of the King's Houſhold, and Chancellor of the Univerſity of *Oxford*; He ſupt the night before his Death with the Counteſs of *Bedford* at *Biſhops-gate*, upon the day of his Birth, being then of the Age of ſeventy Years; he went home from thence to *Bainard's Caſtle*, admiring his Health, and ſaid, He would never truſt a Woman Propheteſs for the Lady *Daves* ſake; who told him, He ſhould die that day of his Birth. He went to Bed very well, but died of an *Apoplexy* before eight in the morning. He was told of the time of his Death long before it happened by the ſaid Lady. Which Lady often ſaid to a greater Perſon than this Earl, That great misfortune would befal him, for which ſhe was ſome time impriſoned.

This Earl died without Heir, and his Honour deſcended to *Philip Herbert* his Brother, Earl of *Pembrok* and *Montgomery*.

The news of his Death came ſpeedily to the knowledg of the Univerſity of *Oxford*, who two days after choſe the Biſhop of *London* Chancellor; and the Univerſity ſhortly after came up to the Ceremony, and gave the Biſhop his Oath.

The timely conformity of the Miniſters of *York* to the Regal Injunctions.

The Miniſters of the City of *York* having given proof of their Obedience, in obſerving the late Inſtructions for the Clergy, did on the *24th* of *May* make an Addreſs to the Arch-Biſhop of that Province, and to the Lord Preſident of the North, for a more ample allowance.

This Cauſe was preferred to the Lords of the Privy-Council, who were pleaſed to take notice thereof; and for the encouragement of their Endeavours, as being fruitful in part already, and giving hope of more Fruit by Catechiſing, and other Divine Exerciſes, thought fit that an Addition ſhould be made to their Yearly Maintenance, not exceeding *Twenty four Pounds* by the Year.

And they conſider'd a courſe that had bin held in the like Caſes in the City of *London* and *Norwich*, and other Places, which might ſerve for Precedents. And ſeeing by Order from the Board, there was an allowance of one *penny* in a *ſhilling* to be paid, according to the yearly Rent of Houſes in *Norwich*, granted to the Miniſters, and that willingly by the moſt, very few refuſing, they concluded upon ſuch a courſe to be uſed in *York*, though not exactly reſtrain'd to that proportion.

An Order of Council for increaſe of Maintenance for them.

Wherefore they directed a Letter to the Lord Arch-Biſhop of *York*, the Lord Preſident of the North, and the Lord Mayor of *York*, and ſix of the ancienteſt Aldermen of that City, to enter into a ſerious conſideration, how the Wants of theſe Miniſters might be ſupplied, by levying an indifferent and competent Sum out of every Man's Houſe-Rent as might not be burthenſom; but ſo augmenting their allowance, as to enable and encourage them to proceed in that laudable courſe which they had begun.

The Lords of the Privy Council, in order to bring in more Revenue to the Crown, adviſed the King to put forth a Proclamation, declaring his pleaſure to confirm to his Subjects their Defective Titles, Eſtates and Poſſeſſions, (as well by colour of former Grants, as without any Grant from the Crown); to which purpoſe a Commiſſion was lately renewed and granted; which Proclamation bore date *May* 27, to this effect.

Defective Titles.

‘WHereas the King's moſt excellent Majeſty, in his gracious Favour towards his Loving Subjects, did not only renue his Commiſſion of Grace, but alſo by his Proclamation given at *Whitehall*, dated the *6th* day of *December*, in the fourth Year of his Reign, did declare, That in his gracious intention towards his ſaid Subjects, he had authorized the Lords, and others of his Privy-Council, and others of his Judges, and Counſel learned, by his ſaid Commiſſion, to ſell, grant, and confirm to ſuch of his Subjects, whom it might concern, their *Defective Titles to their Eſtates and Poſſeſſions*, in ſuch Manours and Lands which they did enjoy; not only under colour of ſome Defective Titles, void or inſufficient Grants, or by Letters Patents of Concealments, but alſo for thoſe Manours and Lands which they did poſſeſs, meerly by Intruſion and Uſurpation, without any colour of Right and Title, they never having had any Grants thereof at all, either from his Majeſty, or any of his Predeceſſors; and yet their ſaid Eſtates and Poſſeſſions are not ſetled by Act of Parliament, made in the one and twentieth Year of the Reign of his Dear and Royal Father King *James*, of bleſſed Memory, lately deceaſed, entituled, *An Act for the general Quiet of the Subjects againſt all pretences of Concealment*; conceiving that the ſaid Subjects would have bin as forward to have embraced his ſaid intended Grace towards them, for their own good and relief, as he was graciouſly pleaſed to offer it unto them. But his Majeſty finding the contrary, and the ſame wholly to be neglected, might now in Juſtice and Reaſon, reduce to the Crown all ſuch other Manours and Lands whereto

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‘his Highneſs hath Right and Title, and which were not ſetled by the ſaid Act to the increaſe of his Revenue. But his Majeſty not being willing to conſtrue this in the worſt ſence, and having nothing more in his Princely deſire than the general Good of his Subjects, preferring their Peace and Quiet before his own Benefit, hath once more not only renewed, but alſo for the greater relief of his ſaid Subjects, enlarged his ſaid Commiſſion of Grace, to ſundry his ſaid Lords and others of his Privy-Council, Judges, and Counſel learned, giving them the like Authority to compound with ſuch of his Loving Subjects, whom it may concern, and ſhall ſeek compoſition at their hands for any of the Manours, Lands, Tenements, and other the Hereditaments of the ſeveral Natures and Qualities contained and expreſſed in the Schedule, which his Majeſty hath cauſed hereunto to be annexed, whereby each one, whom it concerneth, may take knowledg, for what and how he may be relieved by the ſaid Commiſſion, if in time and by a due courſe he ſhall ſeek the ſame.

‘But his Majeſty doth further declare his Royal Pleaſure by his publick Declaration to be, That if thoſe whom it may concern, ſhall not by or before the Feaſt of *All Saints* next, attend his Majeſties Commiſſioners for ſuch moderate and reaſonable Compoſitions as ſhall be found fit and equal for them, for or concerning any of the ſaid Premiſes ſo by them intruded upon, and unjuſtly detained from his Majeſty, that his Majeſty will not in prejudice of his juſt Title and Revenue, defer his own Benefit any longer, but either take a legal courſe for the reducing of ſuch Manours and Lands, and other the Premiſes (of ſuch Perſon and Perſons as ſhall any longer neglect his gracious Offer) to the encreaſe of his Revenue; or otherwiſe grant the ſame over unto ſuch others, as ſhall be Suitors to him for the ſame.

‘And his Majeſty the better to be informed who imbraceth this his Royal Grace, and who neglecteth the ſame, hath appointed and commanded *Robert Tipper* of *Grays Inn* his Majeſties Servant, to attend his Majeſties Commiſſioners, as in former times he hath done, who is to acquaint his Majeſties ſaid Commiſſioners with the ſtate of the ſeveral Caſes of thoſe that ſhall ſeek a Compoſition as aforeſaid, and who do accept this his Majeſties Grace, and who not; whereupon ſuch further Proceeding may be had according to their ſaid ſeveral Neglects, as his Majeſty in his wiſdom ſhall think fitteſt.

Inſtructions were alſo given by the King to the ſaid Commiſſioners, how to proceed and make Compoſition with ſuch Perſons as ſhould make ſuit for the ſame; which ſee at large in the Appendix.

Prince *Charles* born.

On the 29th of *May* Prince *Charles* was born, a little before one of the Clock in the Afternoon; and the Biſhop of *London* had the honour to ſee him before he was an hour old. At his Birth there appear'd a Star viſible that very time of the day, when the King rode to St. *Paul's* Church to give thanks to God for the Queen's ſafe delivery of a Son. But this Star then appearing, *ſome ſay was the Planet *Venus*; others *Mercury*, the Sign of *Merlin's* Prophecy. *The ſplendor of the Sun ſhall languiſh by the paleneſs of* Mercury, *and it ſhall be dreadful to the Beholders. Any Planet* (ſays the Aſtrologer) *within its degrees of the Sun is very unfortunate; and* Mercury *being the Lord of the Aſcendent,*

* *W. Sanderſon*, Reign of King *Charles*. pag. 147.

6 *Caroli.*

cendent and Mid-heaven, was a chief Significator of the Prince his Perſon, who being afflicted by the preſence of the Sun, yet miraculouſly God did by his power make this Star ſhine bright in a clear Sun-ſhine day, which was contrary to Nature. Thus much out of the Reign of King *Charles, from his Birth to his Grave. Page* 141. Beſides, the Author of this ſecond Part, was preſent at this appearance of the Star at that time, when the King and his Nobles rid on Horſeback to St. *Pauls*.

The next day being the *30th of May*, the King writ a Letter to the Biſhop of *London*, under the *Privy Signet*, to give him publick notice of the Prince's Birth.

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The King's Letter to the Biſhop of *London* concerning the Birth of the Prince.

Right Reverend Father in God, Right Truſty and Wellbeloved Counſellor, We Greet you well. Whereas it hath pleaſed God of his infinite Grace and Goodneſs to vouchſafe unto us a Son born at our Manour *of* St. James, *the* 29th *day of this preſent Month of* May, *to the great comfort not only of our ſelves in particular, but to the general Joy and Contentment of our Loving Subjects, as being a principal means for the eſtabliſhment of the proſperous eſtate and Peace of this and other our Kingdoms, whoſe Welfare We do and will ever prefer before any other earthly Bleſſing that can befall us in this Life. We therefore according to the laudable Cuſtom of our* Royal Progenitors *in like caſe heretofore uſed, have thought fit to make known unto you theſe glad tidings, being well aſſured that with all dutiful and loving Affection you will imbrace whatſoever may make for the proſperous advancement of the publick Good.*

On the ſaid *29th of May*, a great Cauſe was brought to hearing in the *Star-Chamber*, concerning a Diſcourſe, entituled, *a Propoſition for his Majeſties Service to bridle the Impertinency of Parliaments.* Wherein the King's Attorney General was *Plantiff*, the Earl of *Bedford*, the Earl of *Clare*, the Earl of *Somerſet*, Sir *Robert Cotton*, *John Selden*, *Oliver St. John*, and others Defendents: which Information we have inſerted at large in the *Appendix* to the firſt part of *Hiſtorical Collections*; here now followeth the *Anſwers* of the Defendents, and the *Judgment* of the Court thereupon, *viz.*

After the King's *Attorney General* opened the aforementioned Information: The Anſwer of *Robert* Earl of *Somerſet* to the ſaid Information, was alſo opened by his *Council*, to this effect:

The Earl of *Somerſet*'s Anſwer.

The Cauſe againſt the Earl of *Somerſet*, &c. brought to Hearing.

That the Diſcourſe, as he believed, was either the ſame that was ſhewed him in the time of his Attendance near his late Majeſty King *James*, or had many of the ſame things in it: And finding no cauſe of concealing a *Propoſition* made in a former King's time, and having no Apprehenſion, that Scandal to his Majeſty, or the preſent Government, might thereby happen, he caſually imparted it to the Earls of *Bedford* and *Clare*, who after peruſal thereof, delivered their Opinion concerning it, at their next meeting; 'That it was a phantaſtick Project of 'ſome brain-ſick Travellor, who had made Collections of ſome Princes 'in *Italy*, and other Foraign States, no way ſuitable to the Government of this Kingdom. ——

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And further ſaid, that (beſides that one time) there was never any Conference, nor any paſſage by Letter or otherwiſe, betwixt them concerning it, or with any other Perſon, and denied that he either contrived the *Propoſition*, or knew of the contriving thereof, or ever imagined that his Majeſty would innovate the ancient Form of Government, diſpoſe of the Eſtates of his Subjects without their Conſents, make or repeal Laws by Proclamation without conſent of Parliament, plant Garriſons in his principal Cities and Towns, or put in execution any part of the ſaid Diſcourſe: And the reaſon why he did not preſent the Diſcourſe to his Majeſty, or ſome of the Lords of the Council, or ſome Magiſtrate, was, becauſe he did not conceive the ſame did in any ſort concern the time of his Majeſties Government, but was contrived in ſome former time, as appeared manifeſtly, by the particulars therein contained; and that about 16, or 17 years ago, Sir *David Fowles* ſhewed him the Project, to whom he replied, 'That he was ſatisfied 'no uſe could be made thereof, and ſo he redelivered it, and concluded that the divulging thereof, was in his opinion pardoned by the 'general Pardon granted upon his now Majeſties Coronation.

The Anſwer of the reſt of the Defendents.

The reſt of the Defendents denied any their contrivance thereof, alledging the Author (as they were informed) was living beyond Sea, and that they ought not to be queſtioned for it, being writ in the time of King *James*, and not in reference to his now Majeſties Government, denying that they had the leaſt thought or intention to ſcandalize the Government; for that they rejected the Diſcourſe as ſoon as they read it, as a fooliſh & impertinent iſſue of ſome projecting Brain; and they averred their deteſtation of ſuch a Project, and that they bore Loyal Hearts to his Majeſty, and bleſſed God for the happy and peaceable Government under him.

Sir *David Fowlis* his Examination.

After the Publication of the Cauſe in order to a Hearing, it appeared by the Depoſitions of Sir *David Fowlis*, that he received the ſaid Writing from one Mr. *Yates*, in the time of King *James*, who brought it from Sir *Robert Dudly* at *Florence*, together with a Letter, deſiring him to deliver it to the Earl of *Somerſet*, that he might communicate it to King *James*, which was done accordingly, and that in his hearing the Earl ſignified a diſlike thereof. And that he received it back from the Earl (being the Original) and kept it by him till the Lords of the *Council* ſent for it, and that he made no Copy thereof.

It appeared alſo by the Depoſitions of other Witneſſes, that this Diſcourſe *nine years* ago, was bought by them in *Little Britain* amongſt other *Manuſcripts*.

The Court enters upon the Hearing of the Cauſe.

So this Cauſe coming to Hearing, a great preſence of Nobility being in Court, the Attorney General opened the Charge. But before much proceeding, his Majeſty ſent word unto the Lord *Keeper Coventry*, then in Court, that the *Queen* was brought to Bed of a *Son*, and a private Meſſage alſo was delivered to him from the King; whereupon the L. *Keeper* declared in Court, that His moſt Sacred Majeſty had taken this matter into his moſt ſerious Conſideration, and although the ſame was of ſo High a Nature, as it was neceſſary to be brought in queſtion, (being contrary to many Laws and Statutes, and the common Law it ſelf,) yet his Majeſty ballancing the ſame in the Scales of Juſtice and Mercy (the Author of the Diſcourſe being diſcovered to live beyond the Seas) found theſe Defendents rather fitting to be Objects of his Mercy, than Juſtice, they being ſome of them *Noblemen*, and ſuch as

The Lord *Keeper* declares the King's Pleaſure as to this Cauſe.

his Majeſty did and doth well eſteem and like of, in his Royal Opinion.

And that his Majeſty was the rather inclined to extend his goodneſs, in regard of the time; It having now pleaſed the great Juſtice of Heaven to bleſs his Majeſty and his Kingdom with a *Royal Iſſue* of his Body, a hopeful *Prince*, the great joy and long expectation both of King and Kingdom.

No further Proceedings to be againſt the Defendents.

Upon this Declaration of the King's pleaſure, the Lord *Keeper* made known, that the Court by his Majeſties ſpecial Command was to proceed no further in the hearing of this Cauſe: But ordered the *Project*, or *Book*, to be burnt, as ſeditious and ſcandalous both to his Majeſty, the State and Government of this Kingdom. And ordered the Proceedings to be taken off the File.

Articles agreed unto by the King of *Sweden*.

Two days after the birth of the *Prince*, *Guſtavus Adolphus* King of *Sweden* on the 31 of *May*, ſigned the Articles agreed unto between that *King* and the Marqueſs of *Hamilton*, about the bringing of an Army of 6000 Men into *Germany*, for the Aſſiſtance of the King of *Sweden*, and in order to the relief of the *Palatinate*.

The Condition of Agreement between the King of *Sweden* and Marqueſs *Hamilton*.

‘VVEE *Guſtavus Adolphus* by the Grace of God King of the *Swedes*, *Goths*, and *Vandals*, Great Prince of *Finland*, Duke of *Eſthone* and *Carel*, and Lord of *Ingria*, &c. To all and ſundry whom it concerns, make it known and certain, That whereas the Illuſtrious and our ſincerely beloved Lord *James Marqueſs of Hamilton*, Maſter of the Horſe to the moſt Serene King of *Great Britain*, out of his Zeal for the publick Good, and for acquiring eternal Fame, hath reſolved, *to dedicate himſelf*, and the Fortunes and Forces of all he is concerned in *for reſtoring our oppreſſed Friends in Germany*; and for that end hath offered to us by the Illuſtrious and our ſincerely faithful *Colonel Alexander Hamilton*, his Fidelity and Service; and that he will on his own expence gather a ſtrength of *ſix thouſand Men*, and bring them over as ſoon as may be, to any place we ſhall appoint, either *againſt the Imperialiſts*, or any other of our Enemies, and *maintain them on his own Charge*, and do us all faithful and vigorous Service with them, *till this great Affair be brought to a good iſſue*; Provided we ſhall authorize this his Deſign with our Protection, and give him the *under written Aſſiſtance:* Therefore there being nothing dearer to Us than to make all vigorous reſiſtance to the common Enemies of *Liberty*, and having in high eſtimation the brave Undertakings of Generous Men, we not only would not reject, but have heartily embraced the nobleneſs of ſo good Reſolutions: We have therefore admitted, like as by the vigour of theſe Preſents, *We admit the ſaid Lord Marqueſs in our Service, Armies, and Military Councils*, on *the following Conditions.*

1. ‘Whenever he ſhall ſignifie to Us that he is ready to bring over his Forces, *We ſhall aſſign him a place for his Landing*, either to come and *joyn with our Armies*, or to make an Impreſſion elſewhere, as we ſhall think fit.

2. ‘If we appoint him to Land in any place, from whence he ſhall not come ſtraight to us, *We ſhall for ſtrengthening his Forces ſend*, to the place we ſhall aſſign for his Landing, *four thouſand Foot* out of our Armies, *whom we ſhall furniſh* with all Neceſſaries, and maintain on our Charges a whole year.

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3. 'Becauſe the ſaid *Marqueſs* thinks *two thouſand Horſe* are neceſſary for his Foot, for *whoſe Levy and Pay he promiſes all Aſſiſtance*; We ſhall therefore think of all ways and means for *raiſing* and *maintaining* theſe.

4. '*We not only give the ſaid Illuſtrious Marqueſs* the *Abſolute Command of this Army* in our Abſence, but ſhall alſo *join to him a Councellor*, with whom he may conſult in all things, that ſo his Deliberations be more expedite and clear.

5. 'Whatever the Illuſtrious Lord *Marqueſs* ſhall *take from* the Enemy, the *Lands and Territories* ſhall belong to *Us*, but the *Revenues* and all the Emoluments ſhall go to him, and to the Relief of his Army; yet ſo as theſe Revenues ſhall be gathered decently and in order, without Depredations or Plunderings: Since Our Deſign is not to oppreſs thoſe who have been already enough preſſed, but rather to deliver them from the Oppreſſions of others, as much as by the Divine Aſſiſtance we can.

6. 'That the *Marqueſs* may more effectually perform what he hath bravely reſolved, and may ſooner make thoſe *Warlike Inſtruments* of his *own Invention*, on which he relies much in his Expedition, We ſhall not only (with the firſt occaſion) furniſh him with a hundred Ship-pounds of *crude Iron*, but ſhall alſo aſſign Hammers for working it according to his Deſign; of which *Inſtruments* he hath promiſed to leave a *Model* with Us, and We ſhall be careful that none of our Servants ſhall make uſe of them, before he hath firſt made trial of them himſelf.

7. 'We ſhall alſo furniſh him with three hundred and ſeventy Ship-Pounds of *Iron Ball* for his Guns, and two thouſand five hundred *Pikes*, and as many *Muſquets*.

8. 'Whenever the Marqueſs ſhall advertiſe us of his needing *Gun-Pouder*, we ſhall aſſign him Bills of Exchange in *Holland* for buying ſeventy two Ship-pounds of Gun-pouder.

9. 'If any other Kings or States ſhall concur with us, all they *contribute* ſhall be at *our Deſpoſal:* but if the *Marqueſs* his neceſſities require further aſſiſtance, We ſhall *not abandon him*, but faithfully aſſiſt him as much as our Affairs ſhall permit.

10. 'For all which the ſaid Illuſtirous Lord *Marqueſs* with all his Forces hath *promiſed Fidelity* to us, and ſhall be bound to it as well as our Men, and thoſe who receive our Pay are; for which both he, and all his Captains ſhall be particularly engaged.

'But becauſe there is to be a Treaty betwixt our Commiſſioners and the Imperialiſts at *Dantzick*; therefore if a Peace ſhall be there concluded, ſo that We ſhall not need the ſervice of the Marqueſs and his Army, he hath obliged himſelf to pay for the foreſaid Materials at their entire Value.

'All which things being thus concluded, and to be firmly obſerved by Us, *We have ſubſcribed theſe Articles* with our Hand, and commanded our Royal Seal to be put to them, at our Caſtle in *Stockholm* the laſt of *May, Anno Dom.* 1630.

Signed,

Locus Sigilli.

Guſtavus Adolphus.

The *Marqueſs* afterwards ſign'd the Counterpart of theſe Articles, differing only in ſome words of explanation.

Another remarkable Cauſe ſhortly after was heard in the Court of *Star-chamber* againſt *Alexander Leighton, Doctor of Divinity.* The Caſe was thus.

Dr. *Leighton* his Cauſe heard *Jun* 4th

An Information was formerly exhibited in the *Star-chamber* againſt *Alexander Leighton* a *Scotſman* born, and a Doctor of *Divinity*, came to be heard the 4th of *June* in the Court of Star-chamber, for framing a Book, entituled, *An Appeal to the Parliament*, or a *Plea againſt Prelacy.* Which he printed and publiſhed, during the ſitting of the laſt *Parliament*: and delivered it to diverſe Perſons in a way of preſenting juſt Complaints (as he gave out) to the then *Commons Houſe* of Parliament, 4 *Carol.* 1.

Information in the *Star-Chamber* againſt Dr. *Leighton.*

The Defendent was charged by the ſaid Information with framing, publiſhing, and diſperſing a Scandalous Book againſt *King*, *Peers*, and *Prelates*, wherein amongſt other things he ſets forth theſe falſe and ſeditious Aſſertions and Poſitions following.

1. ‘That we do not read of greater Perſecution and higher Indig-
‘nity done upon God's People in any Nation profeſſing the Goſpel,
‘than in this our *Iſland*, eſpecially ſince the death of *Queen Elizabeth.*

2. ‘He terms the *Prelats* of this Realm *Men of Blood*, and Enemies
‘to God and the State, and ſaith, That the maintaining and eſtabliſhing
‘of Biſhops within this Realm is a main and maſter-Sin eſtabliſhed by
‘Law, and that Miniſters ſhould have no Voices in *Council Deliberative*
‘and *Deciſive.*

3. ‘He avowed the Prelacy of our Church to be *Antichriſtian* and
‘*Satanical*, and terms the Biſhops, *Ravens*, and *Magpies*, that prey upon
‘the State.

4. ‘He terms the *Canons* of our Church, made *Anno* 1603, *Non-*
‘*ſenſe Canons.*

5. ‘He diſallowed and contemned the Ceremony of *Kneeling* in the
‘receiving of the Sacrament, alledging that the ſuggeſtion of falſe
‘fears to the King by the Prelacy, and the ſeeking of their own un-
‘lawful ſtanding, brought forth that received Spawn of the *Beaſt*, *kneel-*
‘*ing* at the receiving of the Sacrament.

6. ‘He affirms that the Prelats did corrupt the King, foreſtalling his
‘Judgment againſt God and Goodneſs, and moſt audaciouſly and
‘wickedly calleth his Majeſty's Royal Conſort, our gracious *Queen*, the
‘*Daughter* of *Heth.*

7. ‘He moſt impiouſly ſeems to commend him that committed the
‘barbarous and bloody Act of Murdering the late Duke of *Buckingham*,
‘and to encourage others to ſecond him in the like wicked and deſpe-
‘rate Attempt, to the deſtruction of others.

8. ‘He layeth a moſt ſeditious Scandal upon the King, State, and
‘Kingdom, wickedly affirming, *that all that paſs by us ſpoil us, and we*
‘*ſpoil all that rely upon us.* And amongſt other particulars, inſtanceth
‘the black pining death of the famiſhed *Rochelers*, to the number of
‘15000 in four *months*: by which Paſſages and wicked Poſitions and
‘Aſſertions, he did as much as in him lay, ſcandalize his Majeſties *Sa-*
‘*cred Perſon*, his Religious, Wiſe, and Juſt *Government*, the perſon of
‘his Royal Conſort the *Queen*, the Perſons of the *Lords* and *Peers* of
‘this *Realm*, eſpecially the Reverend *Biſhops.*

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9. ‘That in another place of the ſaid *Book*, endeavouring to ſlander not only his Majeſty's Sacred Perſon and Government, but alſo to detract from his Royal Power, in making Laws and Canons for Government Eccleſiaſtical; and in matters concerning the Church, he ſaith, That the Church hath her Laws from the Scripture, and that no King may make Laws in the Houſe of God: for if they might, then the Scripture might be imperfect.

10. ‘And further charged, that in another place of the ſaid Book, thinking to ſalve all with an expreſſion of his Sacred Majeſty, he hath theſe words following; *What pity it is, and indelible diſhonour it will be to you the States Repreſentative, that ſo ingenuous and tractable a King ſhould be ſo monſtrouſly abus'd, to the undoing of himſelf and his Subjects?*

Dr. *Leighton*'s Anſwer.

The Defendent in his Anſwer confeſſed the writing of the Book, but with no ſuch ill intention, as by the ſaid Information is ſuggeſted; his end therein being only to Remonſtrate certain *Grievances* in Church and State, under which the People ſuffered, to the end the Parliament might take them into conſideration, and ſo give ſuch Redreſs, as might be for the Honour of the King, the Quiet of the People, and the Peace of the Church.

June 4.

At the hearing of the Cauſe, the Defendent's Anſwer was read at large, and the aforeſaid Particulars, charged in the Information as Seditious and Scandalous, were alſo read out of the Book. After which the Court proceeded to give Sentence, and did there declare, That it evidently appeared upon Proof, that the Defendent had printed five or ſix hundred of the ſaid *Books*, and that in their opinions he had committed a moſt odious and heinous Offence, deſerving the ſevereſt puniſhment the Court could inflict, for framing and publiſhing a Book ſo full of moſt peſtilent, deviliſh and dangerous Aſſertions, to the ſcandal of the *King*, *Queen* and *Peers*, eſpecially *the Biſhops*.

The two Lord *Chief Juſtices* being preſent, delivered their opinions, that they would without any ſcruple have proceeded againſt the Defendent as for Treaſon committed by him, if it had come before them; and other Lords, expreſly affirm'd, that it was his Majeſties exceeding great Mercy and Goodneſs, that he was brought to receive the Cenſure of this Court, and not queſtioned at another *Tribunal* as a Traitor.

And their Lordſhips by an Unanimous Conſent adjudged and decreed, that Dr. *Leighton* ſhould be committed to the Priſon of the *Fleet*, there to remain during Life, unleſs his Majeſty ſhall be graciouſly pleaſed to enlarge him; and he ſhall pay a *Fine* of 10000 *l.* to his Majeſty's uſe.

And in reſpect the Defendent hath heretofore entred into the Miniſtry, and this Court for the Reverence of that Calling, doth not uſe to inflict any Corporal or Ignominious Puniſhment upon any perſon, ſo long as they continue in Orders, The Court doth refer him to the High Commiſſion, there to be degraded of his Miniſtry; And that being done he ſhall then alſo for further puniſhment and example to others, be brought into the *Pillory* at *Weſtminſter*, (the Court ſitting) and there Whipped, and after his Whipping be ſet upon the *Pillory* for ſome convenient ſpace, and have one of his Ears cut off, and his Noſe ſlit, and be branded in the Face with a double SS, for a *Sower of Sedition*;

dition; and ſhall then be carried to the Priſon of the *Fleet*, and at ſome other convenient time afterwards ſhall be carried into the *Pillory* at *Cheapſide*, upon a Market-day and be there likewiſe Whipt, and then be ſet upon the *Pillory*, and have his other Ear cut off, and from thence be carried back to the Priſon of the *Fleet*, there to remain during Life, unleſs his Majeſty ſhall be graciouſly pleaſed to inlarge him.

This Sentence being given toward the end of *Trinity Term*, and the Court not uſually ſitting after the Term, unleſs upon emergent occaſions, and it requiring ſome time in the *Eccleſiaſtical Court*, in order to the Degradation of the Defendent, it was *Michaelmas Term* following before any part of the Sentence could be put in Execution; but *November* the 4*th* he was accordingly degraded; and on *Wedneſday November* the 10*th* (being a *Star-Chamber day*) he was to have undergon the Execution of this Sentence; but the evening before he eſcaped out of the *Fleet*, where he had been kept a cloſe Priſoner, and Information hereof being given to the Lords of the Privy Council, they ordered this Hue and Cry to be Printed to retake him.

A Hue and Cry againſt Dr. *Leighton*, by Order of the Privy-Council.

VVHereas Alexander Leighton, *a* Scottiſh *Man born, who was lately ſentenced by the Honourable Court of* Star-Chamber, *to pay a great Fine to his Majeſty, and to undergo Corporal Puniſhment, for writing, printing, and publiſhing a very Libellous and Scandalous Book againſt the* KING, *and his Government; hath this* eleventh day of November *eſcaped out of the Priſon of the* Fleet, *where he was a Priſoner: Theſe are in his Majeſties Name to Require and Command all Juſtices of Peace, Mayors, Sheriffs, Bayliffs, Cuſtomers, Searchers and Officers of the Ports, and all others his Majeſties loving Subjects, to uſe all diligence for the Apprehending of the ſaid* Alexander Leighton; *and being Apprehended, ſafely to keep him in Cuſtody, until his Majeſty ſhall receive Notice thereof, and ſhall give further direction concerning him. He is a Man of low Stature, fair Complexion; he hath a yellowiſh Beard, a high Forehead, between forty and fifty years of Age.*

This *Hue and Cry* followed him into *Bedfordſhire*, where he was Apprehended, and brought again a Priſoner to the *Fleet*. Concerning whoſe Eſcape, and executing of the Sentence upon him afterwards, the Biſhop of *London* in his Diary on the Fourth of *Novemb.* makes this Memorial, *Viz.*

'*Leighton* was degraded at the *High-Commiſſion*, *Tueſday* the 9*th* of '*November*; that night *Leighton* broke out of the *Fleet*, the Warden 'ſays he got or was helped over the Wall, and moreover profeſſed he 'knew not this till *Wedneſday* noon, he told it not me till *Thurſday* 'night. He was taken again in *Bedfordſhire*, and brought back to the '*Fleet*, within a Fortnight. *Friday*, *November* the 16*th*, part of his 'Sentence was executed upon him in this manner, in the New *Palace* 'at *Weſtminſter*, in *Term* time:

1. 'He was ſeverely whipt before he was put in the *Pillory*.
2. 'Being ſet in the *Pillory*, he had one of his Ears cut off.

3. ‘One Side of his Noſe ſlit.

4. ‘Branded on one Cheek with a red hot Iron, with the Letters *S. S.* ſignifying a *Stirrer up of Sedition*, and afterwards carried back again Priſoner to the *Fleet*, to be kept in cloſe Cuſtody.

‘And on *that day ſeven night*, his Sores upon his Back, Ear, Noſe, and Face being not cured, he was whipt again at the *Pillory* in *Cheap-ſide*, and there had the Remainder of his Sentence executed upon him, by cutting off the other Ear, ſlitting the other Side of the Noſe, and branding the other Cheek.

The ſevere Puniſhment of this unfortunate Gentleman many people pitied, he being a Perſon well known both for Learning, and other Abilities; only his untempered Zeal (as his Country-men then gave out) prompted him to that Miſtake, for which the Neceſſity of Affairs at that time required this Severity from the hand of the Magiſtrate, more than perhaps the Crime would do in a following Juncture.

Afterwards thoſe who procured his Eſcape were taken and brought into the *Star-Chamber*, and proceeded againſt. *Viz.*

Attor. Regis Ore tenus verſus Levingſton & *alios.*

Star-Chamber

The Defendents practiſing with one *Leighton*, a notable Offender, to procure his Eſcape out of the *Fleet*; *Levingſton* put off his Cloak, Hat and Breeches, being all of a Grey colour, and *Anderſon* his Doublet, and *Leighton* put theirs on, and in that diſguiſe they all went out of the *Fleet* unſuſpected; but was afterwards taken again, and for theſe Offences, and reſpect had of their Penitency, they were only *fined* 500 *l.* apiece, and committed to the *Fleet* during the King's pleaſure.

A new Office of Receiver.

In *Trinity Term* this *Year* the King wrote Letters to all the Juſtices and Barons of the *Exchequer*, to conſider of Orders for the better execution of the new Office of Receiver and Collector of Fines and Forfeitures, granted to *John Chamberlain* his Majeſty's Phyſician, and to *Edward Brown* Eſquire, by King *James*, and confirmed by his Majeſty; and after hearing the *Patent* read before the Judges, and conſideration had thereof, they writ to the Lord Keeper and Lord Treaſurer as followeth.

Right Honourable,

The Judges Opinions concerning that Office.

YOur Lordſhips may be pleaſed to be informed, that we lately received his Majeſty's Gracious Letters of 13 *May* laſt, directed to us his Juſtices of either *Bench*, and Barons of the *Exchequer*, and to his Attorney-General, thereby requiring that whereas He had lately confirmed to *John Chamberlain* his Majeſty's *Phyſician*, and to *Edward Brown* Eſq. the Office of Receiver and Collector of Fines and Forfeitures, lately erected by his late Father of bleſſed memory, that we ſhould aſſemble our ſelves, and ſit down and publiſh ſuch and ſo many Orders for the execution of the ſaid Office, as to Law and Juſtice ſhould appertain, and ſhould be thought requiſit and neceſſary: according to which his Majeſties Command, We did aſſemble together, and upon hearing his Majeſty's Gracious Directions read, did apply our ſelves to the due performance of them. But ſo it is (may it pleaſe your Lordſhips) that upon conſideration taken by us of the ſaid *Letters Patents* to the end aforeſaid, we found it would prove

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a great difficulty for us to frame or deviſe Orders for the Execution of them, for that it doth appear to us that they are both againſt Law and his Majeſty's Profit: We therefore thought it our Duties according to our Oaths, to proceed no further in this buſineſs untill we had made his ſacred Majeſty acquainted herewith, and for that purpoſe we addreſſed our ſelves unto your Lordſhips, as unto Counſellors of great Truſt about his Majeſty, to preſent this our Intimation unto him, that by your Honours means we may know his Majeſty's further pleaſure herein; and for your Lordſhips better Information herein, we do hereby preſent unto your Lordſhips a ſhort and brief Note of the Exceſſes and Irregularities of the ſaid Letters Patents. The Exceptions were ſet down by way of *Articles*, and after all the names of the Juſtices and Barons ſubſcribed, there were two of them, one for either Lord, and directed to them on the outſide as Letters.

The King of *Swedland* declares the Cauſes of his expedition into *Germany*.

Shortly after the King of *Sweden* ſigned the Agreement with the Marqueſs of *Hamilton*. He thought fit before he croſſed the *Baltick-Sea* with a Fleet, to come in perſon with an Army into the Bounds of the Empire to declare himſelf under publick proteſtation, That he meant no Hoſtility unto the Empire, or Perſon of the Emperor: Declaring further that his coming was principally to Releive that Diſtreſſed *Prince*, his Couſin and Confederate the Duke of *Stetin* & *Pomeren*, who at that time, and for three years before, had bin injuriouſly oppreſſed by the Emperor; That he was not only engaged by ancient Alliances and Confederacies to aid the State of *Pomerland* (thus diſtreſſed, ſpoiled, taken and diſarmed,) but it concerned him alſo in point of State and good Policy, not to ſuffer the the Duke's Enemy to be Maſter of thoſe Coaſts of the *Baltick-Sea*; whence he might at pleaſure infeſt *Sweden*, and at his leaſure and opportunity invade it. That his League with the ſaid Duke was Defenſive only, and not for any Offenſive War againſt the *Emperor*.

Theſe Complaints, Aggrievances and Provocations of the King of *Sweden* were in fair and reſpectful manner, by Letters firſt preſented to the *Emperor*, and when that courſe brought no Redreſs, then for juſtification of his Proceedings, and by way of Apology, were the Circumſtances enlarged; and the whole printed for the World to judge. In which his Majeſty of *Sweden* farther Declared; That having been by his oppreſſed Neighbours and Confederates invited to their releif; He for a long time rather expected the *Emperor*'s goodneſs towards the Subjects of *Germany*, than deſired to intereſt himſelf againſt him, with whom he ſo much wiſhed the continuation of Amity. That the Quarrel was firſt begun by the *Emperor*, who in the late Wars of *Pruſſia*, between *Sweden* and *Poland*, had prohibited the King of *Sweden* to make any Levies of Men, or proviſion of Victuals, or Ammunition in *Germany*; apparently granting the ſame liberty unto his enemy, the King of *Poland*. That the Emperor himſelf had heretofore ſent two ſeveral Armies under his own Enſigns into *Pruſſia*, in the aid of the *Pole*, his Enemy. The firſt in the year 1627, under the Command of the Duke of *Holſtein*, and the ſecond 1630, conducted by *Arnheim*, Marſhal of the Field unto *Walleſtein*. That his Courier riding Poſt with

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‘his Packets, hath been ſtayed; His Letters unto *Bethlem Gabor* opened, and falſe Copies publiſhed of them; That his *Embaſſadors* had been ſlighted, not admitted to Audience, nor vouchſafed an anſwer; forbidden to ſtay in *Germany.* That upon the ſeeking of Peace by mediation of the King of *Denmark*, he obtained nothing but affronts and delays: and that writing to the College of *Electors*, then aſſembled at *Lubeck* 1629; he found in their Anſwers by their Letters the main point of the buſineſs not once toucht upon; and ſo no remedy that way neither.

‘That the poor Town of *Stralſond*; notwithſtanding it had no way wronged the *Emperor*, and had received Aſſeverations and Promiſes of protection from the *Emperor*, yet had it been block'd up by *Walleſtein*, Duke of *Freidland*; and the Iſland of *Rugen*, lying in the Sea, right againſt it, taken by the ſaid *Freidland.* That the Town and Iſland aforeſaid (his Confederates) had often complained unto him of this Injuſtice, and deſir'd his peaceful Mediation firſt, and his armed Aſſiſtance afterwards. That conſidering how things ſtood betwixt the *Emperor* and *Himſelf*; it much concern'd him not to ſuffer that *Iſland* and *Town* to be poſſeſſed by his Enemies, ſeeing they lie ſo commodiouſly for the Command of the *Baltick-Sea*, and ſo dangerouſly for infeſting the Coaſts of *Sweden*, which lie right againſt it: that the Emperor had actually moleſted thoſe Coaſts with Shipping, which he had newly gotten form *Dantzick*; and other *Hans Towns* thereabout had hindred the *Swediſh* Trade and Merchandizing upon the Coaſts of *Germany.*

The King of *Sweden* lands his Army upon the Coaſt of *Pomeren*, *June* 1630.

After the King had been ſeveral weeks with his Army at Sea, he landed about the midſt of the *Month* of *June* this year at a Dorp or Village in the *Iſle* of *Uſedom*, not far diſtant from *Stralſond*; and preſently intrenched himſelf. After him landed his *Colonels* and *Commiſſioners* with their reſpective Regiments. And upon the ſecond of *July* the Cannon Baggage, *&c.* landed; and two days after the whole *Cavalry.*

The 5th and 6th of *July* Embaſſadors came to the King from the Duke of *Mecklenburg*, *Pomeren*, and the Town of *Stralſond*; and the *Imperial Forces* were in a ſhort time driven out of that *Iſland* by Colonel *Alexander Leſley.* It was the *26th* of *July* before the King tranſported his Army from that *Iſland*, to *Stetin*; being forc'd to bring them up the River *Odor*, and landed his Men within an Engliſh mile of that place; where the King drew his Forces in *Battalia*; and *Grave Neeles*, and the Lord *Rea* a *Scottiſh-Man.* Their Regiments had the Van-Guard in their march to *Stetin*, which being ſummoned to let the King of *Sweden* enter into the City, they then in the City ſeemingly deſir'd to ſtand neutral; but the Army drawing cloſe about the Town, they yeilded; And the King ſent Forces to beſiege *Colbergen*, a ſtrong Port Town upon the *Baltick-Sea*, and imployed his other Forces to take in Forts and Caſtles in *Pomerania* and *Mecklenburgh*, of which we ſhall ſpeak more particularly in the next Year 1631, when the Marqueſs of *Hamilton* did land his Army in *Pomerania* to aſſiſt the King of *Sweden.*

Stetin ſurrendred.

The King writeth to the Q. of *Bohemia*.

The King after the Arrival of Marqueſs *Hamilton* with the Conditions aforeſaid, wrote to his Siſter the Queen of *Bohemia*, to give her Aſſurance that he would haſten the Marqueſs of *Hamilton* with an Army of 6000 Men to aſſiſt the *Swede* in order to her Service; and alſo acquainted her, That he had good hopes to prevail with the *Spaniard* by a Treaty (then in hand) to get the *Palatinate* reſtored; at which the Queen was highly diſſatisfied, knowing by ſad Experience, how the *Spaniard* had abuſed and delayed her Father King *James* in former Treaties. Whereupon the King to pacifie her Paſſion againſt the *Spaniard*, wrote her this enſuing Letter.

The King's Letter to the Queen of *Bohemia*.

My only dear Siſter,

Having found that my laſt hath troubled you more than I could have imagined, (for I did ſuſpect that at the firſt it would a little ſtartle you, before you had well conſidered of it; but upon debate, I thought you would not have ſtill remained unſatisfied, as I ſee you are) I would ſtay no longer from giving you ſatisfaction (as I hope) in ſome things which without doubt you miſtake. But firſt give me leave to tell you, that it is impoſſible in this unfortunate Buſineſs of yours, either to give or take a Counſel abſolutely good; but whoſoever makes you believe otherwiſe, deceives you; ſo that the beſt counſel in this, being but the beſt Ill, muſt have many Objections againſt it; therefore I will not undertake a Diſputation, but clear thoſe things (if I ſpoil not a good Cauſe in the telling) which you apprehend to be moſt prejudicial unto you, which (as I take it) is, That if I make a Peace with Spain, *it will both hinder the Aſſiſtance of our Friends, and lay my Arms aſleep for doing you Service. As for our Friends that can do us moſt good, (I mean* France *and the* United Provinces) *they cannot be further from doing you good than now they are: What the cauſe is I cannot ſay, but what it is not I can: for notwithſtanding my Treaty with* Spain, *I have preſſed them both, the one for making a League for the* Palatinate, *and Liberty of* Germany: *that that is made to that ſame purpoſe (which indeed was the true intent of it) they both deny, though in a diverſe faſhion; ſo that the Treaty of* Spain *is not the cauſe. As for* Sweden, *I confeſs he is to be heartned and uſed as much as may be; but I will aſſure you, I ſhall be the better able by a Peace with* Spain, *to help and hearten him. Now for me, I am ſo far from forgetting or leaving your Intereſts in my peaceable diſpoſition; That* Spain *not only promiſeth as much as I can ask for his Part for your entire Reſtitution, but confeſſeth, That if his Performance anſwereth not his Words, I have a juſt Cauſe to renew the War upon him; ſo that when I have opportunity, I ſhall not want a juſt Quarrel even with* Spain *by his own Confeſſion; and in the mean time, though the Peace be made, I ſhall not reſt, but do what lies in me to engage my Friends in an Offenſive and Defenſive League for the* Palatinate *and Liberty of* Germany. *Laſtly, Whatſoever may be informed you, or your Husband, the Peace of* Spain *is ſo far from being concluded, that as yet I have not ſeen a Draught of the* Articles; *and I earneſtly intreat you to believe, that what I ſhall do in this, ſhall be chiefly to do you the beſt ſervice that may be; and as I ſhall proceed in this, you ſhall have a true account, as on my Credit you have had hitherto; aſſuring you that howſoever change of Affairs may alter* Councils, *my Actions ſhall ever prove me to be*

Your Loving Brother to ſerve you,

Charles R.

The King grants the Marqueſs the Cuſtom of the Wines in *Scotland.*

And to enable the Marqueſs to raiſe his Men, and tranſport them with all Military Proviſions and things neceſſary, the King granted unto him a Leaſe of the Cuſtoms of Wines in *Scotland* for ſixteen Years; upon which Security the Marqueſs and his Friends raiſed as much Mony as carried on the Deſign.

The Marqueſs haſtens to *Scotland* to raiſe his Men.

Hereupon the Marqueſs haſtens into *Scotland*, in order to the chuſing of his Officers, and raiſing of his Men; and in the firſt place, fixed on the Lord *Rea* a Scotiſh Lord, a Perſon of great reputation for a good Souldier, who chearfully accepted of that Employment under the Marqueſs for that Expedition, notwithſtanding that he had then conſiderable Commands in the *Sweed's* Army. The Marqueſs employed the ſaid Lord *Rea*, together with *David Ramſey*, into *Holland* to endeavour to get ſome good Officers there, and to diſpoſe the States of the *United Provinces* for the King of *Sweeden*'s Service. But that State perceiving that the King of *Great Britain* did not publickly raiſe thoſe Men that were to go under the Marqueſs, but in a private manner, refuſed to give any Aſſiſtance, till his Majeſty of *England* did more formally and publickly declare himſelf.

The Marqueſs intends to return to Court.

After the Marqueſs had levied his Men in *Scotland*, his Officers were employed to train the Souldiers that were levied, and he prepared himſelf againſt the Spring in the next Year, to return to the Court in *England* to receive the King's Order for the Imbarquing of his Men, and to underſtand what Levies were made in *England* whilſt he was in *Scotland*; that the Souldiers levied in both Kingdoms, might meet at a certain Rendezvous, which was deſigned to be at *Yarmouth*, in order to their Tranſportation.

The Lord *Ochiltry* at Court when the Marqueſs of *Hamilton* arrived there.

Towards the end of this Year, the Marqueſs of *Hamilton* arrived at the Court of *England*, where was at that time *Mackay* Lord *Ochiltry*, a Lord in *Scotland*, by name *Stuart*, and who once bore the Name of the Earl of *Arran*, when by a Parliament which contracted a *by-Name* in that Kingdom, the *Hamiltons* were attainted of Treaſon, but afterwards both Blood, Honour, and Eſtate were reſtored to them. This Lord had no kindneſs for the Marqueſs of *Hamilton*, but nouriſhed a Diſcourſe, which *Ramſey* let fall to the Lord *Rea* when they were beyond Seas; and prevailed ſo far with the Lord *Weſton*, then Lord High Treaſurer of *England*, as to impart the Buſineſs to the King, being a Treaſon of an high nature (if true) to this effect; *That he raiſed this new Army, with deſign when he was at the head of them, to ſet himſelf up as King of* Scotland. Much credit was given to this Deſign by the Lord *Weſton* Lord High Treaſurer, who endeavoured to perſuade the King not to permit the Marqueſs to come near his Sacred Perſon, and in no kind to have the priviledg to lie in his Majeſties Bed-Chamber, leaſt his Majeſties Life were hazarded thereby.

The Marqueſs of *Hamilton* accuſed of high Treaſon.

The Lord *Weſton* preſſed this home unto the King, but his Majeſty kept his thoughts private to himſelf; and having a great Affection to *Hamilton*, as ſoon as he came into his Preſence, imbraced him with great kindneſs, and diſcovered to him what he was accuſed of, but ſaid, I do not believe it; and that the World may know I have a confidence in your Loyalty, you ſhall lie in my Bed-Chamber this Night. But the Marqueſs beſeeched his Majeſty to excuſe him, till he had received a Trial, and was cleared of the Treaſon he was accuſed of; but

Notwithſtanding the King commanded him to lie in his Bedchamber.

But the King would receive no denial, yet told him he would put the buſineſs into a way of Examination; but afterwards when the Examination was taken, it was found that the one affirmed the Accuſation to be true, and the other as poſitively denied it, and that there appeared not then any concurrent proof of the ſame.

A report of theſe Examinations was afterwards made to the King's Majeſty, who was graciouſly pleaſed to refer the whole matter to a Tryal before the Lord High Conſtable, and Earl Marſhal, in the Court of Honour, of which the Reader will have a full account towards the end of the next Year in its proper time and place. In the mean time the King cauſed *Rea* and *Ramſey* to be ſecured in order to that Trial: ſo the Marqueſs proceeded in making proviſions for the imbarquing of his Army, and ordering thoſe Forces in *Scotland* to be in readineſs to be ſhipped, to come to the place of Randezvous when they received Orders.

At this time there were great Affairs tranſacted in the Parliament (or Diet) at *Ratisbone* in *Germany*, of which take a brief Account; whither were ſent an Ambaſſador from the King of *Great Britain*, as alſo another from the *Elector Palatine*, (accompanying the *Engliſh* Ambaſſador) The Paſſages and Circumſtances attending that Imperial Diet were as followeth.

The Dyet at *Ratisbon*.

The Emperors inclination for a Peace.

At the time of the opening of this Diet all parties were weary of the War, and the Emperor himſelf had enough of it; for the War had continued from the year 1618 (in which year the great Blazing-Star appeared) unto that time in a moſt bloody and cruel manner, inſomuch as utter deſolation was brought upon one of the moſt flouriſhing Countries in the World, which the Emperor wiſely conſidered with himſelf, that if thoſe heavy Impoſitions ſhould be continued to maintain a ſtanding Army, and thoſe Violences, Injuries and Outrages ſhould be again committed by the Souldiers of the Empire under *Walleſtein*, which had ſo diſguſted the People againſt the Emperor; and if other Wars ſhould thereupon enſue, the Chances whereof might happen to be uncertain, and the event in the end fatal. And further, that if at this Diet things unreaſonable ſhould be propoſed unto him by the Confederate Proteſtant Princes, if he did refuſe their deſires upon juſt grounds, he ſhould thereby oblige the Confederate Princes of the Catholick League the more firmly to aſſiſt him, then if he ſhould refuſe the calling of a Parliament (or Diet) and act upon his Imperial Authority.

The Princes Catholick for for a Diet.

And diſſatisfied with *Bavaria* to covet the *Palſgraves* Patrimony.

The Princes of the Catholic League, as alſo the Catholick party, ſeemed very deſirous of this Diet, having, as well as the Proteſtants, ſhared in the inſolencies of the Imperial Souldiers under *Wallenſtein*, and of the charges of the War; And the more moderate ſort of Catholicks were much diſſatisfied at the Covetouſneſs of the Duke of *Bavaria*, for his preſſing the Emperor ſo hard to confer the Electorſhip and Patrimony of the Prince Elector Palatine upon him, as a reward for his Services, they conceiving this action of diſinheriting a Prince of ſo great Intereſt and Alliance, would at one time or other, raiſe up friends that might diſturb the Peace of the Empire; wherefore they wiſhed the Emperor would rather confiſcate the Eſtate for life, as a puniſhment for the Father's Offence, than to diſinherit the Children, who were innocent of their Father's *forward and raſh undertaking*, as they termed it.

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Thoſe of the Catholick League expreſſed themſelves as to the ſaid Diet, That though they did much deſire it, yet their hopes were that the Emperor would never conſent to let the Proteſtants go away without reſtitution of the Church Lands and Goods, which they pretended the Proteſtants held from them.

The Princes Proteſtant long for a Peace.

The Princes of the Union and Proteſtant Party, were no leſs thirſty of Peace, having undergone the greateſt of all hardſhips, being moſt of all overlaid with heavy Impoſitions, and with the Billeting of Souldiers of the Catholick League, and were deſirous that there might be an abſolute Oblivion of all things by-paſt, and the Empire ſettled in a firm Peace. Great Joy therefore was throughout the Empire, expecting that there would be an end of further War, and a firm and ſettled Peace concluded at this Diet. But there wanted not thoſe, who did inſinuate unto his Imperial Majeſty what was fit for him to inſiſt upon at the meeting of the Diet, from which it was not fit for the Emperor to recede; Amongſt which one was,

Private Reſolves of the Emperor, from what things not to recede.

1. That he ſhould in no wiſe conſent to a ſetlement until the Proſtants ſhould reſtore the Church-Lands and Goods unto the Catholick party.

2. Not to diminiſh his Army, but in a ſmall proportion, that he might keep up his Power by force, and a ſtrong hand, leſt the Depoſed Princes, and others, ſhould upon any opportunity of advantage, revenge themſelves upon the Emperor.

3. And therefore reſolved to keep up his Army, and not to reſtore the Prince Elector Palatine to his Dignity and Patrimony.

Notwithſtanding all oppoſition, the Emperor met at the Diet; he repreſented unto the Princes then aſſembled, that he was not the cauſe of ſo cruel a War as had been, nor would be a hinderer of the Peace, imputing all the miſchief that fell out upon the War, unto the *Palſgrave*, *Count Mansfeldt*, *Brunſwick*, and the King of *Denmark*, and that it was high time to think of a firm and ſettled Peace: But as to the *Palſgrave*, he propoſed to the Diet to paſs an Act, that he ſhould continue a *Baniſhed Man*, without all hopes of returning; and that they would never vouchſafe to entertain Peace or Amity with him.

The Emperors propoſal at the Diet as to the *Palſgrave*.

That the *French* were concluding a League with the King of *Sweden*; and though there were cauſes of Enmity between Him, the *Emperor*, and the King of *Swedeland*, yet if the King of *Sweden* would not condeſcend unto the *Imperial Ambaſſadors* and the King of *Denmark's* Mediation for a Peace, he was to be threatned with the Power of the *Roman Empire*, and to be chaſtiſed by Force of Arms.

Laſtly; His *Imperial Majeſty* propoſed that the Princes would conſult to provide Money for maintaining a ſtanding Army; for reſtoring of Martial Diſcipline, and of the manner of laying and levying Impoſitions.

In Anſwer to the Propoſals of the Emperor, the Princes Electors laid open the general Grievances and Miſeries of the Empire, the Outrages committed in the War, and exceſſiveneſs of the Impoſitions; And as the Emperor laid the fault upon the *Palſgrave*, the *Electors* laid the fault of all the miſery that had happened, upon the new Duke of *Mecklenburgh (Walleſtein)* General of the Emperors great Army, to whom his Imperial Majeſty had given ſuch a large

Commiſſion, without the conſent of the Princes of the Empire (as never before him any Man had) That the Impoſitions which by the Laws of the Empire had wont to be aſſeſſed by the joint conſent of the Princes, had at the pleaſure of the ſaid Duke of *Mecklenburgh* bin impoſed, and moſt rigorouſly exacted; Inſomuch that the Elector of *Brandenburgh* had in a few years bin forced to contribute about *Twenty Millions of Florins*. The Duke of *Pomerland* complained, that *Ten millions* was paid out of his Principality of *Stetin*, all in one Year only; beſides other Charges and Expences with the Rabble of the Army.

The like complaint came from other Princes. In concluſion, the ſaid Electors did more particularly fall upon the ſaid Duke of *Mecklenburgh*, preſſing the Emperor to caſheir him, and to diſband his Army, and to have Peace made with the *French* King, and the Princes of *Italy*, and with the King of *Swedland* alſo.

The Complaints both of the Proteſtant and Catholick Princes were ſo many and very great againſt *Wallenſtein*, and the Inſolencies of his Souldiers in their Quarters, and of his Commiſſaries in their bold levying of Mony upon the Empire, as that the Emperor had nothing to ſay for him, but conſented to their Deſires, that his Command ſhould be taken from him. And two Barons of the Empire were ſent to him, with the Propoſals of the *Diet* preſented to the Emperor, and the Emperor's Reſolution thereupon, that he ſhould deliver up his Commiſſion.

The Emperor conſents.

All Mens Minds were full of expectation what the event of this Meſſage to a General ſo Potent, and an Army ſo Rude, ſhould produce: But contrary to all imagination, *Wallenſtein* complied with the Emperor's Command, left his Army and went to *Nimmegen*, where he remained as a private Perſon.

Wallenſtein lays down his Commiſſion.

The Electors having prevailed as to his Removal, propoſed alſo unto his Imperial Majeſty further to declare his purpoſe, that no War ſhould be made upon any without the conſent of the Princes, and that no Impoſition ſhould hereafter be levied at the pleaſure of the General of the Army.

The Electors having obtained a ſafe Conduct of the Emperor for *Ruſdorfe*, Ambaſſador of *Frederick* Prince Elector Palatine, he came to the *Diet*, in the Company of Sir *Robert Anſtruther* the King of *Great Britain*'s Ambaſſadour, who much preſſed for Audience, about the time that News came how the King of *Swedland* was active in *Pomerland*, which made moſt of Opinion his Landing would contribute to get Reſtitution of the ſaid *Elector Palatine* to his Dignity and Patrimony. And Audience being granted to the *English* Ambaſſadour, he thus delivered his Errand.

Sir *Robert Anſtruther.*

‘That nothing could affect (his Maſter) the King of *Great Bri-*
‘*tain* more, than the conſideration of the daily Calamities undergone
‘by his Brother-in-Law the Prince Elector, his Wife and Children.
‘That no Place was more expedient to Treat of Peace, Reconciliati-
‘on, and Re-eſtabliſhment than in the *Diet*; therefore he made it his
‘ardent Requeſt to his Imperial Majeſty, That having regard to the
‘many Interceſſions of his late Father, and other Kings and Princes,
‘he would remit the Diſpleaſure conceived againſt his Brother, and
‘recal the Proſcription iſſued out againſt him.

The English Ambaſſador gets Audience.

‘True it was, his Brother had offended, and was inexcuſably guilty, unleſs the raſhneſs and precipitation of Youth might ſomewhat plead for him; but others had bin as culpable, whom yet his Imperial Majeſty had received into Favour.

‘And would he be pleaſed to extend to him the ſame Clemency, it would oblige his Maſter to demonſtrations of the greateſt Gratitude, and raiſe a glorious Emulation in others, to imitate ſo excellent a Pattern.

‘That the *Palſgrave* would entertain this Favour, with an Heart ſo firmly devoted to his Service, ſo as all the Intentions of his Spirit ſhould be diſpoſed to Compenſation and Reparation of his former Miſcarriage.

‘That his Majeſty held nothing ſo dear as the Affection of his Imperial Majeſty, and eſtabliſhment of a durable Peace between them; And as upon all Occaſions he hath been forward to repreſent himſelf ſolicitous for it, ſo at this time he was ready to give more ample Teſtimony, if his Imperial Majeſty was pleaſed to incline to a Treaty.

All this being fair and full of reſpect, gained Civilities to the Ambaſſadors: but it was anſwered,

The Emperors Anſwer.

‘That the preſent Affairs of *Germany*, which occaſion'd the *Diet*, were ſo important, as not to admit of any Forreign Debate; and yet upon opportunity and leiſure, the King of *Great Britain* ſhould receive ſuch ſatisfaction as would be agreeable to their Honour, and Confidence his Majeſty had in him.

Treaty of Peace broke off between the Emperor and the King of *Swedland*.

Preſently after this Audience of the King of *England*'s Ambaſſador, more particular News was brought, That the Imperial Ambaſſadour was returned from the King of *Sweden* without any hopes of Peace, and that the King of *Swedland* had in *Pomerland* made himſelf Maſter of *Stetin*, and put the Imperial Forces to flight.

Now the Catholic Princes appear for War.

And now the Catholick Princes, who before ſeemed very deſirous of Peace, (fearing ſome private Conjunction was made with the King of *Swedland* by other Princes) diſpoſed the Emperor to proſecute the War, and lay Impoſitions proportionably upon them of the Catholic League.

A deſign to make *Ferdinando* the Emperor's Son, King of the *Romans*.

It is to be obſerved, that during all the time of the *Diet*, *Cæſar* made no other Propoſitions than what he did at the opening thereof; Yet underhand it was ſuggeſted by thoſe near the Emperor, what Miſeries might befal the Empire in caſe of an *Inter-Regnum*, magnifying *Ferdinando* King of *Hungaria* Son of the Emperor, and how acceptable it would be to the Empire, if at this *Diet* he was choſen King of the *Romans*, which is as much as Heir apparent to the Empire. The Proteſtant Electors having no inclination thereunto, in anſwer to thoſe which made this Propoſal, much commended the Emperor for his care of the Common-Wealth, but that it was contrary to the Laws of the Empire at this time to conſent thereunto.

This being not mentioned as a particular Cauſe for the calling of this *Diet* to create *Ferdinando* King of the *Romans*: And alſo for that by the Laws of the Empire, *Franckfort* is the place appointed for the

Some of the Princes Eſtates declared to be confiſcated.

Election of the King of the *Romans*; and thus they excuſed the Matter, but it was reſented by *Cæſar*; and from that time he proceeds with ſeverity as to the Church Lands, and decreed at this *Diet*, 'That 'thoſe Gentlemen of the *Upper* and *Lower Palatinate*, *Frankenholm*, 'and other Countries, who had born Arms under Count *Mansfield*, 'Duke of *Brunſwick*, and others, that their Eſtates ſhould be con'demned as confiſcated. And with the Profits thereof, the Emperor did gratify his Privy Council and others with Penſions for a reward of their Services.

The Proteſtant Princes Proteſtation againſt it.

The Proteſtant Electors, and other Princes, proteſted againſt theſe Proceedings of the Emperor, claiming thoſe Gentlemen to be within their Dominions, and that the Forfeitures of thoſe Fees and Eſtates which *Cæſar* had now confiſcated into his own Coffers, did by the favour of former Emperors, and long continued Cuſtoms, belong to the ſaid Princes. Urging further to the Emperor in favour of thoſe Perſons (whoſe Eſtates he had confiſcated) the Example of other Princes, who even upon the like occaſion did paſs by many Crimes, to procure a ſetled Peace in their Dominions; and amongſt others inſtanced in *Coſmo de Medicis* Duke of *Florence*, a moſt wiſe Prince, who in caſes of Diſturbance in his Dominions, always left the Eſtate of ſuch as were Attainted, unto their Children, or next Kindred, after the Death of the Offender.

The Emperor will not hearken to the Proteſtant Princes

Yet the Emperor hearkned not thereunto, but declar'd, That he could not in Honour and Juſtice but make remarkable Examples of thoſe that had born Arms againſt him, that it might be a Terror to others for the future.

And as for the Church Lands, he had already deſign'd with himſelf that they ſhould be reſtored to the Catholicks, and publiſhed the ſame by Proclamation, and that he would not recede from what he had done. And then proceeded to a Decree and Sentence againſt the Duke of *Wortenburgh*, the Marqueſs of *Brandenburgh*, the Count of *Hohen* and other Princes, who were by the Decree commanded to quit Church Lands and Goods, which for eighty Years they had enjoyed, by virtue of the Agreement they made at *Paſſaw*, *Anno* 1555.

Decrees that they ſhall quit the Church-Lands.

In which Decree it was declared, That the Violaters of that Agreement of *Paſſaw*, ſhould be adjudged as Enemies to the Empire.

The Jeſuits ſolicit againſt the Complyance.

Notwithſtanding this proceeding of the Emperor, the Catholick Princes (to all outward appearance) did very earneſtly deſire to compoſe the Buſineſs of the Church Lands, but were importuned by the Jeſuits againſt any Compliance (by whoſe means was likewiſe a rigid courſe taken at this *Diet*) for the Reformation of Proteſtant Churches and Schools, and for the forbidding of the *Auguſtine* Confeſſion to be exerciſed by the *Lutherans*.

The *Diet* broke up.

On the third of *November* the *Diet* broke up, leaving Matters in a far worſe condition than it found them, for that Men now perceived their very Hopes to be taken away, as their Liberty and Goods had bin before.

Nevertheleſs the Catholick Princes prevailed for a *Diet* at *Frankfort*.

The Catholick Princes before the *Diet* broke up (being ſtill inclinable to a compoſure of the Buſineſs of Church-Lands) did prevail with the Emperor, that the *Diet* might meet again at *Frankfort* upon the Main, in *Auguſt* following, for ending thoſe Differences.

And the Proteſtant Princes for a *Diet* at *Lipſwick*.

In the mean time the Proteſtant Princes entered into a Conſultation for their own Safety, plainly ſeeing the Jeſuitical Party too prevalent with

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with the Emperor; and they agreed upon a Letter to be written by the Duke of *Saxony* to his Imperial Majeſty, taking notice that there had bin a Conference between the Proteſtant and the Catholick Princes at the former *Diet* concerning Church-Lands, and that the further Treaty thereupon was referred unto a *Diet* to be held at *Frankfort* in *Auguſt* following, and therefore beſought his Majeſty to give liberty to the Proteſtant Princes to hold a *Diet* by themſelves in ſome convenient Place, that ſo by their united Council, they might be provided with an Anſwer to the Catholick Princes, at their meeting in the *Diet* at *Frankfort*, concerning the ſaid Church-Lands. The Addreſs to the Emperor was recommended, with the Mediation of the Elector of *Mentz* and *Bavaria*; and the Emperor agreed to what was deſired, and *Lipſwick* was the place appointed for the meeting of the Proteſtant Princes, and the time was *Feb.* 8. then next following.

Duke of *Saxony* opens the occaſion of the Meeting.

At the Time and Place appointed, all the Proteſtant Princes in *Germany* met in Perſon, or by their Deputies, but moſt in Perſon; and the Duke of *Saxony* laid open the occaſion of their meeting.

1. 'How the Church might be with a good Conſcience maintained in her ancient Liberty and happy Eſtate.

2. 'How to keep their Obedience to the Emperor, and yet preſerve the ancient Conſtitution and Peace of the Empire.

3. 'How to maintain correſpondency with the Catholick Princes in order to the Peace of the Empire.

4. 'What to anſwer for themſelves, both in general and particular, as well concerning the mainteriance of the Reformed Religion, as to the Emperor's Edict concerning Church-Lands, when they ſhould come to meet at the *Diet* at *Frankfort*.

Proteſting withal, That he would be ready to adventure Life and Goods in that Cauſe, and deſiring every Man to give his counſel freely in ſuch manner, as they might be able to render a fair account of it to his Imperial Majeſty. And after ſome time of Debate, with one joint Conſent, they did humbly complain to the Emperor what their Grievances were, and repreſented what would prove Remedies, and ſent an Expreſs therewith to his Majeſty, and are reducible to theſe Heads.

Grievances laid open to the Emperor.

1. 'That the Golden Bull, or *Magna Charta*, and Conſtitution of the Empire might be firmly obſerved, which hath been violated by the Emperor's late Edict for the Reſtitution of Church-Lands, and through his Endeavours, to root out the Proteſtant Religion, which hath bin the main Cauſe of the late miſerable Wars and Troubles.

2. 'They complained of particular Injuſtice done to particular Princes and Cities, by the violent taking away of the Church-Lands, as the Duke of *Wurtenburgh*, the Duke of *Brunſwick*, the Prince of *Anhault*, and others.

3. 'And that ſome were hindered in the Exerciſe of their Religion, as *Auguſtus* and *Frederick*, Princes Palatine, and others; and that forty eight had their Eſtates confiſcated, as the Lady *Electrix Palatine*, and her Son *Lewis Prince Palatine*, the one being the Mother, the other the Brother of the King of *Bohemia*, and the Duke of *Mecklingburgh*,

‘ *lingburgh*, &c. for whom the whole College of *Electors* had interceded in the laſt *Diet*, but prevailed not.

4. ‘ A complaint of the violent altering of the Feods of their Lands and Lordſhips, into which the Imperial Commiſſaries had by Force and Arms entered, changing the Tenure of the Tenants, and altering the Religion.

5. ‘ That their Lands have bin given to Souldiers, as if they had bin conquered.

6. ‘ That treble more Contributions have bin raiſed againſt no Enemy, than ever were when the *Turks* were in *Germany*; with many other Particulars. Concluding, That all this is contrary to the Oath of the Emperor, and unto the Laws of the Empire, the Privileges of the Princes, and againſt the Honour and Safety of the Empire; of which the ſeveral Electors and Princes had complained, and which by them were proteſted againſt in the late *Diet* at *Ratisbone*.

‘ Wherefore they now humbly Petition his Imperial Majeſty to be relieved; proteſting otherwiſe they are not able to endure the Burthen, but ſhall be inforced to defend their Perſons, Conſciences, Eſtates, and Subjects; reſolving notwithſtanding to continue their due Loyalty and Obedience to his Imperial Majeſty; yet in the mean time to prepare for a War, in caſe the Matters complained of by them ſhould not be redreſſed. This bore Date at *Lipſwick*, *March* 18. 1631. and the *Diet* broke up upon *Palm-Sunday* following.

Communicated to the Catholick Electors.

The ſubſtance of what they writ to the Emperor, they ſent unto the three Catholick *Electors*, informing them, That War would undo all, that the Inſolencies of the Commiſſaries and Souldiers were not to be endured.

The Emperor puts forth his Imperial Ban.

The Emperor not ſatisfied with their Addreſs, and underſtanding their Reſolution to levy Forces, (and hearing withal that the King of *Swedland* had advanced already through *Pomerland* in a victorious manner) put forth his *Imperial Ban* againſt the *Lipſwick Legar*, peremptorily forbidding any place of the Empire to grant, either Relief, Paſſage, or Quarter unto any of their Forces; and commanding every Man to deſtroy, kill, and perſecute, the *Lipſwick Legar* as Enemies; withal tenders Pardon to as many as ſhould come in; and forbidding all the Subjects of thoſe Princes, upon pain of Death, either to contribute to their Levies, or to march under their Enſigns, promiſing the freedom of Conſcience and Eſtates to all that ſhould thus obey him, and turn both their Mony and their Perſons towards the advancement of the Imperial Eſtate.

The Proteſtant League was now noiſed abroad, and another meeting at the latter end of *May* at *Lipſwick* was appointed. *Tilly* advances with his Army, and ſends *Papenheim* to reduce *Magdenburgh*; of which more hereafter. But let us now return to *England*.

The Biſhop of *London* had the honour, as Dean of the Chappel (my Lord's Grace of *Canterbury* being infirm) to Chriſten Prince *Charles* at St. *James's*. His Godfathers were the King of *France*, and the Prince *Elector*, repreſented by the Duke of *Lenox*, and the Marqueſs of *Hamilton*; The Godmother was the Queen-Mother of *France*, and her Perſon repreſented by the Dutcheſs of *Richmond*.

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The King ſtanding in need of a further ſupply, the buſineſs of *Knighthood* was retaken into conſideration, and with care and diligence ſet on foot, being grounded upon an old Statute entituled *Statutum de Militibus*, which Statute tho it had long ſlept, and was very ancient, yet was now put in execution as a Prerogative Statute, which occaſioned many Pleas in the *Exchequer*, but to countenance the ſame a Proclamation was iſſued forth to this effect.

July 6. 1630.

Knighthood.

Commiſſion to compound with ſuch perſons as did not appear to take the Order of *Knighthood* on them at the King's Coronation.

'That whereas the King having formerly ſent forth Writs to ſeveral Sheriffs of the ſeveral Counties for the ſummoning of all that had fourty pound Land or Rent by the year, to appear at the day of his Coronation, and prepare themſelves to receive the Order of Knighthood, did now award a Commiſſion to certain Lords and others of his Privy Council, to treat and compound with all thoſe who then made default, as well for their Fines and their Contempt, as for their reſpite to take that Order upon them. Whereupon multitudes were ſummoned to give attendance at the Council-Chamber at *Whitehal*.

The Names of the Commiſſioners of the Privy-Council touching the Order of Knighthood were theſe.

Lord *Keeper.*
Lord *Treaſurer.*
Lord *Preſident.*
Lord *Privy-Seal.*
Lord *High-Chamberlain.*
Earl *Marſhal.*
Lord *Steward.*
Lord *Chamberlain.*
Earl of *Suffolk.*
Earl of *Dorſet.*
Earl of *Salisbury.*
Earl of *Exeter.*
Earl of *Northampton.*
Lord Vicount *Dorcheſter.*
Lord Vicount *Wimbleton.*
Lord *Wentworth.*
Mr. Vice *Chamberlain.*
Mr. Secretary *Cooke.*
Mr. *Chancellor of the Exchequer.*

Commiſſions directed into the ſeveral Counties.

Proportions for Compoſitions.

Likewiſe ſeveral Commiſſions were awarded into the ſeveral Counties, giving power of compounding with all perſons, except the Nobility, who were ordered to compound before the Lords of the Council. The Commiſſioners had this main Inſtruction, "To take no leſs "than after the rate of thrice and half as much as the Perſons compounding were found rated in the Subſidy.

Pleas put in the *Exchequer* againſt *Knighthood.*

But there were many in all parts that neglected to appear, or refuſed to Compound. Theſe were ſummoned by Meſſengers to the *Council-Table*, and were there told of ſevere proceedings in caſe of obſtinacy. And divers put in their Pleas into the Court of *Exchequer* to be diſcharged from theſe Fines. But the Commiſſioners in the Country were to inform themſelves of the true ſtate of the Livelyhood of each perſon, and to admit them to Compoſition in caſe they deſired it, otherwiſe to let them know that upon return of Certificates, they muſt expect to undergo a legal Tryal in the *Exchequer*.

Sheriffs neglect to return the Names of perſons.

And upon conſideration of the prejudice done to this Service, by reaſon of the partial and negligent Returns made by the Sheriffs in moſt Counties, it was ordered, That Mr. Attorney General ſhould proceed by Information in the *Exchequer* againſt ſuch of the Sheriffs, as ſhould appear to have been moſt negligent.

The Order of Summons from the Privy-Council, who were Commiſſioners, and directed to certain Noblemen to appear in order to a Compoſition, was to this purpoſe.

The Order of Summons for the Noblemen to compound.

‘WHereas his Majeſty hath already ſent divers Commiſſions into ſeveral Counties of this Realm, for compounding with ſuch as had not taken *Knighthood* at his Coronation, thereupon a great part of the Gentry of this Realm, and others of ability have made their ſeveral Compoſitions: but it was his Majeſty's Pleaſure, that ſuch of the Nobility as had not taken the Order of Knighthood at his Coronation, ſhould be treated with and compounded with by us the Lords and others of his Majeſty's Privy Council: We therefore by his Majeſty's Command, do hereby ſignifie and give notice to your Lordſhips, that we have appointed the firſt day of the next Term at nine of the Clock in the morning, to ſit upon the ſaid Commiſſion for compounding with you in the Council-Chamber: wherefore we require your Lordſhips, or ſome authorized from you to that end, to attend Us. The Summons was directed to

The Names of the Noblemen ſummoned.

Lord Marqueſs of *Winton.*
Earl of *Arundel.*
Earl of *Eſſex.*
Earl of *Huntingdon.*
Earl of *Peterborough.*
Earl of *Kingſton.*
Lord Vicount *Say* and *Seal.*
Lord Vicount *Mountague.*
Lord *Brook.*

A Warrant of Summons againſt Refuſers to compound in the Country

‘WHereas his Majeſty is given to underſtand, that you whoſe names are here under written, dwelling in the County of , have either neglected to appear, or appearing, refuſed to compound with his Majeſty's Commiſſioners appointed to treat with you in that behalf, for your not attendance at his Majeſty's Coronation, to receive the Order of Knighthood, according to the Law, you being all, as we are informed, Men of good ability; at which his Majeſty doth much marvel, conſidering that you cannot be ignorant how legal this Demand is, and conſequently how much the ſaid Commiſſion is in your favour, that nevertheleſs you ſhould refuſe to accept of his Majeſty's Grace therein: His Majeſty notwithſtanding out of his accuſtomed Goodneſs, is rather willing that thoſe who peradventure more out of miſtake, or ill example of others, than out of their own wilful oppoſition to his Majeſty's Service, have been herein miſled, ſhould be reduced to conformity by fair means, and with leaſt charge or trouble to them, than by any compulſory courſe of Law, which his Majeſty in all caſes between him and his People doth in their favour deſire to avoid as his laſt Reſort: We are therefore in his Majeſty's Name, and by his expreſs Command, hereby to ſignifie unto you, that his Majeſty expects and requires you ſhould (accordingly within ten days next after notice hereof) make your repair unto us at *Whitehal,* to the end that in purſuance of his Majeſty's pleaſure, we may treat with you concerning your ſaid Compoſition, before any further or more compulſary proceedings be had againſt you.

Directed unto { *James Maliverer,* Eſq. / *William Ingleby,* Eſq. / . . . *Moyſer,* Eſq. &c. } in the County of *York.*

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The like Warrant was directed to divers Knights and Gentlemen dwelling in other Counties.

At this time there happened a great Riot in *Fleetſtreet*; and for the better diſcovery and apprehenſion of thoſe Malefactors, who were Actors in the late inſolent Riots and Murthers committed in *Fleetſtreet*, *London*, upon Friday the 10th day of *July*, a Proclamation to this Effect was publiſhed.

A Riot in *Fleetſtreet.*

‘WHereas upon *Friday*, the tenth day of this inſtant Month, upon the occaſion of an Arreſt then made by the Sheriffs Officers of the City of *London*, divers inſolent Aſſaults and Tumults were made and raiſed upon the Conſtables and Watches of the City; whereupon much Blood was ſhed, and barbarous Murthers of divers of the King's Subjects have inſued, and thoſe Inſolencies ſo long continued, and at the laſt grown to ſuch height, that there was an open and violent reſiſtance and oppoſition made againſt the Lord Mayor of *London*, and Sheriffs of the City, aſſiſted with ſome of the Trained Bands, neceſſarily drawn forth to ſuppreſs thoſe Outrages, which were committed rather in a Rebellious than a Riotous manner. His Majeſty having taken thoſe Affronts to Juſtice, and to his publick Officers and Miniſters, into his Princely conſideration, and having already given a ſtrict charge and command, for the due Examination of thoſe ſo bold and audacious Attempts, and finding by the return of thoſe, whoſe pains have been imployed in that Service, that very few of the principal Actors can by their induſtry be yet taken or diſcovered; and his Majeſty being in a caſe of this extraordinary Quality and Conſequence, reſolved to proceed according to the ſtrict rules of Juſtice, againſt all thoſe who ſhall be found to be the Offenders, that by their examples, others may hereafter be warned not to dare to run into the like: Wherefore the King doth will and command all his Subjects whom it may concern, eſpecially the Chirurgions in or near the City of *London* or *Weſtminſter*, who have, or ſince that day had, any hurt or wounded Men in their cure, that they and every of them upon their Allegiance to the King, and the duty they owe to the publick Peace of the State, and upon pain of ſuch Puniſhments, as by the Laws, or by his Majeſty's Prerogative Royal can be inflicted upon them, for their neglect herein, do forthwith upon publication of this our Royal Pleaſure, diſcover to the Lord Preſident of the Privy Council, or to one of the Principal Secretaries of State, the Names of all ſuch perſons as they know, or by probable conjecture do ſuſpect to have bin Actors in any of thoſe late Tumults, and cauſe them to be detained or apprehended, without expecting any further or other Warrant in that behalf; and by name that they apprehend or cauſe to be apprehended whereſoever they ſhall be found, Captain *Vaughan*, *Henry Stamford*, and one *Ward* an Enſign.

Afterwards *Stamford*, and others of the Rioters were Indicted and Convicted of Murders, and *Stamford* executed accordingly: Notwithſtanding the Duke of *Buckingham* endeavoured to ſave his Life.

On the 28th of *September* the King taking into Conſideration, the general ſcarcity and dearth of Grain and Victuals which was like to fall out in the Kingdom, declared his Pleaſure and Commandment concerning the ſame by Proclamation, purſuant to a *Book of Orders* for preventing and remedying thoſe Evils, grounded upon ſeveral Statutes made in the time of Queen *Elizabeth* and King *James*, and now ordered the reprinting of the ſame; wherein are particular Directions for ſuppreſſing the Abuſes and Offences of *Ingroſſers*, *Badgers*, &c.

Michaelmaſs, 6. Car. B. R.

Habeas Corpus for *Sam. Vaſſal* a Merchant.

This *Term* an Information was put in againſt *Vaſſal* in the *Exchequer*, for not paying the impoſition of Currans, (which being 7 *s.* upon the 100 weight) was brought to 4 *s.* 10 *d.* The Defendent demurred in the Court of *Pleas* to this Information; and the Cauſe ſo depending, *Vaſſal* denied to pay until the Court ſhould adjudg it. Whereupon, inaſmuch as the ſame Matter had been adjudged for the King before in the Caſe of *Bates*, when *Cook* was Attorny, and that Judgment ſtood in force, not avoided by Error; the Court ordered that the King's Poſſeſſion ſhould be continued, and *Vaſſal* ſhould pay until other Order. And for not obeying this Order, he was committed to a Meſſenger of the Court, and for his Liberty brought a *Habeas Corpus*: On which *Writ* it appearing by the Return, that he was committed by a Court of Juſtice, upon their Act in Court, in a Cauſe properly in their cognizance, the Court did remand him to ſeek there for Juſtice, and ſo he went back to Priſon by the Award of the Court.

Michaelmaſs, 6 Car. B. R.

Octob. Michaelmaſs Term, *John Selden's* Caſe.

John Selden was committed to the *Marſhalſey* of the *King's Bench*, for not putting in Sureties for his Good Behaviour. There were with him in the ſame Priſon *Hobart*, *Stroud*, and *Valentine*. In the end of *Trinity Term*, 6. *Car.* the Sickneſs increaſing in *Southwark*, the three laſt named made ſuit unto the Judges of the *King's Bench*, to be delivered over to the *Gatehouſe* in *Weſtminſter*, to avoid the danger. The Judges thought it Charity, and by Writ to the Marſhal of the *King's Bench*, commanded him to deliver them to the Keeper of the *Gatehouſe*, and ſent him a Writ to receive them. Mr. *Selden* never ſent unto them whilſt they were in Town, but when they were all gone, made ſuit to the Lord *Treaſurer* to move the King, that to avoid this danger, he might be remov'd to the *Gatehouſe*; which he did, and ſent a Warrant under his Hand to the *Marſhal*, ſignifying his Majeſties Pleaſure to remove him to the *Gatehouſe*; accordingly he was removed. Thereupon when the Judges came to Town in *Michaelmaſs* Term, they called the *Marſhal* to account for his Priſoner Mr. *Selden*; and he preſenting unto them the Lord *Treaſurer's* Warrant by the King's direction, the Judges told him it would not ſerve, for he could not be removed but by Writ; and upon his Majeſties pleaſure ſignified it might ſo have bin done. And although the Judges were out of Town, yet the Clerk of the Crown would have made the Writ upon ſo good a Warrant, and it might have bin ſubſcribed by the Judges at their return. And to avoid the like Error hereafter, the Court ſent Juſtice *Whitlock* to the Lord *Treaſurer*, to let him know that Mr. *Selden* never looked after any of the Court, but ſought a new and irregular way to be removed without them. The Lord *Treaſurer* made a very honourable Anſwer, That he would not move the King for Mr. *Selden* to be removed by this means, until he ſent him word, on his credit, that it was a legal way; and told that Judg, that Mr. *Selden*

Judges Exceptions to the Warrant ſent by the Lord Treaſurer.

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was at the Judges diſpoſe to remove back when they would, for it was not the King's meaning to do any thing contrary to the Order of the Court, or their formal Proceedings: So Writs were ſent this *Michaelmaſs* Term to remove the four Priſoners back again to the *Marſhalſey*.

Acts of Bounty projected to be done by Dr. *Laud* Biſhop of *London*, and moſt of them performed in his Life-time.

In the Month of *November*, the enſuing Acts of Bounty were projected to be done by Dr. *Laud* Biſhop of *London*, and many of them performed in his Life-time.

1. To build at St. *John's* in *Oxford*, wherein he was bred up, for the good and ſafety of that College.

2. To overthrow the Feoffments, dangerous both to Church and State, going under the ſpecious pretence of buying in *Impropriations*.

3. To procure King *Charles* to give all Impropriations yet remaining in the Crown within the Realm of *Ireland*, to that poor Church.

4. To ſet upon the Repair of St. *Paul's* Church in *London*.

5. To collect and perfect the broken, croſſing and imperfect *Statutes* of the Univerſity of *Oxford*, which had lain in a confuſed heap ſome hundred Years.

6. To ſettle the *Statutes* of all the Cathedral Churches of the New Foundations, whoſe *Statutes* are imperfect, and not confirmed.

7. To annex for ever ſome ſetled *Commendams*; and thoſe, if it may be, *ſine Curâ*, on all the ſmall Biſhopricks, for *Briſtol*, *Peterborough*, St. *Aſaph*, *Cheſter*, and *Oxford*.

8. To find a way to increaſe the Stipends of poor Vicars.

9. To ſee the Tythes of *London* ſetled between the Clergy and the City.

10. To ſet up a Greek Preſs in *London* and *Oxford*, for printing the *Library-Manuſcripts*, and to get both Letters and Matrices.

11. To ſettle 80 *l.* a Year for ever out of Dr. *Fryer's* Land, (after the death of Dr. *John Fryer* the Son) upon the Fabrick of St. *Paul*, toward the repair, till that be finiſhed, and to keep it in good ſtate after.

12. To procure a large Charter for *Oxford*, to confirm their Ancient Priviledges, and obtain new for them, as large as thoſe of *Cambridg*, which they had got ſince *Henry* the 8*th*, and *Oxford* had not.

13. To open the great Square at *Oxford*, between St. *Maries* and the Schools, *Brazen-noſe*, and *All-Souls*.

14. To ſettle an Hoſpital of Land in *Reading*, of 100 *l.* a Year.

15. To Erect an *Arabick Lecture* in *Oxford*, at leaſt for his Life-time, his Eſtate as he ſuppoſed not being able for more, that this may lead the way, &c. The Lecture began to be read, *Auguſt* 10. 1636. and was ſetled for ever.

16. Then to ſettle the Impropriation of the Vicarage of *Cudſden*, to the Biſhop of *Oxford*. Wedneſday, *April* 19. 1637. and ſo the Houſe built by the new Biſhop of *Oxford*, Dr. *John Bancroft*, and ſetled for ever to that Biſhoprick.

17. To get a Book in Vellom fair written, containing the Records which are in the *Tower*, concerning the Clergy. This Book he got done at his own Charge, and left it in his Study at *Lambeth* for Poſterity, *June* 10. 1637. *ab anno* 20 *Ed.* 1. *ad an.* 14. *Ed.* 4.

18. To procure a new Charter for the College near *Dublin*, and a

Body of new *Statutes* made to reſtify that Government.

19. A Charter for the Town of *Reading*, and a Mortmain of——

20. If he lived to ſee the Repair of St. *Paul*'s near an end, to move his Majeſty for the like Grant from the *High Commiſſion*, for the buying in of Impropriations that he already had for St. *Pauls*, and then he hoped to buy in two a Year at leaſt.

Theſe things following the Biſhop perfected in his Life-time, according as he had deſign'd, *viz.*

His building of St. *John*'s College.
The overthrow of *Feoffments*.
Setled Impropriations in *Ireland*.
Began the Repair of St. *Pauls*.
Regulated the Statutes of *Oxford*.
Setled the Statutes of the Cathedrals, and annexed *Commendams* to them.
Set up a Greek Preſs in *London*.
Obtain'd a large Charter for *Oxford*.
Setled an Hoſpital at *Reading*.
Setled an *Arabick Lecture* in *Oxford*.
Setled an Impropriation on *Cudſden*.
Obtain'd a Charter for the College near *Dublin*; and a Charter for the Town of *Reading*.

Againſt ſelling of Arms, Amunition, &c. to *Salvages*.

Conſideration being had of a Proclamation in King *James* his Time; whereby, among other things, the inſufferable Abuſes committed by diverſe Interlopers, Irregular Merchants, and diſobedient Fiſhermen and Mariners, who were prohibited to Trade with the *Salvages* of *New-England*; did barter away to theſe *Salvages*, Swords, Pikes, Muskets, Match, Powder, Shot, &c. with which they deſtroy'd the *Engliſh* who ſold thoſe Weapons to them. His Majeſty therefore by his Proclamation, bearing date the 5th of *December*, did then again prohibit ſuch kind of Trade with thoſe *Salvages* under great Penalties.

On the 5th of *December* came forth in Print, by publick Authority, *Articles of Peace*, Entercourſe, and Commerce, concluded in the Name of the moſt High and Mighty Kings, *Charles by the Grace of God, King of* Great Britain, France, *and* Ireland, *Defender of the Faith*, &c. And *Philip* the 4th King of *Spain*, &c. In a Treaty at *Madrid* the 5th day of *November* after the *Old Stile*, the Year of our Lord God 1630. This Peace was Proclaimed on *Sunday* the 27th of *November* with great ſolemnity, and two days after ſworn unto at the Chappel at *Whitehall*; the *King* and the *Spaniſh* Ambaſſador *Don Carlo Coloma* went into their ſeveral Retirements whilſt an *Anthem* was ſung, and whilſt the Dean, Dr. *Laud*, with three other Biſhops, went up to the Altar with the *Latin Bible*, upon which the King laid his Hand; Secretary *Cook* having read the Oath, the King kiſſed the Book, and ſigned the Articles; which he delivered up to the Ambaſſador, and ſo paſſed to the *Banqueting-Houſe* to a Princely Entertainment.

And as to this Peace, the King declares that it is found meet and expedient, upon weighty Conſiderations moved to his Majeſty by the inter-

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intervention of ſome of his Friends, to lay aſide Hoſtility with the King of *Spain*, and ſo to remove by fair and poſſible means, the cauſe of the War, which hath bred interruption to the Amity betwixt the two Crowns; which his Majeſty doth accordingly make known to all his Loving People, that the ſaid Peace and Friendſhip being ſo eſtabliſhed, not only all Hoſtility and War is to ceaſe on both ſides from hence-forward, but alſo the former Trade and Commerce, as it ſtood in uſe and obſervance of the Treaty made by his Majeſties bleſſed Father, is reſtored and confirmed between the ſaid Kings, their Kingdoms, Territories, and Subjects, as well by Land and Sea, as Freſh-waters. The ſubſtance of the Articles are at large in the *Appendix*.

When this War was firſt begun with *Spain*, there was great hopes to have by force obliged that King to procure the Reſtitution of the *Palatinate*; but all that could be obtained after long Expence in War, was, That he would improve his utmoſt Intereſt in the Emperor, towards the Reſtitution of the *Prince Elector*.

On the *5th* of *January*, his Majeſties Orders and Directions came forth publickly in print, together with a Commiſſion for the better Adminiſtration of Juſtice, and more perfect Information of his Majeſty, how, and by whom the Laws and Statutes tending to the relief of the Poor, the well ordering and training up of Youth in Trades, and the reformation of Diſorders, and diſordered Perſons, were executed throughout the Kingdom; which his Royal Majeſty commanded to be publiſhed and enquired of, by the Body of his Privy Council, whom he had made Principal Commiſſioners for that purpoſe; which Commiſſions, Orders, and Directions, are inſerted more fully in the *Appendix*.

It ſo happened, that at this time there was great fear of a *Dearth*, which the Lords of the Privy Council taking into ſerious conſideration, thought fit to write a Letter to the Lord Mayor and Aldermen of the City of *London*, requiring an anſwer to theſe particulars following.

1. *What number of Mouths are eſteemed to be in the City of* London, *and the Liberty?*
2. *What Proportion of Corn will ſuffice to feed that number by the Month?*
3. *What Places are provided for to conſerve that Corn?*
4. *When the City intends to make their Proviſion?*
5. *What courſe the City takes to have the Proviſion well conſerv'd againſt the time of Scarcity?*
6. *What ſtock of Mony they provide for that purpoſe? and who ſhall be the Providers?*

St. *Katherines* Church Conſecrated by Biſhop *Laud*.

St. *Katherine Creed-Church* being lately repaired, was ſuſpended from all Divine Service, Sermons, and Sacraments, till it were Conſecrated. Wherefore Dr. *Laud* Lord Biſhop of *London*, on the *16th* of *January*, being the Lord's Day, came thither in the Morning to Conſecrate the ſame. Now becauſe great Exceptions were taken at the formality thereof, we will briefly relate the manner of the Conſecration, as alſo what the Biſhop ſaid in his juſtification, when he was afterwards queſtioned for the ſame in Parliament as an *Innovation*.

At the Biſhops approach to the Weſt door of the Church, ſome that were prepared for it, cryed with a loud voice, *Open, open ye everlaſting doors, that the King of Glory may enter in!* and preſently the doors were opened: And the Biſhop, with ſome Doctors, and many other principal Men, went in, and immediatly falling down upon his Knees, with his Eyes lifted up, and his Arms ſpread abroad, uttered theſe words: *This Place is holy, the Ground is holy, In the name of the Father, Son, and Holy-Ghoſt I pronounce it holy.*

Then he took up ſome of the duſt, and threw it up into the Air, ſeveral times in his going up towards the *Chancel*; when they approached near to the Rail and *Communion Table*, the Biſhop bowed towards it ſeveral times, and returning, they went round the Church in Proceſſion, ſaying the 100 Pſalm; after that the 19*th* Pſalm, and then ſaid a Form of Prayer, *Lord Jeſus Chriſt*, &c. and concluding, *We Conſecrate this Church, and ſeparate it unto thee, as holy Ground, not to be profaned any more to common uſe.*

After this the Biſhop being neer the *Communion Table*, and taking a written Book in his hand, pronounced Curſes upon thoſe that ſhould afterwards prophane that Holy Place, by Muſters of Souldiers, or keeping prophane Law Courts, or carrying Burdens through it, and at the end of every Curſe, he bowed towards the Eaſt, and ſaid, *Let all the People ſay, Amen.*

When the Curſes were ended, he pronounced a number of Bleſſings upon all thoſe that had any hand in Framing and Building of that Sacred and Beautiful Church, and thoſe that had given, and ſhould hereafter give any Challices, Plate, Ornaments, or Utenſils; and at the end of every Bleſſing, he bowed towards the Eaſt, ſaying, *Let all the People ſay, Amen.*

After this followed the *Sermon*; which being ended, the Biſhop conſecrated and adminiſtred the Sacrament, in manner following.

Ceremonies uſed by the Biſhop at the Conſecration of the Sacrament.

As he approached the *Communion-Table* he made many ſeveral lowly Bowings, and coming up to the ſide of the Table where the Bread and Wine were covered, he bowed ſeven times, and then after the reading of many Prayers, he came near the Bread, and gently lifted up the corner of the Napkin wherein the Bread was laid, and when he beheld the Bread he laid it down again, flew back a ſtep or two, bowed three ſeveral times towards it, then he drew near again, and opened the Napkin, and bowed as before.

Then he laid his hand on the Cup, which was full of Wine with a cover upon it, which he let go again, went back, and bowed thrice towards it, then he came near again, and lifting up the cover of the Cup looked into it, and ſeeing the Wine he let fall the cover again, retired back and bowed as before; then he received the Sacrament, and gave it to ſome principal Men; after which many Prayers being ſaid, the Solemnity of the Conſecration ended.

It is not inconvenient I hope to tranſgreſs in point of time, by acquainting the Reader that this matter was ſome years after objected againſt the Biſhop of *London* in *Parliament*, as an evidence of his inclination to introduce Popery, and theſe matters of Fact before recited were then proved before the Houſe of Lords; to which the Biſhop made a learned Defence, by endeavouring to juſtifie the Conſecration of Churches from the practice of *Moſes*, *Solomon*, *Hezekiah*, and other Princes of the *Jews*, in the time of the Ceremonial Law. And that it is expreſſed in the *Old-Teſtament*, that the *Tabernacle*, with all the Veſſels and Ornaments thereunto belonging, were all ſolemnly Conſecrated by *Moſes*; and afterwards when the Temple was built, it was ſolemnly Dedicated and Conſecrated to God by King *Solomon*, and all his Princes and People; He alſo argued out of *Euſebius*, in the time of *Conſtantine* and other Chriſtian Princes, of the Antiquity of Conſecrating Churches, and then he deſcended more particularly to anſwer the Charge as to the Conſecration of *Creed*-Church.

It was teſtified (ſaith he) that I came thither in a pompous manner. *I deny it, it was only in a grave and ſeemly manner.* It is objected, that as ſoon as I came within the Church Door I fell down upon my Knees; *True, it was no more than my Duty, being an Oratory.* Moſes *and* Aaron *fell down on their Knees at the Door of the Tabernacle.* Hezekiah *and the People bowed and worſhipped, as I have proved at large in my Speech in the Star-Chamber. And, O come let us worſhip and fall down before the Lord our Maker, is the common Introitus in our own and other Liturgies.* It is objected, I pronounced the Place and Ground holy; *I did ſo, and it is an ordinary and legal Speech, there being a Relative, tho not an Inherent Holineſs in Churches dedicated to God's Service.* Whereas it was ſaid, I threw up duſt in the Air, *This I deny*, and where it was alledged that this was in imitation of the *Roman Pontifical*; that (ſaid he) is a miſtake: *for the Pontifical Preſcribes, (Cinis) Aſhes, not Duſt to be caſt abroad. For my Form of Conſecration, Biſhop* Andrews *made it, from whom I deſired a Copy, and had it, which I obſerved.* It was objected that the form of Prayer I uſed, is in the *Maſs-Book* and *Roman Pontifical.* It may be ſo, he replied, and many other very good Prayers are in it.

After the Biſhop had made his Defence, a Reply was made by a Member of the Houſe of Commons, appointed to manage the Evidence.

1. That *Moſes* had an expreſs Command from God himſelf to conſecrate the *Tabernacle*, with all the Veſſels thereof, by anointing them with Conſecrated Oil, *Exod.* 40. 10, 11, 12. they being Types of Chriſt to come: But we have no ſuch Command from God to Conſecrate Churches, Church-Yards, Chappels, Altars, Veſtments, which are no Types of Chriſt already come.

2. This Conſecration was made by *Moſes* the *Temporal Magiſtrate*, (not by *Aaron* the *High-Prieſt*) without any other Ceremony than meer *anointing* the Tabernacle and its Veſſels and Implements with *Oil*; therefore this was no Warrant for *Biſhop's* conſecrating Churches, Church-Yards, Chappels, Altars, Veſtments, with other Ceremonies, without any anointing them with Oyl.

3. This Conſecration was only *Temporary, Jewiſh, Ceremonial*, aboliſhed by Chriſt's death, *Col.* 2. 14. *&c.*

4. King *Solomon* did not Conſecrate the *Temple*, nor the Veſſels and Court thereof with Oil, as *Moſes* did the *Tabernacle*, but after he had brought the *Ark, Tabernacle*, and all the holy Veſſels into it, with Praiſes, Thankſgiving and Inſtruments of Muſick, and after the Cloud and Glory of the Lord had filled the Houſe, he made an Heavenly Prayer only in the midſt of the Court, not in the Temple, before all the Congregation of *Iſrael*.

1. That the moſt Holy Place was ſo ſtiled, tho never Conſecrated: ſo *Jeruſalem* is very frequently called the Holy City, *Mat.* 4. 5. and 27. 53.

though never Conſecrated, and God told *Moſes, the place whereon thou ſtandeſt is holy ground*, Exod. 3. 5. though never Conſecrated by a Biſhop.

2. Our own Homilies inform us, That the Church is counted and called Holy, not of it ſelf, (not yet for its Conſecration by a Biſhop) but becauſe God's People reſorting thither, are Holy, and exerciſe themſelves in holy and Heavenly things.

3. The Hearing and Preaching God's Word, Prayer and receiving the Sacraments, therein are ſufficient of themſelves to ſanctifie, and make it Holy without any other Conſecration.

4. Sanctification in its own nature, is nothing elſe but a ſequeſtering of any thing from a common or ordinary uſe, to a Religious and ſacred purpoſe, and this may be done without a Biſhop's *Exorciſm* or Conjuration.

For his throwing up of Duſt, two Witneſſes expreſly depoſe it, which muſt over-ballance his bare Negation, and there is ſo little difference between Duſt and Aſhes, as they are uſually coupled together as *ſynonimous* in Scripture and Authors. That he took his Form from Biſhop *Andrews*, is only averred by himſelf, not proved by any witneſs; but that it agrees with that in the *Pontifical*, which we found in his Study even *in terminis*, is moſt clear, and therefore we cannot but preſume he derived it from thence: However if Biſhop *Andrews* imitated the *Pontifical*, and he Biſhop *Andrews*, the charge is much alike.

Sir Miles Hobart, *and* William Stroud *Eſq. their* Caſe.

Sir *Miles Hobart*, and *William Stroud* their Caſe about an Eſcape

ON the 23*d* of *January* the Attorny General exhibited two ſeveral Informations, the one againſt *William Stroud*, Eſq. the other againſt Sir *Miles Hobart*, Knight. The Charge againſt both of them therein, was for ſeveral Eſcapes out of the Priſon of the *Gatehouſe*: they both pleaded not guilty. And their Caſes appeared to be as followeth. The ſaid *William Stroud*, and Sir *Miles Hobart*, were by the King's Command committed to Priſon, for Miſdemeanours alledged againſt them, in their carriage in the Houſe of Commons at the laſt Parliament. Afterward in Trinity Term *Anno* 6. *Caroli*, both of them being by Order of this Court, and by a Warrant from the Attorney General to be removed unto the *Gatehouſe*; The *Warden* of the *Marſhalſey* (where they were before impriſoned) ſent the ſaid *Stroud* to the Keeper of the *Gatehouſe*, who received him into his Houſe lately built, and adjoyning to the Priſon of the *Gatehouſe*, but being no part thereof. After which receipt, the ſame night, he licenſed the ſaid *Stroud* to go with his Keeper unto his Chamber in *Grayes Inn*, and there to reſide. Sir *Miles Hobart* was alſo by the ſaid Warden of the *Marſhalſeys* delivered to the Keeper of the *Gatehouſe*, but being ſick, and abiding at his Chamber in *Fleetſtreet*, he could not be removed to the Priſon of the *Gatehouſe*, but there continued with his Keeper alſo. Afterwards the Sickneſs increaſing in *London*, they (with the Licenſe of the Keeper of the *Gatehouſe*, as it was proved) retired with their Under-keepers to their ſeveral Houſes in the Country for the ſpace of ſix weeks, until *Michaelmas Term* then next following, when by direction of the ſaid Keeper they returned to his Houſe; But in all that ſpace it could not be proved, that they were in any part of the old Priſon of the *Gatehouſe*, but in the new

Building thereto adjoining, unleſs when they once withdrew themſelves to a Cloſe-ſtool, which was placed near to the Parlor, and was part of the Old Priſon of the *Gatehouſe*. This Evidence was given to both the Juries, and both them returned their Verdicts ſeverally, *That they were not Guilty*, according to the Information exhibited againſt them. And in this Caſe it was debated at the Bar and Bench, Whether by this receipt and continuance in the New Houſe only, it may be ſaid, That they ever had bin impriſoned? And the Judges held, *That their voluntary retirement to the Cloſe-ſtool, made them to be Priſoners.* They reſolved alſo, That in this and all other Caſes, although a Priſoner departs from Priſon with his Keepers Licence, yet it is an Offence as well puniſhable in the Priſoner as in the Keeper. And *Calthrop* made this difference between Breach of Priſon and Eſcape; the firſt is *againſt the Goaler's will*; the other is *with his conſent, but in both the Priſoner is puniſhable*; whereunto the whole Court agreed. It was alſo reſolved, That the Priſon of the *King's Bench* is not any Local Priſon, confined only to one Place; and that every Place where any Perſon is reſtrained of his Liberty is a Priſon. As if one take Sanctuary and depart thence, he ſhall be ſaid to break Priſon.

Ireland Defective Titles.

The 14*th* day of *March*, his Majeſty iſſued out a Proclamation, declaring his Royal Grace to confirm to his Subjects of the Realm of *Ireland* their Defective Titles, and to eſtabliſh their Eſtates and Poſſeſſions by his Commiſſion under the Great Seal of *England*, as the ſtrongeſt motive to quiet them, to make them ſubject to the Laws, to conform themſelves to Induſtry, and to make them opulent. See this at large in the *Appendix*.

An Account of the Bills of Mortality for 3 great Plagues.

The total of all the Burials for this Year 1630 in *London*, and the Liberties, of all Diſeaſes 10554, whereof of the Plague 1317.

There died in the firſt Year of King *Charles* the Firſt, *Anno* 1625. in *London* and the Liberties, of all Diſeaſes 54082, whereof of the Plague 35428.

And in the Year 1665, there died 79000 Perſons, whereof of the Plague 65890.

The Ld. *Keeper*'s care to anſwer Petitioners.

It was the uſual cuſtom of *Thomas* Lord *Coventry*, Lord *Keeper* of the Great Seal of *England*, diligently to obſerve the ſitting Days of the Privy-Council; and his courſe was ever in the firſt place to hear all Petitions read; and when there had bin any Hearing upon them, or Anſwers given to them without hearing, he commanded the Clerk of the Council, to inquire if there were any more Petitions; and if none, then he uſed to riſe and leave the Council ſitting, and not to ſtay the Debate of Matters of State, or Foreign Affairs; and were the Petitioner never ſo mean, his Petition was certainly read, if the Lord *Keeper* was there.

A complaint by the Fiſhermen of *Barkham*.

An Example of which you have in the Fiſhermen of *Barkham* in *Eſſex*, who made their complaint againſt Captain *John Smith*, Captain of the *South Blockhouſe*; and Captain *John Duffeild* Captain of the Ship called the *Seven Stars*, riding at *Medway*, for divers wrongs and extortions of Fees, in taking Mony of the Petitioners, under pretence of requiring their Bond, and the like: Whereupon it was this day Ordered, That the ſaid Fiſhermen ſhould hereafter bring Certificates and Bonds ready made, unto Sir *Thomas Fanſhaw* Knight, dwelling in *Eſſex*, and before him ſhall Sign, Seal, and deliver the ſame to his Majeſties uſe, and leaving the ſaid Bond with the foreſaid Captain, were to proceed in their Vocation of *Fiſhing*, without any other Bond to be required of them after, or any trouble or moleſtation touching the ſame, notwithſtanding any reſtraint; when by the ſaid Reſtraint it is permitted to them to proceed in their Fiſhing, giving Bond not to paſs beyond Seas.

Titles of PROCLAMATIONS, *&c.*

Pro Anno 1631.

A Proclamation for the better ordering of thoſe who repair to the Court, for the Cure of the Diſeaſe, called the *King's Evil*. *Whitehall*, April 6.

A Proclamation for the preventing of the Exportation of Woolls, Wooll-fells, Yarn, Fullers-Earth, and Wood-Aſhes, and of Hides both Tan'd and Raw, out of this Kingdom. *Whitehall*, April 17.

A Proclamation for quickning the Laws made for the Relief of the Poor, and the ſuppreſſing, puniſhing, and ſetling of the ſturdy Rogues and Vagabonds. *Whitehall*, April 23.

A Proclamation for the reſtraining of the Importation of Iron-Wier into this Kingdom, and for the ſupport of that Manufacture. *Whitehall*, May 7.

A Proclamation declaring his Majeſties Royal Grace and Pleaſure, to confirm to his Subjects their Defective Titles, Eſtates, and Poſſeſſions (as well by colour of former Grants, as without any Grant from the Crown) by his Commiſſion lately renewed and granted to that purpoſe. *Whitehall*, May 27.

A Proclamation for the better diſcovery and prevention of Burglaries, Robberies, and other Frauds and Abuſes; and for the ſuppreſſing of all ſecret and unlawful practices of Retailing Brokers, and others which may occaſion the ſame. *Whitehall*, June 5.

A Proclamation prohibiting the Exportation of Corn and Grain. *Whitehall*, June 13.

A Proclamation for the ſuppreſſing of Felons and Out-laws, their Aiders and Abettors, by bringing them to be anſwerable to the ſeveral Laws of the ſeveral Realms of *England* and *Scotland*. *St. James's* June 30.

A Proclamation for the eaſe of the Subjects in making their Compoſitions for not receiving the Order of Knighthood according to the Law. *St. James's* July 6.

A Proclamation concerning New Buildings in and about the City of *London*; and againſt the dividing of Houſes into ſeveral Dwellings, and receiving and harbouring of Inmates. *Nonſuch*, July 16.

Nonſuch, Aug. 1. A Proclamation prohibiting the keeping of *Bartholomew*-Fair, and *Sturbridg*-Fair, and our *Lady*-Fair in *Southwark*.

Farnham, Aug. 9. A Proclamation againſt the falſe dying of Silk.

Canterbury, Aug. 19. A Licence for a Collection throughout *England* and *Wales*, towards the Maintenance of the Exiled Miniſters of the *Palatinate*.

Wanſted, Septemb. 9. A Proclamation for adjourning the Term.

Theobalds, Septemb. 17. A further Proclamation for the ſuppreſſing and puniſhing of Rogues and Vagabonds, and relief of the Poor, according to the Law.

Hampton-Court, Sept. 28. A Proclamation for preventing the Dearth of Corn and Victual.

Whitehall, Novemb. 11. A Huy and Cry againſt Dr. *Leighton*.

Whitehall, Novemb. 24. A Proclamation forbidding the diſorderly Trading with the *Salvages* in *New-England* in *America*; eſpecially the furniſhing the Natives in thoſe and other parts of *America*, by the Engliſh, with Weapons, and Habiliments of War.

Weſtminſter, Decemb. 5. A Proclamation for Peace with *Spain*.

Whitehall, Jan. 6. A Proclamation concerning Tobacco.

Whitehall, March 14. A Proclamation declaring his Majeſties Royal Grace, to confirm to his Subjects of the Realm of *Ireland*, their Defective Titles, and to eſtabliſh their Eſtates and Poſſeſſions by his Commiſſion under his Great Seal of *England*.

Hiſtorical Collections

For the Year 1631.

A Commiſſion granted to the Marqueſs of *Hamilton*'s Officers to raiſe their Men.

Whereas his Majeſty hath bin graciouſly pleaſed to give permiſſion to Our very good Lord, the Lord Marqueſs of Hamilton, for the levying and tranſporting of ſix thouſand Engliſh Voluntiers to be employed in the Service of the King of Sweden. And whereas Captain Coningsby of the Regiment of Sir James Hamilton, hath deſired a Commiſſion for the raiſing of the Company to go under his Command, conſiſting of 150, within the Counties of Hereford, Kent, and Middleſex; Theſe are therefore, according to his Majeſties expreſs pleaſure on that behalf, to ſignify as well to your Lordſhips his Majeſties Lieutenants of the ſaid Counties, and to your Deputy Lieutenants; as well alſo to all Mayors, Sheriffs, Juſtices of the Peace, and to all other his Majeſties head Officers and loving Subjects, to whom it ſhall appertain, That we do hereby grant Licenſe unto the ſaid Captain Coningsby, to take up and entertain, by beating of Drum or otherwiſe, the ſaid number of 150 Voluntiers within the Counties and Places aforeſaid, praying and requiring your Lordſhips, &c. to afford the ſaid Captain and his Officers your beſt aſſiſtance and furtherance on that behalf, as alſo in the orderly conduct of them, without Damage, Charge, or Offence to the Country, from Place to Place within your ſeveral Juriſdictions, unto the Place or Port of their embarking.

The like Commiſſions were granted to the reſt of the chief Commanders and Officers.

At this time the King granted more Commiſſions for raiſing 6000 Men for the Service of the King of *Sweden*; a Liſt of which Officers, and the Counties wherein they were to raiſe the Men, followeth.

An. 1631.

The names of the chief Officers and Captains of three Regiments hereafter named, with the ſeveral Counties wherein each Company was to be levied.

Sir *Jacob Aſhley* Colonel.

Captains Names.	*Counties.*
Captain *Ballard*, the Colonels Company, to raiſe his Men in the Counties of	*Lincoln,* *Nottingham,* *Surrey.*
Lieutenant Colonel *Talbot*, to raiſe his Men in the Counties of	*Eſſex,* *Suſſex,* *Oxon,* *Stafford,* *Salop.*
Serjeant Major *John Chamberlain*, to raiſe his Men in the Counties of	*Briſtol,* *Somerſet,* *Wilts,* *Hertford,* *Bedford,* *Southampton.*
Captain *Earnly*, to raiſe his Men in the Counties of	*Wilts,* *Somerſet,* *Northampton.*
Capt. *David* to raiſe his Men in the Counties of	*Carmarthen,* *Cardigan,* *Pembrook,* *Salop,* *Warwick,* *Stafford.*
Capt. *Aſhly*, To raiſe his Men in the Counties of	*Norfolk,* *Suffolk,* *Cambridg,* *Oxon,* *Berks.*
Capt. *Wroughton*, To raiſe his Men in the Counties of	*Glouceſter,* *Wilts,* *Oxon,* *Stafford.*
Capt. *Goodrick*, To raiſe his Men in the Counties of	*Northampton,* *Huntingdon,* *Cambridg.*

Capt.

Captains Names.	*Counties.*
Capt. *Howel.* To raiſe his Men in the Counties of	*Glamorgan,* *Monmouth,* *Kent,* *Stafford.*
Capt. *Crofts,* To raiſe his Men in the Counties of	*Suffolk,* *Eſſex,* *Bedford,* *Somerſet,* *Glouceſter.*

There was added to every of the Warrants of Sir *Jacob Aſhley*'s Regiment, the County of *Middleſex,* the Cities of *London* and *Weſtminſter.*

Sir *James Hamilton* Colonel.

Captain *Coningsby,* the Colonels Company, To raiſe his Men in the Counties of	*Hertford,* *Kent,* *Middleſex.*
Lieutenant Colonel Sir *William* * *Balantine,* To raiſe his Men in the Counties of	*Brecknock,* *Cardigan,* *Radnor,* *Pembrook.*
Serjeant Major *Arthur Brett,* To raiſe his Men in the Counties of	*Suſſex,* *Eſſex,* *Middleſex,* *Dorſet,* *Somerſet,* *Northfolk,* *Kent.*
Capt. *Arthur Long,* To raiſe his Men in the Counties of	*Middleſex,* *Surrey.*
Capt. *Pawlet,* To raiſe his Men in the Counties of	*Southampton,* *Wilts,* *Somerſet,* *Dorſet.*
Capt. *Hamond,* To raiſe his Men in the Counties of	*Surrey,* *Berks,* *Kent,* *Norfolk,* *Oxford.*

* If not *Valentine.*

An. 1631.

Captains Names.	*Counties.*
Capt. *Cary*, To raiſe his Men in the Counties of	*Southampton*, *Hereford*, *Glouceſter*.
Capt. *Breton*, To raiſe his Men in the Counties of	*Southampton*, *Dorſet*, *Suſſex*.
Capt. *John Bell*, To raiſe his Men in the Counties of	*Hertford*, *Northampton*, *Warwick*, *Oxford*, *Middleſex*.
Capt. *Vavaſor*, To raiſe his Men in the Counties of	*Warwick*, *Stafford*, *Salop*, *Cheſter*.
Capt. *Terwitt*, To raiſe his Men in the Counties of	*Lincoln*, *Hertford*, *Glouceſter*, *Middleſex*.
Capt. *Fieldings*, To raiſe his Men in the Counties of	*Warwick*, *Northampton*, *Worceſter*, *Kent*.

The like Warrant for Capt. *William Sterne*, to raiſe his Company of 150, within the Counties of *Cambridg*, *Huntingdon*, *Eſſex*, *Suffolk*.

Sir *James Ramſey* Colonel.

Captain *Bruce*, the Colonel's Company, To raiſe his Men in the Counties of	*Middleſex*, *Eſſex*, *Kent*, *Hertford*.
Lieutenant-Colonel *Goring*, To raiſe his Men in the Counties of	*Suſſex*, *Southampton*, *Kent*, *Leiceſter*.
Serjeant Major *Fowler*, To raiſe his Men in the Counties of	*Worceſter*, *Salop*, *Wilts*, *Berks*, *Middleſex*.

Capt.

Captains Names.	Counties.
Capt. *Roger Powel*, To raiſe his Men in the Counties of	*Glouceſter,* *Hereford,* *Monmouth,* *Brecknock,* *Glamorgan,* *Carmarthen,* *Radnor,* *Montgomery,* *Salop.*
Capt. *Talbot*, To raiſe his Men in the Counties of	*Salop,* *Stafford,* *Worceſter,* *Glouceſter,* *Wilts,* *Oxford,* *Berks.*
Capt. *John Powel*, To raiſe his Men in the Counties of	*Glouceſter,* *Hereford,* *Monmouth,* *Brecknock,* *Glamorgan,* *Carmarthen,* *Radnor,* *Montgomery,* *Berks.*
Capt. *Geo. Clifford*, To raiſe his Men in the Counties of	*York,* *Nottingham,* *Lincoln,* *Weſtmorland,* *Cumberland,* *Carliſle.*
Capt. *Douglaſs*, To raiſe his Men in the Counties of	*Surrey,* *Middleſex,* *Glouceſter.*

Henry

Mr. Ballaſis ſummoned to attend the Council,

Henry *Ballaſis*, Son and Heir of the Lord *Faulconberg*, was on the *6th* of *April* called before the Council Board, to anſwer his contemptive carriage towards the Lord *Wentworth*, Lord *Preſident of the North*, and one of his Majeſties Hon^{ble} Privy Council. The Charge given againſt him was, ‘That he had come into the Room wherein ‘the ſaid Lord Preſident was at a ſolemn meeting, without ſhewing ‘any particular reverence to the ſaid Lord *Preſident*, as in civility and ‘duty he ought to have done. And that afterwards his Lordſhip going out of the ſaid Room with his Hat off, the Kings Mace-Bearer ‘before him, and all the reſt of the company uncovered, he the ſaid ‘Mr. *Ballaſis* ſtood with his Hat on his head, looking full upon his ‘Lordſhip without ſtirring his ſaid Hat, or uſing any other Reverence ‘or Civility to the ſaid Lord Preſident.

For ſeeming to affront the L. Preſident of the North.

His Anſwer.

‘To which the ſaid Mr. *Bellaſis* made anſwer by a ſolemn and deep ‘Proteſtation, That he came into the Room as he ſhall do into all ‘other places, fully purpoſed and ready to perform that Reſpect and ‘Reverence to the Lord Vicount *Wentworth*, which he acknowledged ‘to be due to the place he holds under his Majeſty; And the reaſon ‘why he did not put off his Hat to his Lordſhip going out of the ‘Room was, that his Face being turned about the other way, talking ‘with *Ferdinando* Lord *Fairfax*, his Lordſhip was paſt before he ‘was aware thereof; that otherwiſe he would have put off his Hat, ‘and given that Reverence to his Lordſhip: Proteſting again deep‘ly, that he came with no intent into the Room to offer any neglect ‘or diſregard to the ſaid Lord *Preſident*. Whereupon he was commanded to withdraw, and being commanded to kneel, did but ſeemingly do it. Yet by reaſon Mr. *Bellaſis* was a young Gentleman, and that he would hereafter behave himſelf with more Civility and Humility towards his Majeſty's *Preſident*, therefore did only order that the ſaid Mr. *Bellaſis*, as he hath now made this Profeſſion before their Lordſhips, ſo ſhould he alſo under-write the ſame with his own Hand, together with an Acknowledgment, that he is ſorry he gave ſuch occaſion of Offence and Scandal to the ſaid Lord *Wentworth*, which was accordingly drawn up and tendered to him: but Mr. *Bellaſis* refuſing to ſubmit to it and obey, was by their Lordſhips committed to the *Gatehouſe*.

His Commitment.

His Submiſſion and Releaſment.

Mr. *Bellaſis* after a months Impriſonment, was by the Lords of the Council called in again the *6th* of *May*, and ſeemed willing to ſubſcribe the Acknowledgment: ‘But ſaid he hoped the Submiſſion was under‘ſtood to have relation to the Place, and not to the Perſon of the Lord *Preſident*; and being thereupon commanded to withdraw, his Friends preſently prevailing with him to ſubmit, which being ſignified to their Lordſhips, he was called in again, and ſubmitted to obey their Commands, and was thereupon ſet at Liberty.

April 10. 1631 A Commiſſion for Repairing of St. *Pauls*.

The Devotion of thoſe times undertook a vaſt and expenſive Work, the repairing of the Cathedral Church of St. *Paul*'s in *London*. To which end a Commiſſion under the great Seal was awarded to the Arch-Biſhops of *Canterbury* and *York*, the Biſhops of *London* and *Wincheſter*, to all the Lords of the Council, and all the prime Miniſters of State, to the Lords *Chief-Juſtices* of the Courts at *Weſtminſter*, and to the Lord Mayor, divers Aldermen, and the Chamberlain of the City of *London*, and to the Dean, and Reſidentiaries of that Cathedral.

'His

7 Caroli.

‘His Majeſty therein Declaring; that he had taken into his ſerious and Princely Conſideration the great decays of that Building, the ſame being the goodlieſt Monument, and moſt eminent Church in all his Dominions, and a principal Ornament of the Royal City; that in reſpect of his Zeal to God's Glory, and for the Honour of his Government, he had an earneſt deſire and purpoſe to provide for the Repairing and Upholding of that Magnificent Structure, and reſtoring the ſame to its antient Beauty and Glory, according to the pious intention of his Royal Father, who granted a Commiſſion to begin and ſet forward that great and Honorable Work. And duly weighing, that as this chargeable Fabrick in the firſt founding thereof, could not but require many Years of time, and large ſupplies of publick Charity; So the ſubſtantial Repairing and Adorning thereof is not to be effected out of any Rents, or Revenues heretofore pretended to have been given to that uſe, but will require a ſtock of Money and Materials to begin the Work, and a conſtant yearly ſupply to bring it to an end. Wherefore it was his Majeſty's will and pleaſure, that all Monies to be raiſed or recovered for this Work, ſhould be paid into the Chamber of *London*, as the fitteſt and ſafeſt *Cheſt* whereinto the ſame can be put, and the Materials which already are or ſhall be brought in, ſhall be laid in *Store-yards*, Houſes, and Places, by Officers appointed for that purpoſe. And the Biſhop of *London* was authoriſed to keep a *Regiſter*, wherein to take the ſeveral Subſcriptions of the *Nobility*, *Biſhops*, *Judges*, *Serjeants* and *Counſellors at Law*, Officers and others of Quality and Ability who ſhall willingly contribute. The *Judges* of the Prerogative Courts of both Provinces, and the *Vicars General*, and the Officials of the ſeveral Biſhopricks of the *Kingdom*, were commanded to take ſpecial care, that out of ſuch Monies as ſhall fall into their power upon the Deceaſes of Perſons inteſtate, to be diſtributed for pious uſes, ſome convenient proportion thereof be aſſigned to the ſupply of this Charge. And the *Letters Patents*, for the general Contribution of all Subjects in the *Kingdom*, were to be drawn in a more ſpecial manner, according to the extraordinary nature of this Caſe. Alſo the Commiſſioners had Authority for taking of an exact Survey of the particular decays of the Church, and calculating the Charge thereof, for the diſcovering of all ſuch Legacies, Gifts and Sums of Money as were given, or intended, for the Maintaining, Repairing, and Adorning thereof; and for Adviſing and Agreeing upon the Forms of *Letters Patents* for Publick Collections throughout *England* and *Wales*; and for the orderly bringing in of all ſuch Moneys as ſhould be Collected, Raiſed, or Recovered for this Public Uſe, and of all Materials thereunto belonging, and for the well-diſpoſing thereof; and for making of meet Orders and Conſtitutions for the Preſervation of that *Cathedral*, and ſuppreſſing and preventing all preſent and future Annoiances, Purpreſtures and Encroachments, which tend to the Damage or Diſgrace thereof. And that the Proceedings herein may be firm and inviolable, and remain in perpetual memory, this Injunction was added, *That a Certificate thereof be made into the Court of Chancery, there to remain on Record.*

A Regiſter appointed for the Subſcription of Benefactors.

According to the directions in this Commiſſion, *Briefs* for Contributions were iſſued forth under the *Great Seal*, in different manners,

Briefs for Contribution iſſued forth for that effect.

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according to the different condition of the places unto which they were directed. Reſolutions were taken by the Lords *Committees*, that 'once a Year a Certificate be made of the Mony given, and of the 'Donors names; and that the Work ſhould not begin till there were '10000 *l.* in Bank; and when the Scaffolds were up, and the Work 'begun; that two or three Cheſts ſhould be ſet in the Church, in 'convenient places, for receiving the Benevolencies of well diſpoſed 'Perſons.

Some Perſons remiſs in executing them.

And where-ever there was found ſlackneſs in raiſing or collecting of Monies in this behalf; Perſons of Wealth or Authority in their Country, were to be quickened by *Letters Monitory* ſent from the Council Table. Sir *Francis Knowls* and Sir *Thomas Vachel*, Juſtices of the Peace in *Berks*, received ſuch Letters, wherein they were checked for delaying to publiſh his Majeſties Commiſſion, and forbearing to expreſs their own Liberalities, and their good inclinations to ſo pious a Work, which might be a means to invite others by their good example; and were injoyned, for the redeeming of opportunities already let ſlip, to redouble their diligence, and to put the Commiſſion in execution by the beſt ways and means they could; and to return an exact Accompt of the Monies given by themſelves and others; that the King being therewith acquainted, may diſtinguiſh between ſuch as are forward and well-affected, and ſuch as are ſlack and remiſs in doing God and him Service.

Reſolutions taken by the Lords Committees for the Buſineſs of the Cathedral Church of St. Paul.

1. That once a Year Certificates be made of the Monies given, and the Donors Names.

2. That a Clerk of the Work be choſen, and a Pay-maſter, and a Purveyer.

3. The Work not to begin till there be Ten thouſand pounds in Bank. That when the Scaffolds are up, and the Work begun, two or three Cheſts be ſet within the Church, in ſuch places as ſhall be thought fit, for receiving the Benevolences of well-diſpoſed Perſons to the ſaid Work.

Moreover, The Privy-Council being informed by ſundry Hands, of a long Abuſe in that Church, which might give an Impediment to Mens Liberal Offerings, thought fit to make this Order on the 18th of *January*.

Abuſes to be reformed in S. *Pauls* Church.

'THe Council Board by ſpecial Direction and Commiſſion from his 'Majeſty, taking into conſideration the ways and means for the 'Reparation of the Cathedral Church of St. *Paul's*, were informed at 'ſundry hands, of a long continued abuſe of the place, which might 'give a great impediment to Mens liberal Offerings to ſo pious a 'Work, if care were not taken, as well for the Religious and *decent* '*uſe of the inſide, as repairing of the outſide.* The offence that is taken 'as well by Forreigners, as thoſe of our own Nation, is, *that in time* 'of *Divine Service*, while *the upper part of the Church is uſed for Pray*'*ing and Preaching, the nether part of the Church is uſed as an Exchange* '*for Men to meet in, to walk, talk and diſcourſe of all things*; and the

'Church it ſelf, though by ſituation it ſtands convenient for Paſſage 'to and from all parts of the City; yet by that liberty is ſo far pro-'faned, as it is uſed like a Street for carriage through of all Burthens, 'Proviſions and neceſſaries Men have to uſe, or paſs from place to 'place; whereat good Men are much ſcandalized. Their Lordſhips 'finding this to be ſo unfit (the Dedication of that place conſidered) 'beſides the coldneſs it may make in Men, otherwiſe well affected 'to this Work, if the better part be not cared for, as well as the 'material Work provided for, have thought fit to declare themſelves 'thus far, to the *Dean* and *Chapter* of that Church, that they thereupon 'may ſeriouſly enter into Conſideration how this Abuſe may be re-'formed, and propound to the Board a fit Expedient. Their Lord-'ſhips for their parts offer this unto the ſaid *Dean* and *Chapter*; That in 'time of Divine Service, Prayers, or Preaching none ſhould be ſuf-'fered to be walking or talking in the Church, or nether *Iles* thereof; 'And at no time to have any part of the ſaid Church uſed *as a through-'fare*, or paſſage for Burthens, Proviſions, or other common neceſſaries 'to be carried through the Church, but for all thoſe things to take the 'common way of the Streets. What more or other things the *Dean* and '*Chapter* ſhall find fit to add, they are prayed and required to repre-'ſent unto the *Board* with all conveniency, that ſuch courſe may be 'therein taken as ſhall be fit, and this pious and worthy Work encou-'raged by all the means that may be.

This Order was confirmed by his Majeſty, and publiſhed in print, as followeth.

Purſuant to the reformation of Diſorders in Cathedral Churches, particularly that of St *Paul* in *London* lately begun, his Majeſty gave forth ſpecial Commands and Orders in the terms following.

Jun. 25. 1631. Orders againſt walking in St. *Paul's*.

I.

'That no Man of what quality ſoever ſhall preſume to walk in the 'Iles of the Quire, or in the Body or Iles of the Church, during the 'time of Divine Service, or the Celebration of the Bleſſed Sacrament, 'or Sermons, or any part of them, neither do any thing that may 'diſturb the Service of the Church, or diminiſh the Honour due to 'ſo holy a place.

II.

'That no Man preſume to profane the Church by the carriage of 'Burthens or Baskets, or any Portage whatſoever.

III.

'That all Parents and Maſters of Families do ſtrictly forbid their 'Children and Servants to play at any time in the Church, or any 'way miſdemean themſelves in that place, in time of Divine Service, or 'otherwiſe: And if any Children or Servants ſhall be found ſo doing, 'beſides the puniſhment of the Delinquents, their Parents and Ma-'ſters ſhall be ſubject to ſuch Cenſures and Puniſhments, as is thought 'fit to be inflicted.

'Theſe *Orders* by command of his Majeſty are now publiſhed, to the 'intent that no Man may hereafter pretend Ignorance for his excuſe in 'any of them.

Houſes about St. *Paul's* to be demoliſhed.

At this time certain Houſes and Shops adjoining to St. *Paul's* were thought fit to be demoliſhed, for the more commodious Repairing, and better Ornament of that *Cathedral*; Whereupon choice was made of

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of a certain number of the Commiſſioners to Treat and Compound with all perſons intereſted in ſuch Buildings, having a more eſpecial regard to Widows, Orphans, and the poorer ſort. And it was ordered, That if the Owners conformed themſelves, by demoliſhing their Houſes, by a limited time, they ſhould receive ſuch ſatisfaction, according to their ſeveral Intereſts, as their Lordſhips ſhould think reaſonable; Otherwiſe, the Sheriff of *London* was requir'd to ſee the ſame performed; it being not thought fit, that the Obſtinacy of thoſe Perſons ſhould hinder ſo conſiderable a Work. Hereupon Compoſitions were made with the Owners, for certain ſumms of Mony, to be paid out of the Monies deſign'd toward the repairing this *Cathedral*, together with the Materials of the demoliſhed Houſes. And the Biſhop of *London*, the *Dean* and *Chapter* of St. *Paul's*, and the Warden of the Petty-Canons were appointed to accept the Surrender of the Leaſes ſo compounded for, and to deliver them to the Clerk of the Privy-Council, to be put into the *Council-Cheſt*, there to remain in ſafe keeping.

And becauſe the Surveiors brought in, That the greateſt part of the Houſes in the Pariſhes of St. *Faith's* and St. *Gregories*, are within the Wall of St. *Paul's* Church-yard, and conſequently built, as was alledged, to the Nuiſance and Detriment of the Church, and might in reaſon and juſtice be ordered to be pull'd down, as well as the other Houſes that abutted upon the Church Wall; Their Lordſhips ordered that the Sub-Committees ſhould call before them ſuch Owners and Inhabitants as have their Houſes within thoſe Pariſhes, and deal with them effectually for ſome Annual Contribution, or ſum of Money, whereby Houſes and Rents might be ſetled to the uſe of the *Parſon* of St. *Gregories*, and of the *Almoner* and *Choriſters*, to make ſome recompence for the Loſs which would fall upon them by the taking down of their dwelling Houſes, and ſome other Tenements belonging to their Maintenance.

And whereas the *Dean*, and the *Petty Canons* of St. *Paul's* have a Quarter built on the North-ſide of the Church, in manner of a College, for their Habitation; which if wholly employ'd to the uſe of the Church, was conceiv'd convenient enough, both for them and the *Parſon* of St. *Gregories*, and the *Maſter* and *Choriſters*: Their Lordſhips ordered, that the Sub-Committees ſhould ſend for the *Dean* and *Petty Canons*, and upon their Examination and View of the Place, diſcover and certifie the *Board* what Tenants do inhabit, and what Inmates are lodged there.

Concerning St. *Gregories* Church by St. *Paul's*.

The Pariſhioners of St. *Gregorie's* having begun to make a Vault for the Burial of the Dead, from the South-ſide of St. *Paul's* towards the ſtreet, near the *Lollards Tower*, fifty foot in length, and fourteeen in breadth, it being found that in digging they bared three ſettings off from the Southſide of the Cathedral; and upon the Eaſt, and Southſide of the *Lollards-Tower*, five foot deep, from the firſt ſetting off above ground; The Lords of the Council ordered, leſt the Foundation of this great Building ſhould be under-wrought, that the Vault ſhould be ſhortned, ſo as neither the Griſes be bared, nor the Walls of the Church, or Tower touched; and that a ſeparation-Wall be made, and the place within be thorowly fill'd up with Earth.

Afterwards the Wall of St. *Gregorie's* Church was ordered by the Lords of the Privy Council to be pull'd down, as an impediment to the Work, and unſeemly to the view of the Cathedral; and the rather, becauſe it was within another Church-yard already conſecrated for Burial.

At laſt St. *Gregory*'s Church it ſelf, being found a great impediment to the Work in hand, ſeveral ſtrict Orders were made to the Pariſhioners to take it down, and remove it to ſome other place. The Pariſhioners alleadging inability to undergo the Charge, petition'd the Lords of the Council, that they might be freed from that Injunction; but their Lordſhips finding no cauſe to vary, did ratify the former Orders. And as touching the difficulty of finding out and procuring a fit place for the erecting of a New Church within that Pariſh; and the pretended diſability to undergo the Charge of Building it, they leave it to the Pariſhioners Election, Whether they will build the ſame, or be aſſign'd to any one or more Pariſhes, in ſuch manner as the Lord Biſhop of *London* ſhall think fit and direct, and ſo remain till a New Church be erected.

After this they of St. *Gregory*'s, being in number above 3000 Souls, were aſſigned to the Weſt end of *Chriſt-Church*; but thoſe of *Chriſt-Church* refuſing to admit them without Compoſition, or hard Conditions, it was ordered by the Privy-Council, that they ſhould freely aſſemble there without any farther burthen.

The Trial of *Mervin* Lord *Audley*.

UPon the 25*th* of *April* began the Arraignment and Condemnation of *Mervin* Lord *Audley*, Earl of *Caſtle-Haven* in *Ireland*; who being accuſed of ſeveral Crimes and Enormities, now brought to light, the King thought it meet that he ſhould have a publick and fair Trial. And in order thereunto, the Lord *Keeper* wrote to ſome of the Judges to haſten to Town, after their Circuits were over, to be preſent at his Trial, which was to be in *Weſtminſter-Hall* before the beginning of *Eaſter Term*, to be aſſiſting to the Lord High Steward.

The Judges that were required to be preſent were theſe.

Sir *Nicholas Hyde*, Lord Chief Juſtice of the *King's Bench*.
Sir *Thomas Richardſon*, Ld Chief Juſtice of the *Common Pleas*.
Sir *Humphry Davenport*, Lord Chief Baron of the *Exchequer*.
Baron *Denham*.
Judg *Jones*.
Judg *Hutton*.
Judg *Whitlock*.
Judg *Cook*.

In this Caſe there were three Indictments found at *Salisbury*, the *Wedneſday* preceding *Eaſter*, before the Lord Chief Juſtice *Hide*, the Lord Chief Juſtice *Richardſon*, and Baron *Denham*, Juſtices of Aſſiſe for that Circuit, and ſpecial Commiſſioners in this Caſe. The one Indictment was for a *Rape* upon his own Wife, for holding her by force, whilſt one of his Minions, forcibly and againſt her Will, had Carnal knowledg of her; ſo that he was Indicted as *præſens*, *auxilians*, *confortans*, and therefore a Principal. The other two Indictments were for *Buggery* with a Man.

On *Friday* morning before the Trial, the Judges being ſent for, all

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Judges met at *Serjeants-Inn* about the Earl of *Caſtle-Haven.*

* Said to be Judg *Whitlock.*

Queſtions propounded to the Judges, and anſwered.

all but *Denham* (being met at *Serjeants-Inn Hall* in *Fleetſtreet*) theſe Queſtions were propoſed unto them by Sir *Robert Heath* the King's Attorney General; A memorial of which, a learned * Judg, one of the eight before mentioned, ſet down in writing to the effect following.

1. *Whether a Peer of the Realm may wave his Trial by Peers, and plead he will be tried by God and the Country?*

Anſwer. He may not. For his Trial by Peers is no Priviledg, but the Law, declared by *Magna Charta*; and if he will not plead to Trial by his Peers, it is a ſtanding Mute.

2. *Whether a Peer may challenge his Peers, as in the caſe of common Jurors?*

Anſw. He may not, (which I think is ſo, ſaid that Judg) becauſe they go not on their Oath, but on their Honour, and a Challenge is tried whether he ſtand indifferent as unſworn.

3. *Whether a Peer may have Counſel any more than a common Perſon?*

Anſw. If Matter of Law appear, he may, not for Matter of Fact.

Certain Examinations being taken by the Lords without Oath; It was reſolved,

Theſe could not be uſed until they were repeated upon Oath, unleſs of the Party to be tried, which may be read without an Oath.

4. *Whether the Wife in this Caſe may be a Witneſs againſt her Husband for the* Rape?

Anſw. She may, for ſhe is the Party wrong'd; otherwiſe ſhe may be abuſed. In like manner a Villain may be a Witneſs againſt his Lord in ſuch Caſes.

5. *Whether the Witneſſes are to be produced* viva voce, *if the Lord* Steward *require it, or the Priſoner?*

Anſw. If he ſtand Mute in the Caſe of *Rape* or *Buggery*, he may have his Clergy in either.

6. *Then if he may not be put to Trial on the other Indictment, may not he be for a later* Buggery, *and be denied his Clergie?*

Anſw. On that he may, by 18. *Eliz.* 1.

7. *Whether in caſe one ſtandeth Mute, Evidence may be opened by command of the Court concerning the Fact, though the Delinquent be to be preſſed to death for his contempt?* But it is a matter in the diſcretion of the Court.

8. *Whether in Caſes where Clergie is allowable, the party may pray it before he anſwer, and deny to anſwer, otherwiſe?* for this is a Confeſſion.

9. *Whether in Rape there muſt be* Penetratio?

The Anſwer was in the Affirmative.

10. *He having made ſuit to be bailed, whether it might be granted?*

Anſw. Let the King, as King, adviſe of it. The Judges certified the Lord *Keeper* that he could not in juſtice require it; yet he might be bailed *ex gratia*, which was not fit in this odious Caſe.

At a ſecond Aſſembly of the ſaid Judges in *Serjeants-Inn*, other things were conſidered of as to this Matter.

A difference was made between a *Buggerie* and a *Rape*, in point of having Clergy, if he ſtood Mute: for it was argued he might have

7 *Caroli.*

his Clergy if he ſtood Mute in *Rape*, but not in *Buggerie*, becauſe by the Stat. 25. *H.* 8. *Buggerie* is made *Felony*, which by the Common Law is not. And in the very creation of the Offence, Clergy is taken away ; whereas Clergy did lie for a Rape, until it was taken away by a Statute.

It was concluded that the Lords might Eat and Drink before they were agreed, but they could not ſeparate nor adjourn the giving up of their Verdict. This appeared out of the Report of the Lord *Dacres* of *Gregſtock's* Caſe, who was tried for Treaſon, and acquitted by his Peers, 26. *H.* 8.

It was agreed by the Juſtices in that Caſe of the Lord *Dacres*, that a Verdict cannot be given by a leſſer number of the Lords than twelve; and if twelve be for the King, and thirteen for the Priſoner, the Priſoner ſhall be acquitted.

In an Appeal, if the Defendent be Mute, he ſhall be hanged, and it is an Attainder, it being not within the Statute of *Weſtminſter*, Cap. 12. *De paine fort & dure.* No more is Treaſon. vide *Stamf.*

It was agreed alſo, That a Lord of the Parliament is within the Statute of *Weſtminſt.* 1. in caſe of *Felony*, and ſhall be preſſed to death.

It was agreed, If the Lord *Audley* ſhould have his Clergy upon his being Mute, yet he might be tried upon the other Indictments of *Rape* and *Buggerie*, and ſhould not have his Clergy, by the Statute 18. *Eliz.* becauſe the admitting him to his Clergy, would be a *Superſedeas* to all Indictments of Offences within Clergy, not of thoſe without by that Statute. For by the Common Law, he that is admitted to his Clergy, is diſcharged from anſwering any other Offence ; for by indictment of that Law, he is taken from the Power of the Secular Judg, and put into the hands of the Ordinary, whoſe Priſoner he is all his Life after.

It was reſolved from the Lord *Dacre's* Caſe, That the Lord *Steward*, after Verdict given, might take time to adviſe upon it for any point in Law ; and that his Office did continue unto him until his Judgment and Reſolution, and it was but a Commiſſion *hac vice* notwithſtanding.

The Names of the Peers at the Trial of the Lord Audley.

1. *Richard* Lord *Weſton*, Treaſurer.
2. *Henry* Earl *Mancheſter*, Privy Seal.
3. *Thomas* Earl of *Arundel* and *Surrey*, Marſhal.
4. *Philip* Earl of *Pembroke* and *Montgomery*, Chamberlain to the King.
5. *Henry* Earl of *Kent*.
6. *Edward* Earl of *Worceſter*.
7. *Francis* Earl of *Bedford*.
8. *Robert* Earl of *Eſſex*.
9. *Edward* Earl of *Dorſet*.
10. *William* Earl of *Salisbury*.
11. *Robert* Earl of *Leiceſter*.
12. *Robert* Earl of *Warwick*.
13. *James* Earl of *Carliſle*.
14. *Henry* Earl of *Holland*.
15. *Thomas* Earl of *Berkſhire*.
16. *Henry* Earl of *Danby*.
17. *Edm.* Vicount *Wimbleton*.
18. *Edward* Vicount *Conway*.
19. *Dudley* Vicount *Dorcheſter*.
20. *Thomas* Vicount *Wentworth*.
21. *Henry* Lord *Clifford*.
22. *Algernon* Lord *Piercy*.
23. *James* Lord *Strange*.
24. *Dudley* Lord *North*.
25. *William* Lord *Peter*.
26. *Edward* Lord *Howard*.
27. George Lord *Goring*.

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The manner of the Trial.

There was prepared in *Weſtminſter-Hall* a long Gallery aſcending with twelve ſteps, beginning directly over againſt the *Common-Pleas* Bar; extending in length to the top of the *King's-Bench* ſtairs. At the higher end of the Gallery there was a long fair Table, with Benches on each ſide, for the Peers to ſit on; and at the upper end thereof there was a Cloth of State for the Lord *High Steward*; alſo at the lower end another ſhort Table for the Lords and Judges to ſit at. And there was alſo a place provided for the King's Learned Counſel, and Officers of the Court; and below that, the Bar for the Priſoner: Scaffolds being alſo erected on each ſide of the *Hall* for People to ſtand and hear the Trial.

On the day appointed the Peers came into the *Hall*, and took their places according to their Degrees; The Judges likewiſe came, and took their places in order: After them the King's Learned Counſel, and the Officers of the Court.

Thomas Lord *Coventry*, Lord Keeper of the *Great Seal*; being by Commiſſion under the ſaid Great Seal, dated the 13*th* of *April* 1631, conſtituted Lord High Steward for the time being, about nine of the Clock in the morning entred into the *Hall* uncovered, with ſeven Serjeants at Arms carrying ſeven Maces before him, and attended upon by Sir *John Burroughs* King at Arms, and Mr. *James Maxwel* Uſher of the Black Rod.

The Lord *Steward*, after he had ſaluted the Lords the Peers, who reſaluted him, aſcended the State; and being ſeated in the Chair, was preſented with his Majeſty's Commiſſion by Sir *Robert Rich*, one of the Maſters of the *Chancery*, which was openly read by Sir *Thomas Fanſhaw* Clerk of the Crown. Then Mr. *Maxwell* kneeling down, preſented his Lordſhip with a White Staff, or Rod, which he gave to one of the Serjeants at Arms, who held up the ſame by the Chair of State, on the right hand thereof.

Then the Lord *Steward* gave leave to all the Peers, and to all the Lords, and Judges, and Privy-Counſellors there preſent, to put on their Hats and be covered; and command was given, that none under thoſe Degrees ſhould be covered upon pain of impriſonment.

Then the Peers were ſeverally called by their Names, and each of them anſwered particularly.

The Kings Counſel there preſent, were,

Sir *Robert Heath*, Attorny General.
Sir *Richard Shelton*, Solicitor General.
Sir *John Finch*, Queen's Attorny General.
Sir *Thomas Crew*, the King's Serjeant at Law.

The Officers of the Court, were,

Sir *Thomas Fanſhaw*, Clerk of the Crown.
And Mr. *Keeling*, his Aſſiſtant.

Then the Lord *Steward* commanded the Indictments to be certified and brought in; This being done, the Lieutenant of the *Tower* was called by a Serjeant at Arms, and commanded to bring forth the Priſoner; who accordingly being brought to the Bar, attended by divers of the Guard, he made obeyſance to the Lord *Steward*, and the *Peers*, by whom he was reſaluted. Then the Lord *High Steward* directed his Speech unto him, which was as followeth.

My Lord Audley,

'THe King hath underſtood, both by Report, and the Verdict of 'divers Gentlemen of Quality in your own Country, That you 'ſtand impeached of ſundry Crimes of a moſt high and hainous na'ture. And to try whether they be true or not, and that Juſtice 'may be done accordingly, His Majeſty brings you this day to your 'Trial. Doing herein, as the Mighty King of Kings, in the 18*th* of '*Geneſis*, verſ. 20, 21. who went down to ſee whether their Sins were 'ſo grievous as the cry of them; *Becauſe the cry of* Sodom *and* Go'morrah *is great, and their ſins grievous, I will go down, ſaith the Lord,* '*and ſee whether they have done altogether according to the cry of it.* And 'the Kings on Earth can have no better Pattern to follow than the 'King of Heaven: And therefore our Sovereign Lord the King, God's 'Vicegerent here on Earth, hath commanded that you ſhould be here 'tried this day; and to that end he hath cauſed theſe your Peers to 'be aſſembled: And the deſire of his Majeſty is, that your Trial ſhould 'be as equal as Juſtice and Equity it ſelf: And therefore theſe Noblemen, 'your Peers, whoſe hearts are as full of Integrity, Juſtice and Truth, 'as their Veins full of Noble Blood, are this day to try you; where'fore if you be innocent ſpeak boldly and confidently, and fear not 'to juſtify your ſelf: And be aſſured, that thoſe that accuſe you, if 'you be free your ſelf, ſhall not eſcape free: But if you be guilty of 'theſe Crimes, I adviſe you to give honour to God and the King, and 'confeſs your Faults; for it is not vain Confidence, nor Subtilty, nor 'ſtanding out in denial, that hides the Truth, and all ſhifts and ſubtil'ties againſt it are but *Concilia adverſus Dominum.*

'Therefore if Truth touch you at the Heart, and your Conſci'ence, which is your Witneſs, and God's Grace which is greater than 'both, ſtand not againſt it.

To this Speech of the Lord *Steward*'s, my Lord *Audley* thus anſwered.

May it pleaſe your Grace;

'I Have bin a cloſe Priſoner theſe ſix Months, without Counſel or 'Advice; I am ignorant of the Law, and but weak of Speech at 'the beſt; and therefore I deſire to have the liberty to have Counſel 'to ſpeak for me.

The Lord *Steward* replied; 'That his long Impriſonment was a 'ſpecial favour, for that it gave him time to bethink himſelf, and more 'than ever any Man had that had bin committed for ſuch Offences; 'and that he ſhould demand nothing which the Law can allow, but it 'ſhould be granted.

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'Then his Grace deſired to be reſolved of the Judges whether the 'Priſoner's demand to have Counſel to plead for him, might be granted 'or not? the Judges anſwered, that in criminal Cauſes Counſel is not 'to be admitted in matter of Fact, but in matter of Law it may.

Then the three Indictments were read, whereof two were for *Sodomy* with his Footman, and the third for a *Rape* committed upon his own Wife. Unto all which the Earl anſwered, *not guilty*; and being asked, how he would be tried, he anſwered by *God and his Peers.* Whereupon all the Peers put off their Hats, and the iſſue thereof was joyned.

The Ld. Steward's Speech to the Lords.

The Lord High *Steward* addreſſed his Speech to the Peers, and ſaid, 'My Lords, the Priſoner ſtands indicted for a *Rape* by one Indict'ment, and for *Sodomy* by two, and he hath pleaded *not guilty* to them 'all.

'It is my duty to charge you with the Trial of it, and you are to 'judge of it. The Offences wherewith he ſtandeth charged are to be 'proved by Evidence. And becauſe the Crimes that come this day be'fore us, may in ſome breed Deteſtation, let your Reaſon ſway your 'Judgments, and let that rule your Affections, and your Hearts and 'your Heads; for neither of thoſe ought to be put into the Ballance, 'if a Grain on either ſide may ſway the Scale.

'You are to give attentive Hearing, and then to weigh equally, 'that the Scale may lean the right way. The Judges will aſſiſt you in 'point of Law, which if you doubt of, you are to propound it to me, 'and I to them, and this your Lordſhips are to do without corpo'ral Oath; For the Law concieveth you of ſuch Integrity, that you 'will do that for Juſtice, which others do upon their Oaths, and 'therefore admit of no Challenge. And God direct you to do as you 'ought.

Sir *Thomas Crew* opened the Charge.

Sir *Thomas Crew*, the King's learned Counſel, opened the Charge againſt the Earl to this effect;

'The Perſon is Honorable, the Crimes diſhonorable, ſo foul as 'Poet never invented, nor *Hiſtoriographer* wrote of: the one is a Crime 'of ſuch rarity (let it be ſpoken to the Honour of our Nation) that we 'ſeldom or never knew the like; and the other ſuch, the like hath ſcarce 'been heard of.

'But they are of ſuch a peſtilential nature, that if they be not pu'niſhed, they will draw Vengeance from Heaven upon this King'dom. His Majeſty would have the Priſoner at the Bar heard 'with as much favour, as Crimes of this nature will admit. And 'when he firſt heard thereof, he gave ſtrict Command that the Truth 'ſhould be ſearched out, that his Throne and People might be 'cleared from ſo heavy and heinous Sins. Thereupon the Priſoner 'was indicted in his own Country according to the Law, and by 'Gentlemen of worth, the Bill was found; and now he is perſonally 'brought to this Bar, to be Tried by his Honourable Peers, of whoſe 'Wiſdom and Sincerity, there can be no queſtion but he ſhall have a 'juſt and honorable Hearing.

'To begin with the Indictment of *Rape*; *Bracton* tells us of King '*Athelſtan's* Law before the Conqueſt, *If the party were of no chaſte life,* '*but a Whore, yet there may be a Raviſhment: But it is a good Plea for a* '*Man to ſay ſhe is his Concubine.*

'In an Indictment of *Rape* there is no time of Proſecution neceſſary:

'for *nullum tempus occurit Regi*, but in caſe of an Appeal of *Rape*, if a Woman do not proſecute in convenient time it will bar her. If a Man take away a Maid by force and Raviſh her, and afterwards ſhe give her conſent to Marry him, yet it is a Rape.

'For the Crime of *Sodomy*, Our Law had no knowledg of it, till the 15*th* of *Henry* the 8*th*, by which Statute it was made *Felony*, and herein there is no more queſtion but only this, whether it be *Crimen Sodomiticum ſine Penetratione.* And the Law 15*th Elizabeth* ſets it down in general; and where the Law doth not diſtinguiſh, neither muſt we.

'Your Lordſhips will be curious how you give the leaſt mitigation to ſo abominable Sin, which brought ſuch Plagues after it, as may be ſeen in the 19*th* of *Geneſis*, 19*th* of *Judges*, and 1ſt of the *Romans.*

'It may ſeem ſtrange how a Nobleman of his birth and quality, ſhould fall into ſuch abominable Sins; but he had given himſelf over to Luſt. And when Men once habituate themſelves unto evil, no marvel if they fall into any Sin.

'Alſo he was conſtant in no Religion, but in the morning would be a *Papiſt* and go to Maſs; and in the afternon a *Proteſtant* and hear a Sermon. He beleived not in God, he feared not God, he left God, and God left him to his own wicked way, and then what might not he run into.

'Things are ſound in him beyond imagination,his intentions were bent to have his own Wife naught; if ſhe love him ſhe muſt love *A.* his Page and he gives this reaſon out of Scripture, *ſhe was now made ſubject to him; and if ſhe did evil at his command, 'twas his fault, he muſt anſwer for it.*

'His irregular bounty towards *S.* is very remarkable; him he loves and honours above all, not in any honeſt but a diſhoneſt love, he calls him his *Favourite*, and lets him ſpend ſeveral thouſand pounds a year; and if his Wife or Daughter will have any thing, they muſt lie with *S.* and have it from him, ſaying, that he had rather have a Child by him then any other.

Witneſſes produced.

The Witneſſes were produced, who teſtified upon Oath, that *A.* coming to his bedſide, when he was in Bed with his Lady, the Earl told her, that her Body was now his, and if ſhe loved him ſhe muſt love *A.* and if ſhe lay with another Man with his conſent, it was not her fault but his, and that if it were his will ſhe muſt obey and do it. And then he held both the hands of his Lady and one of her legs till his Servant did lie with her. Immediately thereupon the Lady would have killed her ſelf with a Knife, but was prevented. It was proved that he uſed the body of one of his Men Servants as the body of a Woman. Alſo there were proved againſt him, ſuch other particulars as are not fit to be named, nor come to the knowledg of the World, nor to be heard among Chriſtians.

The King's Counſel concludes.

Afterwards the Counſel for the King ſpake to the Lord *High Steward* and the Peers to this effect, 'That in ſo dark a buſineſs, a clearer proof could not be had. For let a Man be never ſo wicked, or never ſo impudent, he will not call Witneſſes to ſee his wickedneſs, yet even this point is fully proved. And citing the 18*th* of *Levit.* they ſhewed that *by theſe Abominations the Land is defiled, and that God will viſit the Land for this Iniquity*, and ſo concluded, That God may take away his Plagues, let this wicked Man be taken away from among us.

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The Lord High Steward.

‘Then the Lord *High-Steward* directed his Speech to the Earl, and told him he ſhould be heard in his Defence, with as much patience as was admitted in his Charge, and adviſed him to ſpeak pertinently.

The Priſoner's Objections.

‘The Priſoner alledging that he was a weak Man, of a bad memory, and deſired he might not be interrupted, began his Defence, with Exceptions againſt his Wife, That ſhe was by her own Teſtimony diſhoneſt with *Broadway*. The Lord *High-Steward* anſwered, that this made againſt him, he ought not to alledge that Fact as an Imputation to his Wife, which he forced by violence.

‘Then he objected the incompetency of the Witneſſes, his Wife and his Servants, that were drawn by his Son's practice, who ſought his life; and he deſired to know if there were not a Statute that expreſſed the incompetency of Witneſſes.

The Judges Anſwer.

‘The Judges reſolved that there was none touching Witneſſes; but in caſes of High Treaſon there was a Statute concerning Accuſers. Then he demanded if his Wife was to be admitted a Witneſs againſt him. The Judges anſwered, that in Civil Caſes the Wife may not, but in Criminal or Capital Caſes of this nature, where the Wife is the party greived, and on whom the Crime is committed, ſhe is admitted againſt her Husband. It was further propounded, whether it being proved that the party Raviſhed was of evil fame, or unchaſt life, it will amount to a *Rape*? The Judges reſolved it a *Rape*, though committed on a common Strumpet. For it is an inforcing of the Will that makes a *Rape*, and a common Whore may be Raviſhed againſt her will, and it is Felony to do it.

‘It was alſo propounded whether it was to be judged a *Rape*, when the Woman complained not preſently; and whether there be a neceſſity of accuſation within a convenient time, or twenty four hours? The Judges reſolved, that in as much as ſhe was forced againſt her will, and then ſhewed her diſlike, ſhe was not limited to any time for her complaint; that in an Indictment there is no limitation of time, but in an Appeal there is.

‘Laſtly, it was propounded, Whether Men of no worth may be admitted as ſufficient proof againſt a *Baron*. The Judges reſolved, that any Man is a ſufficient Witneſs in caſe of Felony.

Lord High-Steward.

‘The *Lord High-Steward* ſpeaking to the Priſoner ſaid; My Lord, you have been graciouſly dealt with in this Proceeding; for it is not an uſual favour in ſo capital and heinous Cauſes to bring the Parties and Witneſſes face to face before Trial; but you have heard their Examinations long before, queſtioned and oppoſed them to their Faces, and are thereby better enabled to make your Defence. And his Majeſty is ſtill graciouſly pleaſed to continue his Goodneſs towards you, and hath commanded that you ſhould be heard at full. If therefore you have any thing elſe to ſay for your ſelf, ſpeak it.

The Priſoner.

‘Whereunto he anſwered, and firſt made a ſolemn Proteſtation of his Innocency: But nevertheleſs implored the Mercy of God and his Peers, and preſented to their conſideration three Woes.

‘Firſt, Wo to the Man whoſe Wife ſhall be a Witneſs againſt him.

‘Secondly, Wo to the Man whoſe Son ſhall proſecute and conſpire his Father's death.

‘Thirdly, Wo to the Man whoſe Servants ſhall be allowed to be Witneſſes to take away his life.

‘ And he willed the Lords to conſider, that it might be their own Caſes, or the Caſe of any Gentleman, or Man of worth, that kept a Footman, or whoſe Wife was weary of him, or whoſe Son being attained to Age, had a mind to draw his Servants into a Conſpiracy.

‘ That his Son was now 21 years of Age, himſelf being old and decayed, that his Son would have his Lands, and his Wife a young Husband. And that by their Teſtimony, and the Teſtimony of his Servants added to theirs, they had conſpired his Death.

After this the Priſoner, being ſo required, withdrew himſelf from the Bar.

The Lord *High Steward* ſpake to the *Peers*, ‘ That they having heard the Proofs, the Priſoner's Defence, the Doubts and Queſtions reſolved, might withdraw, if they were ſatisfied.

The Peers withdraw.

The Peers withdrew, and after an hours debate, with ſeveral Advices and Conferences with the *Lord Chief Juſtice*, whom they conſulted four times; having alſo in that time ſent the Earl of *Warwick*, and the Lord of *Dorcheſter*, together with the *Lord Chief Juſtice*, to conſult with the Lord *High Steward*, they returned to their places.

They give their Verdict.

Then the Lord *Steward* asked them one by one, beginning at the loweſt, and ſo aſcending, Whether the Lord *Audley* were guilty of the *Rape* whereof he ſtood indicted? and they all gave him in *Guilty*, the Lord *North* only excepted. Then whether he were guilty of the *Sodomy?* and in this fifteen of the Lords condemned him, and the other eleven freed him.

The Verdict being thus given up, the Priſoner was brought to the Bar to hear his Sentence, and the Lord *High Steward* ſpoke.

Lord High *Steward.*

‘ Foraſmuch as thou *Mervin* Lord *Audley* haſt bin indicted for divers *Felonies*, by three ſeveral Indictments, one for a *Rape*, the other two for *Sodomy*, and haſt pleaded *Not Guilty* to them all, and for thy Trial haſt put thy ſelf on God and thy Peers; which Trial thou haſt had, and they have found thee guilty, What canſt thou ſay for thy ſelf why the Sentence of Death ſhould not be pronounced againſt thee?

Whereunto the Priſoner made anſwer, That he had no more to ſay, but referred himſelf to God's and the King's Mercy.

Then ſaid the Lord *Steward*, ‘ My Heart grieveth for that which my Tongue muſt utter; but this is the only way to cut off wickedneſs, hear therefore thy Sentence.

Thy Sentence is, ‘ That thou go from hence to the Priſon from whence thou cameſt, and from thence to the place of Execution, there to be hang'd by the Neck until thou be dead; and the Lord have mercy on thy Soul.

And having thus pronounced the Sentence, he continued his Speech, and ſaid; ‘ O! think upon your Offences, which are ſo heinous and horrible, that a Chriſtian Man ought ſcarce to name them, and ſuch as the depraved nature of Man, which of it ſelf carries him to all ſin, condemns as unnatural. You have offended, not only againſt Nature, but beyond the rage of a Man's jealouſie; and though you do not ſuffer for abuſing your own Daughter, and that having Honour and Fortune to leave behind you, you would have had the

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'ſpurious Seed of a Varlet to inherit both, yet theſe are horrid Crimes. 'But, my Lord, it grieves me to ſee you ſtand out againſt the Truth 'ſo apparent. God might have taken you away when you were 'blinded in your ſins, therefore I hope he hath reſerved you as the 'Subject of his Mercy. He ſends you to ſee this day of ſhame, that 'you might return unto him; and ſeeing he doth thus lovingly draw 'you to his Service, ſpend the remainder of your time in tears and 'repentance; and this days work, I hope, will be the correction of 'many Crimes and Corruptions.

At laſt the Lord *Audley* deſcended to a low Petition to the Lords, 'and very humbly beſought them to mediate to his Majeſty, that he 'might not die, but be baniſhed; at leaſt, that his Majeſty would not 'ſuddenly cut him off, but give him time of Repentance.

The Trial of *Broadway* and *Fitz Patrick* in the *King's Bench.*

In *Trinity Term* in the Month of *June*, *Giles Broadway*, and *Florence Fitz-Patrick* were tried in the *King's Bench*. *Broadway* was he that Raviſhed the Lady *Audley*, while her Husband held her by force. *Fitz-Patrick* was he that committed the Sin of *Buggerie* with him, her ſaid Huſband; and both their Depoſitions were taken as Evidence againſt them. They were found guilty the 28*th* of *June*, *in Termini fine*, and the Judges of that Court preſently ſent theſe Letters under-written to the Lord *Keeper* to prepare him for the King.

Right Honourable,

The Judges Letter to my Lord *Keeper*.

May it pleaſe your Lordſhip to be informed, That this day Giles Broadway *and* Florence Fitz-Patrick *were tried before us in the* King's Bench, *for the ſeveral Offences of* Rape *and* Buggery, *of which they were Indicted, and they have received Judgment of Death. But we forbear the Awarding Execution, upon a Meſſage from your Lordſhip by Sir* Thomas Fanſhaw, *of his Majeſty's Pleaſure for the ſtay of Execution, until further direction from his Majeſty: But conceiving there is great cauſe to put the Malefactors to Execution, We thought it our duty to acquaint your Lordſhip with the Paſſages of the Trial, that his Majeſty, by your Lordſhips means, being made acquainted herewith, may ſignify his farther Pleaſure.*

Broadway, *who was Arraigned for the* Rape, *very impudently denied his own Confeſſion, taken before the Lords and Peers at the Trial of the Lord* Audley: *He pretended he was amaz'd, and knew not what he ſubſcribed, and profeſſed himſelf Guiltleſs, with great Execrations, to the little ſatisfaction of thoſe that heard him. He would not be ſatisfied, unleſs the Lady were produced face to face, which ſhe was; who by her Oath,* viva voce, *ſatisfied all the Hearers, both concerning the truth of the Fact, and his Impudence.*

Fitz-Patrick, *who was Arraigned for the* Buggery, *confeſſed his Examination to be true; but like one very ignorant, or rather ſenceleſs, would have them true againſt the Lady* Audley, *but not againſt himſelf, which was impoſſible. He pretended he was promiſed ſecurity from danger, if he would teſtify againſt the Lord* Audley, *and ſo ſought to raiſe a ſuſpicion, as if he had bin wrought on to be a Witneſs to bring the Lord* Audley *to his end. They were both found Guilty, with full ſatisfaction to all that were preſent. And we for our parts thought it to ſtand with the honour of Common Juſtice, that ſeeing their Teſtimony had bin taken to bring*

bring a Peer of the Realm to his Death, for an Offence as much theirs as his, that they ſhould as well ſuffer for it as he did, leſt any jealouſie ſhould ariſe of the truth of the Fact, and the juſtneſs of the Proceeding. But upon receipt of your Lordſhip's Meſſage, we have ſtayed Execution till his Majeſty's further Pleaſure ſhall be known: To which we ſhall humbly ſubmit our ſelves, and reſt,

At your Lordſhip's command,

N. Hide. W. Jones.
J. Whitlock. G. Croke.

The King being by this means truly informed, ſignified his Pleaſure, That they ſhould be executed, but have a weeks time for Repentance. So the Judges appointed *Monday*, being the 4*th* of *July*, for the day of their Execution, when they were executed accordingly.

A New Order for raiſing of Mony to the King's Uſe.

Playing Cards to be ſealed.

AT this time an Office was erected for the Sealing of *Playing-Cards*. Mr. *William Watkins* was put into that Employment, and *Henry Cogan* made Farmer of his Majeſty's Duties accruing thereupon. On *June* 7, the Maſter and Wardens of the Company of Cardmakers making ſome oppoſition to it, were ſent for, and required to bring with them, as well the *Charter* and Ordinances of their *Corporation*, as the Seal by them taken lately from the ſaid *Watkins*, and to attend the *Board* with the ſame; beſides it was ordered, that *Fryer* and *Williams*, two of the ſaid Cardmakers, ſhould continue ſtill in the cuſtody of the Serjeant till further Order, and till afterwards that this Buſineſs was fully heard and ſetled for the *Patentees*, ſo that no Cards ſhould be ſold till they were ſealed.

But afterwards a Contract was made between the King on the one part, and the Maſter, Wardens, and Commonalty of the Myſtery and Makers of Playing Cards of the City of *London*, on the other part; wherein they did covenant,

'That they ſhall and will readily, and every Week in and throughout the whole Year, well, and Workman-like, make ſo many ſeveral Groſs of good and Merchantable Playing-Cards, as in a Schedule thereunto Annexed. And that they ſhall and will, from time to time, for ever hereafter, bring in, and deliver unto ſuch Perſon and Perſons as the King ſhall aſſign or appoint to receive the ſame, the ſaid ſeveral reſpective quantities and proportions of Cards in the Schedule annexed.

'In conſideration of the Premiſes, the King doth covenant with the ſaid Corporation, that he ſhall and will anſwer, and pay unto the ſaid Corporation for every Groſs of the fineſt ſort of Cards, accounting twelve dozen Pair to the Groſs, 18 *s.* And for every Groſs of Matris Cards, accounting eighteen dozen pair to the Groſs, and delivered in by them weekly as aforeſaid, the like ſum of 28 *s.* and ſo rateably and proportionably the Paiments to be weekly made by the Officers or Agents of his Majeſty and Succeſſors for the time being; and they are to pay 3 *s.* 6 *d.* to his Majeſty, to the Officer or Sealer of the ſaid Cards.

The like Contract was made between his Majeſty and the Dice-makers of the City of *London*, paying their allotted proportion for every Bale of Dice.

Trin. 7. Car. B. K.

A New Court for them which were not of the King's Houſhold.

The King's Letter to the Judges of the *King's Bench*, concerning a New Court of the Marſhal of the Houſhold.

IT pleaſed the King's Majeſty to write unto the Judges of the *King's Bench*, Letters in ſome manner expoſtulatory, as if they took exceptions at the erection of the New Court of the *Marſhal of the Houſhold*, to hold Plea *de non exiſtentibus de hoſpitio Regis*; which Court was firſt erected by the Grant of King *James*, 15 *Feb.* 22 *Jac.* and again renewed with more perfection, as was conceived, in *November*, 6 *Caroli.* And a Writ of Error being brought into the *King's Bench*, upon a Judgment given in this Court, the Knight-Marſhal fearing this new Grant would not be held good in Law, cauſed the King to write to the ſaid Judges as aforeſaid.

* Mr. Juſtice *Whitlock*.

To which Letter, an Anſwer was ſent to the King, penned by * me *per Mandatum Curiæ.*

The Judges Anſwer.

Dread Soveraign,

W*E make bold to inform your Majeſty, (in anſwer to your gracious Letter unto us of the* 24th *of* June *laſt) that about two years ſince, we were conſulted with by your Attorny General, about the validity of* Letters Patents *of the* 22 *Year of your late dear Father, for the Erection of a new Court within the Verge, for thoſe not of the Houſhold; and the ſaid* Letters Patents *were once read over before us, being aſſembled privately about that buſineſs, and Copies were appointed to be brought unto us, to take the better conſideration thereof; but no Copies were delivered unto us, neither did we ever hear any more of the Buſineſs.*

We find it alſo to be true, that ſome againſt whom Judgments had bin given in the ſaid Court, did bring them before us by Writ of Error; *but did not proceed ſo far as to Argument or Judgment. And according to the* New Patent *ſithence granted, we knew not of it until after it was paſſed, nor were ever acquainted with the penning or paſſing thereof.*

We underſtand alſo that a Writ of Error *is brought before us by* Fiſher *againſt* Wagſtaff, *upon a Judgment given in the laſt erected Court, which Cauſe hath proceeded no further than to the reading of the Record. And the* Error *aſſigned is only this, That neither of the Parties were of your Majeſty's Houſhold. But the day to hear Counſel not being yet come, we cannot underſtand till we hear them upon what points they will ſtand.*

And your Majeſty may be pleaſed to be informed, that the Cauſe cometh before us by an Ordinary Court of Proceeding, *which we cannot ſtop, neither did we know of the Cauſe, nor take notice of it, until the* Record *was read in Court. But when it ſhall be ſpoken unto, and we know what the Queſtion will be, we will be exceeding careful and circumſpect, according to our Oaths, that your Majeſty ſhall not ſuffer any prejudice, or diminution in your* Power Royal *and* Prerogative; *neither do we make doubt but that your Majeſty hath as full and as great* Power, *and high* Prerogative,

gative, as any of your Noble Progenitors ever had, and we will ever maintain it to be ſo.

And whereas your Majeſty's Pleaſure is to be informed by us of the Defects in the ſaid laſt Patent, *We have not yet heard the Counſel open them, what they are that they mean to ſtand upon. Howſoever if it be Your Majeſties Pleaſure that we ſhould by way of Conſultation take that Point into our conſideration, We humbly deſire your Majeſty, That foraſmuch as it is a matter of ſo great Importance, that Your Majeſty will be pleaſed for Your better ſatisfaction, to give Order that herein we may have the Aſſiſtance of Your Judges of the* Common Pleas, *and* Barons *of Your* Exchequer. *And we ſhall all endeavour to do your Majeſty true and faithful Service herein. And ſo we recommend your Majeſty by our Prayers to the Protection of the Almighty, and reſt,*

Your Majeſties Faithful Servants
and Subjects.

Marqueſs *Hamilton* takes leave of the King.

In the middle of *July* the Marqueſs of *Hamilton* having taken his leave of the King, met with the Forces out of *Scotland* which were to joyn with him in *Yarmouth Road*, their appointed place of meeting, thence he ſet Sail the 19*th* of *July*, the Fleet conſiſting of about forty Sail; The 25*th* they came to *Elſenore Caſtle* in the Sound of *Denmark*. The Marqueſs went on Shore to kiſs the King of *Denmarks* hand, who lay at *Frederick-ſtadt*. The 29*th* they ſet Sail again, coming to an Anchor the next day by the Iſle of *Rugen*. The 31 they Sailed into the Mouth of the *Oder*, betwixt *Wolgaſt* and the Iſle of *Uſdom*.

Arrives in *Denmark*.

The 2*d* and 3*d* of *Auguſt* were the Forces landed, being upon Muſter above 6000 able Men, among which but very few ſick, and only two died in the Voiage.

Afterwards in *Pomeren*.

The two next days they were all armed and waſted over the River from the Iſle of *Vuſdome* to *Wolgaſt* ſide, and there billetted in five Villages or Dorps.

He fails of 6000 *Swedes* to join with him.

Hereabout they ſtayed for the coming of 6000 *Sweeds* Horſe and Foot, which that King had promiſed ſhould joyn with the Marqueſs's Army at their landing, to bring them through the Enemies Quarters to the King. But the Marqueſs being diſappointed of the promiſed Forces to joyn with him, could not march up to the King, whereby he loſt the Honour of being engaged in the Battel of *Lipſick*, which happened about a month after his landing on *Wolgaſt* ſide, to the great regret of himſelf and his Army.

Printed Inſtructions for Muſters and Arms.

On the 27*th* of *July* by order of the Privy-Council, came forth in print a Book, entituled, *Inſtructions for Muſters and Arms, and the uſe thereof*; which in regard of the length thereof, and the Diviſions and Fractions therein, as to the manner of Muſtering, and handling of Arms, it is not mentioned in the body of the Hiſtory, leſt it ſhould prove too tedious to the Reader, but it is put into the *Appendix*.

At this time the Lords of the Privy-Council thought fit to write to the Lords Lievtenants of each County this quickning Letter, concerning the payment of the Muſter-Maſter.

A Letter from the Lords of the Council concerning the Muſtermaſter's place, directed to the Lords Lieutenants.

WHereas his Majeſty is informed that the entertainments of the Muſter-Maſters within the ſeveral Counties of this Kingdom, altho no more then was heretofore allowed and uſually collected, are denied to be paid by ſundry refractory Perſons, who receive ſome encouragement to oppoſe ſo neceſſary a ſervice for the common defence of his Royal Perſon and Dominions, by reaſon that the Lords Lieutenants and their Deputies make difficulty (or at leaſt dainty) in ſetting their Hands to the ſaid Aſſeſſments juſtly and equally ſet, as uſually hath been accuſtomed, as well in the Raign of Queen Elizabeth, *as of King* James *of bleſſed memory. Now for as much as exerciſing of the* Trained Bands *is by this means diſcontinued, with imminent danger to the State in general, which his Majeſty in his Royal Office ought not to ſuffer: His Majeſty hath therefore commanded us to ſignifie unto your Lordſhips, that it is his expreſs pleaſure, that you cauſe the ſaid Muſter-Maſters entertainment to be rated according to the accuſtomed manner, by Aſſeſſment under your own Hands, and your Deputies; and if any Perſon or Perſons of whatſoever quality, ſhall make refuſal to pay the Rates ſo aſſeſſed on them, that then you take preſent order they be bound over, without any favour or forbearance, to anſwer their contempt before us. Now as his Majeſty is thus graciouſly careful that the Muſter-Maſter ſhall receive the Allowance due unto him for the exerciſing of that Service; ſo it is alſo his Majeſties pleaſure that yaur Lordſhips take eſpecial care to ſee him diligently perform his Duty according to the importance of the ſaid Service,* &c.

Trained-bands to march to the Sea-Coaſt.

Likewiſe the Lords of the Council thought fit upon Reaſons of State to order the *Trained-Bands* of ſeveral Counties to march to the Sea-Coaſts for the defence of the *Kingdom*; and ſeveral Perſons refuſing to pay the Muſter-Maſters of the *Trained-Bands*, were ſent for up by Meſſengers to the Council Table, where among others appeared *Edward Bulſtrod* of *Chilton* in the County of *Bucks* Gentleman; but was diſcharged from any further attendance on their Lordſhips, upon giving his promiſe under his hand in writting to conform himſelf hereafter in paying the Muſter-Maſter of that *County* his due, according to the Aſſeſment of the *Deputy Lieutenent.*

The like of *Henry Cavon* of *Crendon* in the ſame County, who was diſcharged of his attendance in promiſing to pay the Muſter-Maſter his due in like manner as *Edward Bulſtred* did. The like for *Richard Pauly* and others.

A Memorial made by Mr. Juſtice Whitlock *in his life-time concerning the Lord* Rea'*s diſcovery of the Marqueſs of* Hamiltons *Conſpiracy.*

Judges Opinions concerning *Rea* and *Ramſey.*

‘PReſently after my return from this Circuit, my ſelf and the reſt of
‘the Judges of the Kings Bench, were ſent for by the *Lord-Keeper* to *London*, to adviſe with him about the Affairs of his Majeſty.
‘We came thither on *Monday* 22*d. Aug.* except the *Chief-Juſtice*, who
‘was ſick. The matter conſulted of, was to give our Opinion con-
‘cerning the Conference had in *Germany* between certain Scotiſh
‘Gentlemen, about the making the Marqueſs of *Hamilton* the Head
‘of a Party againſt the King and his Kingdoms of *England* and *Scotland.*

'The Lord *Rea* a Scotiſh *Baron*, did Impeach *Ramſey* and *Meldrum* for moving him to this Conſpiracy: They denied it punctually, and no Witneſs could be produced. *Ramſey*, a Souldier, offered to clear himſelf by Combat, that he was Innocent; and the Appellant accepted of his Offer. The King was deſirous it ſhould be put upon a Duel; and we were conſulted with, 1ſt what the Offence was? 2*dly* where the Trial might be?

'We all with the Lord *Keeper* were of the Opinion, 1ſt. That it was an high and horrible Treaſon, if that in the Examinations were found true. 2*dly*, That the Trial might be by an Appeal of Treaſon, upon which the Combat might be joyned: But the King muſt make a *Conſtable*, *durante beneplacito*, for the *Marſhal* could not take the Appeal without him: That it muſt be after the manner of the Civil Law, and we were not to meddle in it. Likewiſe we were of Opinion that this Proceeding before the *Conſtable* and *Marſhal* was, as it was before the Statute of the 35*th* *H*.8. *cap*. 2. and that Statute deviſed a way how to try theſe Foreign Treaſons in *England*, but did not take away the other. We were alſo of Opinion that the Stat. of 1ſt *Mar*. *Cap*.10. did not take it away nor intend it; and that a Conviction in this Appeal was no corruption of Blood or forfeiture at the Common-Law. See *Doughtie's* Caſe in *Cokes Comentaries*, fol. 75. Sect. *Eſcuage*.

Sir *Hen. Vane* ſent Ambaſſador to the Kings of *Denmark* & *Sweden*.

IN the Month of *September* this Year Sir *Henry Vane* Knight, Comptroller of his Majeſties Houſhold, and one of his Privy-Council, Embaſſador Extraordinary to the King of *Denmark* and *Sweden*, and to other Princes and States of *Germany*; took his leave of his Majeſty and embarqued with all his Train in order to his ſaid Voyage, and arrived at *Gluckſtadt* ſcituate upon the *Elb*, in *October* following, by whom his Majeſty wrote this Letter to the Marqueſs.

The King's Letter to Marqueſs *Hamilton*.

James,

*A*Ccording to my Promiſe I have diſpatched* Henry Vane, *whom I have commanded to impart unto you both his publick and private Inſtructions, ſo that it will be a good excuſe for my Laſineſs in writing ſhort unto you, and a Teſtimony to you that your abſcence neither makes me alter nor forget you; for you may be aſſured that my truſt of you is ſo well grounded, that it lies not in the power of any body to alter me from being,*

Hampton Court
Sept. 21. 1631.

Your loving Friend
and Couſin,
C. R.

The Ambaſſador was no ſooner gone on his Voyage to the King of *Sweden*, but before his arrival in *Germany*, that King gave the King of Great *Britain* an account of the Victory obtained over *Tilly* at the Battel at *Lipſick*. The Letter followeth.

The King of *Sweden* writes to the King of *Great Britain* of the Battel of *Lipſick*.

GUſtavus Adolphus, &c. *Since we are ſatisfied of the conſtant Propenſity your Serene Majeſty hath for us and the publick Good, and that which happened to us ſucceſsfully, and for the good of endangered* Chriſtianity, *that your Serene Majeſty did alſo bear a part therein, we would not omit the certifying your Majeſty of the memorable Victory, which Divine* Goodneſs

An. 1631. *Goodneſs afforded us. After the Elector of* Saxony *had join'd his Forces with ours, we marched againſt the Enemy with both Armies, and the Enemies Army under General* Tilly, *oppoſed us* Septemb. 7, *having drawn out all his Forces a mile from the Fortreſs at* Lipſick. *The Battel being begun, the buſineſs was briskly managed on both ſides for the ſpace of* 4 *hours and upward, till at laſt, by the ſingular bleſſing of God, the Enemies Army, by the indefatigable valour of our Men, was put to flight, and diſſipated, we purſuing them to the very Walls of the City. The Enemy left us their Cannon and Baggage. The General retired into the Biſhoprick of* Halberſtadt, *having received a Wound, they whom we purſued being left to our Souldiery and Mercy. Many of the Enemy lay dead in the Field where the Battel was fought, and among them the Serjeant Major General, and other Commanders in the Army. Among ſome thouſands of Priſoners, the Duke of* Holſtein *was one, and ſome others of the moſt eminent quality. The praiſe of which Succeſſes is due to Almighty God, and ought deſervedly to be attributed to his Goodneſs, and we hope, not only the ſo much deſir'd wiſhes of ſo many thouſand People of reſtoring Religion and Liberty, but alſo the facility of ſetting up the afflicted Cauſe of the King of* Bohemia, *ſhall now manifeſtly appear. We do not therefore diſtruſt but that your Serene Majeſty will proſecute this Victory, not only with Joy aud Affection, but alſo make uſe of ſo fair an opportunity, and that it will be your Royal Care to judg of all things henceforward to be conferr'd upon, and to conſult of thoſe things which relate to Chriſtianity and their ſafety by your Heroick Counſels. We will not any farther trouble you, but commend your Serene Majeſty to the Divine Protection for the happy increaſe of all things. Dated at* Hall *of the* Saxons, *the* 13*th of* September, 1631.

Septemb. 17.
1631.

Your Serene Majeſty's

Good Brother and Allie,

Guſtavus Adolphus.

A Relation of the Battel by Lipſick, *written by* Guſtavus Horn, *the Lord Marſhal General to his Majeſty the King of* Sweden.

AS ſoon as the King of *Sweden* had reſolved to give aſſiſtance to the Duke of *Saxony*, whoſe Country the Enemy had already invaded, upon the 3*d* of *September*, he paſſed his Army over the Bridg at *Wittenburgh*, and joined himſelf with the Armies of the Dukes of *Saxony* and *Brandenburg*, at *Tuben*, the 5*th ditto*, where firſt they deliberated and conſulted in what manner they might beſt encounter the Enemy, and whether it were wiſdom to bring it to a Battel preſently, or by delay of time to break and weaken the Power of the Enemy. His Majeſty was of opinion not to ſet all upon Fortune, much leſs to put their whole State in danger by the event of an uncertain Battel; yet, for all that, the Duke of *Saxony* inſiſted ſtill for a Battel, ſaying, That there was no other means to drive the Enemy out of his Country, much leſs was it poſſible that both theſe Armies could be furniſhed of all neceſſaries, eſpecially becauſe the Enemy had incorporated the beſt part of the Country. And therefore he thought fit in wiſdom to approach towards the Enemy towards *Lipſick*, and to encounter him with all their Might. Whereupon the King, with the foreſaid Duke, upon the *6th* of *September*, marched with their Armies within two miles of *Lipſick*; which Town *Tilly* by Compoſition had taken in, as alſo the Caſtle; both which, by reaſon of bloody threatning, ſubmitted themſelves to *Tilly*: Whereupon we followed the *7th ditto*, and met the Enemy a mile from *Lipſick*. Notwithſtanding the Enemy had both the Wind and higher Ground of us for his advantage, yet for all that we skirmiſhed very luſtily with each other in good order, both with Ours, as alſo with the *Saxon*'s Army. The King's Army upon the right hand, and the *Saxon*'s Army imploied upon the left hand. The King's Army was divided into the Avant-guard of the right Wing, which the King himſelf commanded, and there ſtood alſo the moſt and beſt Armed Horſemen, interlaced with certain Muſquetiers, in the Rere-guard of the ſaid Wing, commanded by General *Bannier*. In the Vaunt-guard of the Battel, ſtood four Squadrons of Pikes and Muſquetiers, who were commanded by theſe Chiefs, Mounſieur *Duivell*, *Acko*, *Oxenſtern*, *Erentruiter*, *Hardt*, and *Winckle*. In the Rere-guard of theſe Battails there ſtood three other Squadrons, the Count of *Thurn*, *Hebron*, and *Vitſdum*; and after theſe, two Regiments of Horſe upon the left Wing, by whom his Majeſty appointed *Guſtavus Horn*. The reſt of the Horſe were divided into the right Wing, the Vaunt-gaurd and the Rere-guard mingled with Muſquetiers. In this order was the whole Army ſet, ſo that we got half-wind of the Enemy; yet they kept the advantage ſtill of the higher Ground, where he had planted his Artillery. We marching thus in their ſight, through a foul Paſſage, the Enemy did ſome harm with his great Pieces on our Troops, chiefly among thoſe that were with *Guſtavus Horn* upon his left hand. And hereupon with his left Wing (where the greateſt ſtrength of his Horſe was) fell upon our left Wing. But whilſt they were thus buſied to gain Ground more and more of us, and to get the Wind, as they thought; the Horſe and the Foot Regiments of the Duke of *Holſtein* retreated from the *Battalia*; and the right Wing perceiving that the commanded Muſquetiers of our right Wing were mingled among the Horſe, and had hard entertainment of the Enemy, they drew more to their left hand; and ſo the Enemy charged more upon the Reſerve of our right Wing, than upon the Vaunt-Guard, which his Majeſty cauſed very ſeaſonably to be ſeconded with ſome Troops, in ſuch manner, that the Enemies left Wing with little ado was broken and put to flight. The Enemies Battel, conſiſting of all his Foot, being divided into four great *Spaniſh* Battalions of ſixteen Regiments, upon this marched from the Hill, together with their Horſe: But in regard they were ſo annoyed with our Artillery which were placed upon our left Wing, they ſo turned their Order, that moſt of them fell upon the Duke of *Saxon*'s Army to their diſadvantage; but all their Horſe fell upon our left Wing, who were ſoon diſperſed and put to flight. And contrarily the Footmen of the Duke of *Saxony* almoſt fled the Field; yet whilſt the Enemy purſued the *Saxons*, our left Wing charged into their Flank, and upon the two Troops of Reſerves; and in this poſture we fought long, and loſt many of our Horſe. Yet, finally, after *Guſtavus Horne* had ſoundly charged the Enemies Battail with that Regiment of *Gothland*-Horſe which his Majeſty ſent him for an aſſiſtance and ſuccour, together with the commanded Muſquetiers which had bin placed in the left Wing by the King, ſo that they began to grow very thin, and were diminiſhed, their Battel preſently broke, and they were all put to flight excepting four Regiments; who by reaſon of the Smoke and Duſt, were ſo ſhadowed from our ſight, that they ſaved themſelves.

After this Defeat his Majeſty marched to *Hall*, and took in the Town and Caſtle; then marched forward, and took in *Poſewald* and *Querfurt*. The Duke of *Saxony* marched towards *Bohemia*. His Majeſty took in *Erfurt*, *Gota*, *Hamelburgh*, *Mulhouſen*, and *Werburgh*. The 20*th* of *October* his Majeſty came to *Franken*, took *Carelſtadt*, with the Biſhopricks of *Wittsburgh* and *Bamburgh*. The *Landtgrave* of *Heſſen* took *Fulda*, *Vach*, and *Fritzlaer*; He came into *Weſtphalia*, and took *Paterborn*, with ſome other Places; *Roſtock* rendred upon Compoſition to the Duke of *Mecklenburgh*. The King's Forces took in *Dunckenſpil*, *Nortlingen*, *Rotenburgh*. *Magdenburgh* was ſtrongly beſieged. His Majeſty took in *Hanaw*, *Franckford*, and *Hougſt*. The *Saxons* took in *Glockow*, and defeated the Emperor's Men by *Croſten*. The Count of *Thurn* took in *Prague*. The King's Men beat the Emperor's Men by *Warheim*; defeated alſo the Souldiers of the *League* by *Swynfurt*, and alſo by *Elleboghen*. His Majeſty paſſed the River of *Rhine*, and took in *Mentz*, *Worms*, *Oppenheim*, and almoſt all the Towns of the *Lower Palatinate*.

Mr. *Ford*, *Thorn*, and *Hodges*, appeal to the Proctors; being queſtioned for preaching againſt the King's Inſtructions, *Aug*. 23.

Cauſe heard before the King.

Mr. *Thomas Ford* of *Magdalen-Hall*, Mr. *Giles Thorne* of *Balial* College, and Mr. *Giles Hodges* of *Exeter* College, in their Sermons at St. *Maries*, uſed Expreſſions againſt the *Arminians*, under the Title of *Pelagians*, and *Demi-Pelagians*, for which they were Convented before the Vice-Chancellor, Dr. *Smith*, and others, as Offenders againſt the King's Inſtructions. They appealed from the Vice-Chancellor to the Proctors, who received their Appeals. Hereupon the Biſhop of *London* complains to the King of this Matter; and the King appointed to hear the Buſineſs at *Woodſtock*, on the 23*d* day of *Auguſt*. Concerning which Perſons and Proceedings before the King, the Biſhop of *London* makes this *Memoir*, viz.

The Biſhop of *London*'s *Memoir*, Aug. 23.

In *June* and *July* were the great Diſorders in *Oxford*, by appealing from Dr. *Smith*, then Vice-Chancellor. The chief Ringleaders were the ſaid Mr. *Ford* and Mr. *Thorn*. And the Proctors, Mr. *Bruch* and Mr. *Doughty* received their Appeals, as if it had not bin *perturbatio Pacis*. The Vice-Chancellor was forced in a ſtatutable way, to appeal to the King, who with all the Lords of his Council then preſent, heard the Cauſe at *Woodſtock*, *Auguſt* 23. 1631. being *Tueſday* in the Afternoon.

The Sentence upon the hearing was; That *Ford*, *Thorn*, and *Hodges*, ſhould be baniſhed the Univerſity; and both the Proctors were commanded to come into the Convocation-Houſe, and there reſign their Office, that two others might be named out of the ſame Colleges. Dr. *Prideaux*, Rector of *Exeter* College, and Dr. *Wilkinſon*, Principal of *Magdalen* Hall, received a ſharp Admonition for their miſbehaviour in this Buſineſs.

The Crimes of theſe young Divines are more particularly ſet down int he Univerſity-Regiſter.

1. Mr. *Hodges* was ordered to make a publick Recantation-Sermon in St. *Maries* Church in *Oxford*, before the *Univerſity*, confeſſing his great Offences in Preaching contrary to his Majeſties Declaration.

2. That he ſhould make a Submiſſion and Recantation, penned to his hand in the Convocation-Houſe, before the whole Aſſembly of the Doctors, Proctors, Regent and Non-Regent Maſters, on his bended Knees.

In which Recantation he did acknowledge, 'That he fell upon the 'delivery of thoſe Points, which by his Majeſty's Royal Injunction 'were forbidden him to meddle with at all; and particularly did acknowledge that he let fall ſome paſſages, which might be taken to the 'diſparagement of the Government of the Church, in making erroneous and Heretical Opinions the way to perferment; craving the Pardon of the Univerſity in the general,and more eſpecially of the moſt 'Honorable Chancellor of that Univerſity.

Mr. *Ford* refuſed to make any Addreſs to be reſtored to the Univerſity: and it being intended by ſome to chooſe him a Lecturer in the Town of *Plimouth*, they were required not to chooſe him upon pain of his Majeſties diſpleaſure.

*Novemb.*18. Goldſmiths in *Cheapſide*.

At this time it was a great Eye-ſore, that the *Goldſmiths-Row* in *Cheapſide*, which hath ever been a great Ornament to the City, ſhould grow to be intermixed in a broken faſhion with Shops of meaner Trades, which did diſparage the City: whereupon the King declar'd his pleaſure, that that Deformity ſhould be taken away, and it being debated at the Council-Table, the *Recorder* and ſome Aldermen preſent, it was refer'd to the two Lord Chief Juſtices, and other Judges, to conſider what Laws or Statutes there are to enforce *Goldſmiths* to plant themſelves for the uſe of their Trade in *Cheapſide* and *Lombard-ſtreet*: but after ſeveral Debates before the King and Council, it was ordered, that the Company of *Goldſmiths* ſhould take order that within a ſhort time limited, *Goldſmiths-Row* in *Cheapſide* and *Lombard-ſtreet* ſhould be ſupplied with *Goldſmiths*; and that thoſe who keep Shops ſcateringly in other parts of the City,ſhould have Shops procur'd for them in *Cheapſide*, or *Lombard-ſtreet*, upon penalty, that thoſe of the Aſſiſtants and Livery, that did not take care herein, ſhould loſe their places. And it was further ordered, for the time to come, that all ſuch who ſhould ſerve their Apprenticeſhips to Goldſmiths, and thereupon were made Free, ſhould enter into Bond, not to keep a Goldſmiths Shop in any other part of the City, than in *Cheapſide*, or *Lombard-Street*, and that the Lord *Mayor* ſhould take care, that Shops be provided for them at moderate and indifferent rates.

Mr. Juſtice *Whitlock* thought fit, with his own hand to ſet down in writing this Memorial concerning Sir *Nicholas Hide*.

Judg *Whitlock*'s Character of Sir *Nicholas Hide*.

'That Sir *Nicholas Hide*, Knight, Chief Juſtice of the Kings Bench, 'died at his Houſe in *Hampſhire*, ſince the laſt *Trinity Term*, to wit, 'upon *Friday* the 26th of *Auguſt*, 1631. How he was made Chief-'Juſtice, and when, *vide lib. A.f.* 119. *Hill.* 2 *Jac.* He lived in the 'place with great Integrity and Uprightneſs, and with great Wiſdom 'and Temper,conſidering the tickliſhneſs of the times. He would never

'undertake

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‘undertake to the King, nor adventure to give him a reſolute Anſwer in any weighty Buſineſs, when the Queſtion was of the Law, but he would pray that he might Confer with his Brethren. And the King ever gave way to it. He dyed of a hot Feaver, but made incurable by reaſon that an Impoſtume brake in his Head in the time of his ſickneſs. He was a ſpare lean Man of Body, and of an excellent temperate Diet, and promiſed long life by his Temperatneſs, to thoſe that converſed with him; he was 59 Years of age in *May* laſt.

In order to a Commiſſion under the Great Seal, dated the *24th* of *November*, there began a notable Trial, before *Robert* Earl of *Lindſey*, Conſtable of *England*; and *Thomas* Earl of Arundel and *Surry*, Earl Marſhal of *England*, in the Court of *Chivalry*, judicially ſitting in the Painted-Chamber at *Weſtminſter*; together with other Honourable Perſons, namely *Philip* Earl of *Pembrook* and *Montgomery*, Lord *Chamlain* of the King's Houſhold; *Edward* Earl of *Dorſet*, Lord *Chamberlain* of the Queens Houſhold; *James* Earl of *Carliſle*, *Edmund* Earl of *Mulgrave*; *William* Earl of *Morton*; *William* Earl of *Stratherne*; *Edward* Vicount *Wimbleton*; *Thomas* Vicount *Wentworth*; *Henry* Vicount *Faulkland*; and Sir *Henry Martin*, Judg of the High Court of *Admiralty*, all of Counſel with the Court; *Gilbert Dethick* being *Regiſter*. And firſt *William Seager*, King of Arms, preſented to the Lord *Conſtable* of *England Letters Patents* of the tenor following.

CAROLUS Dei Gratia Angliæ, Scotiæ, Franciæ, & Hiberniæ, Rex, Fidei Defenſor. &c. predilecto & per-quam fideli Conſanguineo & Conſiliario noſtro Roberto Comit. Lindſey ſummo Camerario Angliæ ſalutem. Cum officium Conſtabular. Angliæ vacans Exiſtat, ac Donaldus Mackay Dominus Rea Nuncupatus in Regno noſtro Scotiæ Oriundus, quendam Davidem Ramſey Armiger. In eodem Regno noſtra ortum, de quibuſdam Contemptis & proditionibus contra nos in partibus tranſmarinis actis & perpetratis, in Curia Militari appellare intendit, Et nobis Supplicavit ſibi juſtitiam, ſuper Appellatione predicta exhiberi. Nos in hac parte fieri volentes, quod juſtum eſt ac de fidelitate & provida circumſpectione veſtra plenius confidentes vobis conceſſimus Officium Conſtabular. Angliæ (hac vice) ad Appellationem predictam Donaldi in hac parte una cum predilecto & per-quam fideli Conſanguineo ac Conſiliario noſtro Thoma Comite Arundel & Surr. Mareſchal. noſtro Angliæ audiend. & fine debito terminand. Et omnia que ad Officium Conſtabular. pertinent in Cauſa & Negotia predictis; faciend. & Exercend. ſecundum Legem & Conſuetudinem, Armorum & Curie Militaris Angliæ vobis, ut predictum eſt, Authoritatem damus & committimus, tenore preſentium: Et ideo vobis Mandamus, quod circa premiſſa una cum prefato Mareſcallo intendentes ſitis, informa predicta: damus autem Ducibus, Marchionibus, Comitibus, Vicecomitibus, Baronibus, Juſticiariis, Ballivis, prepoſitis & Miniſtris, & Aliis fidelibus noſtris univerſis & ſingulis, tam infra libertates, quam extra, tenore preſentium in Mandatis quod vobis in premiſſis faciend. & explend. intendentes ſint, & Conſulentes, Reſpondentes, & Auxiliantes, quoties & prout per vos fuerint ſuper hoc premoniti ex parte noſtra. In cujus rei Teſtimonium has Literas noſtras fieri fecimus Patentes. Teſte me ipſo apud Weſtm. viceſimo quarto die Novemb. Anno Regni noſtri ſeptimo.

Per ipſum Regem.

Which Letters Patents being read by the Regiſter of the Court, *Donald* Lord *Rea*, the Plantiff; and *David Ramſey*, Gentleman of the King's Privy Chamber, Defendent, made their perſonal appearance. Then the Lord Marſhal ſpake in defence of the Court of *Chivalry*, and the manner of proceeding therein, according to the Law and Cuſtom of Arms, ſhewing;

'That it was legal and agreeable to Right and Juſtice, as any Judicial Proceſs in any other Court of this Realm; eſpecially when the 'nature of the Cauſe required it. And that in theſe latter Ages this 'kind of Trial hath not bin frequently uſed, but that was to be attributed to the pious and peaceable Government of the State, under 'our moſt happy and prudent King, and his moſt Illuſtrious Predeceſſors, 'the Kings and Queens of *England*, and the Obedience and Fidelity of 'the People of *England*; both which are to be aſcribed to the favour 'of Almighty God, conferring this bleſſing upon our Nation above 'all the Nations round about us.

The Lord *Marſhal* further ſhewed; 'That it was an Error in many, 'to apprehend, that as ſoon as an Appeal is brought into this Court, 'it was preſently to be decided by Duel; when as Dueling was the 'ultimate Trial in defect of all others. And even then it was in the 'Arbitriment of the Court, Whether a Duel ſhall be granted or denied?

The Earl *Marſhal's* Speech being ended, *Arthur Duke*, Doctor of the Civil Law, made a Speech concerning the Antiquity, Juriſdiction, and Neceſſity of the Court of *Chivalry*, held by the Lord *High Conſtable*, with the Earl *Marſhal*, eſpecially in Caſes of Treaſon, where the Truth can no otherwiſe be diſcovered.

Then *Rea* and *Ramſey* were called into the Inner Court, and the one ſtood on the right hand, and the other on the left of the Lord *Conſtable*, and Earl *Marſhal*.

The Lord *Rea* preſented his Appeal in Writing; and his Petition formerly exhibited to the King, was read in theſe words.

To the King's moſt Excellent Majeſty.

The humble Petition of Donald *Lord* Rea.

The Lord *Rea* his Petition.

Moſt humbly ſheweth,

'That whereas he having heard ſundry Speeches fall from Mr. *David Ramſey*, importing Plots and Practices againſt Your Royal 'Crown and Realms, did, according to his Duty and Allegiance, reveal the ſame to Your Majeſty; the Truth whereof he is ready to 'maintain with the hazard of his Life, and deareſt Blood, if he be 'thereunto required. Now ſo it is (may it pleaſe Your Sacred Majeſty) that Your Petitioner (being informed by his Counſel) That 'theſe Trials, by Duel, or ſingle Combat, are *ultimum Remedium*; 'And that a Man may not appeal to this kind of Divine Judgment, 'but where all poſſibility of diſcovery by ordinary Trials fail, and 'cannot be had. And whereas Your Suppliant, at ſuch time as he 'diſcloſed all the Practices which he heard from the ſaid *Ramſey*, and 'did withal diſcover what he heard likewiſe from *Robert Meldrum*;

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‘againſt whom alſo one Captain *James Borthwick* hath been examined, and the Examination of *Meldrum* taken thereupon. And your Suppliant conceiving that if *Meldrum* be guilty, the ſaid Mr. *Ramſey* cannot be innocent, your Suppliant therefore, not out of any inclination to decline the Combat (as God who knoweth his Heart can witneſs with him) but only out of his ſincere deſire to have the truth diſcovered, in a Caſe ſo highly concerning your Majeſty's Safety, Honour and Government, moſt humbly prayeth, that you would be graciouſly pleaſed, that *Meldrum* may be firſt proceeded againſt according to Law, and if upon his Tryal, the Conſpiracy affirmed by your Petitioner, do not fully appear, he ſhall then with all alacrity (as in a Caſe which otherwiſe cannot be cleared) juſtifie his Aſſertions to be moſt true; either as a Defendant againſt the ſaid *Ramſey*, (who demanded the Combat of him before your Majeſty) or as a Challenger if the Court of *Chivalry* ſhall ſo award, and ſhall be bound in all Duty ever to pray for your Majeſty's long life and happy Reign.

The Petition being read, the Lord *Conſtable*, with the Counſel of the other Nobles, declared his Majeſty's pleaſure, that this Cauſe ſhould be tried in this Court, and gave the Appeal to be read as followeth:

‘**In the Name of God, Amen.** Before you, moſt Illuſtrious and Right Honorable Lords, *Robert* Earl of *Lindſey*, Conſtable of *England*, and *Thomas* Earl of *Arundel* and *Surry*, *Marſhal* of *England*, or your Lieutenants in this Court-Marſhal: I *Donald* Lord *Rea* do accuſe and Challenge thee *David Ramſey* in the month of *May* or of *June* in the Year of our Lord 1630, and in the ſixth Year of the Reign of our Lord *Charles*, by the Grace of God King of *England*, *Scotland*, *France*, and *Ireland*, being then alone in my Ship within or near the Port of *Elſinore* in the Kingdom of *Swedland*, in the upper part or Deck of the ſaid Ship, when thou hadſt this diſcourſe or the like, and ſpakeſt theſe or the like words to me in *Engliſh*, viz. You told me many abuſes in the Court of *England*, and that there was nothing to be looked for but Deſolation and change of Religion, and therefore you had retired your ſelf thence, ſince no honeſt Man could live there, and with many ſuch diſcourſes you laboured to poſſeſs me: to which my Anſwer was, The Lord mend thoſe evils, and no remedy but Patience. *By God Donald*, ſaid you, (I will uſe your own Phraſe) *we muſt help God to amend it*. You told me you had brought as much Gold with you as would maintain you at the rate of ſix pounds a day for three years, and you aſſured me before that time would expire, God would raiſe up ſome Men to defend his Church, and liberate honeſt Men from Slavery. I deſired if you could tell if the Marqueſs of *Hamilton* would come over? you ſaid, he would the morrow or next day. After I asked you what content my Lord Marqueſs had at home? you ſaid, none. I asked you what Religion my Lord Marqueſs was? you ſaid, a good Proteſtant, and before it be long he would let the world ſee his Deſign was for the defence of his Religion, and the Glory of God, and that he ſhould have an Army ſo well provided with brave Men, and all Warlike Proviſion, that he ſhould not need to be afraid with whom he Encountered. I asked you what advantage was it to us to 'make a free paſſage for the Goſpel in *Germany*, if we loſt it at home? You ſaid there were many honeſt Men in our Land, ſpeaking of *Scotland*, adding if we had once an Army over, what would you think if we ſhould take a ſtart to ſettle them alſo, for ere it be long you will hear our Country will go together by th'Ears, ſo cloſing that nights diſcourſe. He ſays at laſt, ſome ſuch thing perhaps is intended; but I will not tell you more, for my Maſter's Secrets are dear to me. The third night after, in an *Iſland*, you told me that *Alex. Hamilton* and Sir *James Hamilton*, were to go for *England*, and you for *Holland*, and in the mean while pretended your ſelf willing to do me Service in *England*. I told you I had a promiſe of the Reverſion of *Orkney* from the *King* my Maſter; if the Marqueſs would mediate with his Majeſty for it, he would do me a great kindneſs, and I ſaid, It were good for my Lord to have a Friend in that place for his ends. You moreover asked me, if there were good Harbours in *Orkney*, or in my Land, or in any part that might be fortified? I ſaid, Yes. You ſaid, *By God it was to be thought upon*; and you deſired leave to think upon it that night, and on the morrow *You* and *Alexander Hamilton* did deſire me to write a general *Letter* to the *Marqueſs*, with truſt to the Bearer, *Alexander Hamilton*, concerning *Orkney*, leſt Letters ſhould miſcarry, with great aſſurance of true Friendſhip from your Maſter, if I would continue conſtant in Reſolution, and ſo I gave you my Letter.

'Afterwards in *March* laſt paſt, you came to me from the *Hague* in the *Low-Countries* to *Amſterdam*, where you ſtayed with me eight days, and delivered me a Letter from the Marqueſs, only of Compliment and thanks, and you told me all went right with the *Marqueſs*, That he had gotten from his Majeſty 10000 *l.* in *England*, and the Wine Cuſtoms of *Scotland* for ſixteen years, which the *Marqueſs* would ſell, and all things went on without any demur or obſtacle, and the only ſtay was for want of Arms, Ammunition, and eſpecially Powder, and deſired me to put in hard with the *Swediſh* Embaſſador, which I did, and you told me that the *Marqueſs* had writ to you, that if the Arms and other Proviſions were obtained, they ſhould be ſent to *England*, and not to *Scotland*; at which you did marvel, becauſe his Lordſhip had changed his reſolution, being all the other Proviſions were ſent to *Scotland*. Alſo you told me, that my Lord had ſent over a Man to receive them, as I deſired. I told you the Letter which Mr. *Lindſey* brought me, deſired the Arms to be ſent to *England*. You ſaid, though the Arms were had, yet you would not ſend them till you had further order from the *Marqueſs*, and you deſired me to haſt to you the anſwer thereof. In the end you told me you had evil News to tell me, that the Marqueſſe's Lady was brought to bed of a Child.

Some few days after, in *March* or *April* laſt paſt, at *Delf* in the *Low-Countries*, I told you that I had a Letter from the King of *Sweden* to the King of *Britain*, deſiring ſome Ships for the *Marqueſs*. You ſaid the *Marqueſs* and I muſt beware of that, for then they will think that we mean to take their Land from them with their own Ships. I asked you, where our Forces ſhould meet? You anſwered me, on the Sea. I asked you, where we ſhould land? You ſaid in ſome part of your old Maſter the King of *Denmark's* Countrey. You asked further, What think you if we ſhould plunder ſome nook of his Land, and there-

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* Meaning the Marqueſs and his Accomplices.

‘thereafter go where we pleaſe; for we think * he will be the only
‘Man that will be moſt againſt us. I anſwered, I am content; for he
‘reſts in him more than you all. I asked if my Lord was to raiſe any
‘Men in *England*? You ſaid one Regiment. I asked you if they would
‘be true to us? You ſaid that there were *Engliſh* that my *Lord* was as
‘much aſſured of as of any *Scots*. I asked, where we ſhould make
‘theſe meet? You ſaid at *Harwich* or *Yarmouth*. I asked if they were
‘fortified? You ſaid, that no parts of all thoſe Coaſts in *England or*
‘*Scotland* could hold us from landing. I told you that I feared Mr.
‘*Meldrum* was an evil Secretary; you asked me wherein? I ſaid,
‘that *Meldrum* had told me many things, and that I thought he had
‘told it to others: you ſaid Mr. *Meldrum* knew nothing thereof when
‘you came from *England*, tho he might well ſuſpect, and that he ſpake
‘once to you to that time, as if all were ours, and that you had great
‘patience to hold your hands off him although he was your Couſin.
‘I told you that I was not a Souldier of Fortune; but had bread at home,
‘and might live without hazarding my ſelf in the Fortunes of War, yet
‘notwithſtanding that I would hazard my Life and Fortune with the
‘*Marqueſs*, only that I would know the buſineſs. You anſwered, you
‘would tell me no more of your Maſters Secrets, but that you would
‘write a Letter with me to the *Marqueſs*, and when I came there, the
‘*Marqueſs* would infuſe in me that which you would not; withal you deſired
‘me not to tell the *Marqueſs* what had paſſed betwixt you and me,
‘whereby the *Marqueſs* ſhould have all the thanks to himſelf; adding
‘that he was very cloſe, and that he would diſcover himſelf to them
‘that he knew would hazard with him. That my Brother-in-law
‘*Seaforth* knew all, and that the *Marqueſs* truſted him much. I asked
‘you what was done in my buſineſs of *Orknay*? You told me nothing
‘till my coming, and ſaid, It might be I ſhould have it better cheap
‘than to pay the Duty of it; and you told me *England* had made a
‘Peace with *Spain*, very prejudicial to *Holland*; and that *Spain* and
‘*France* were both ſtriving who ſhould firſt drink up *England*, but
‘you hoped we ſhould prevent them both. Beſides you told me the
‘lack of Powder was the greateſt Let. As for Arms we might get help
‘thereof in every Houſe, and that we had reaſonable proviſion thereof
‘already; and that my Lord had written to you that he had 90
‘Pieces of Cannon great and ſmall already provided. I deſired you
‘to go in perſon and ſpeak to the *Swediſh* Ambaſſador for the Powder,
‘and to advertiſe me in the *Brill* of his Anſwer, that ſo I might
‘aſſure the *Marqueſs* what he might expect; and you did ſend a Letter
‘by one of your own Men to the *Brill*, to ſhew me that you were
‘with the Ambaſſador, and hoped to have that which we ſpake of.
‘You asked my advice whether it were beſt to croſs the Seas once, or
‘to go on bravely? I anſwered, *Delays were not good*, which you did
‘condeſcend unto, or you uſed words and ſpeeches to that effect.

‘But if thou the ſaid *David Ramſey* ſhalt deny the Premiſes, or ſay
‘thou hadſt not the ſame Diſcourſe, or to the ſame effect with me, at
‘the foreſaid times and places; I the aforeſaid *Donald* Lord *Rea*, ſay
‘and affirm, That thou *David Ramſey* art *a Falſe Traitor*, and *lyeſt falſly*.
‘And in caſe the Premiſes cannot otherwiſe be found out by the Sentence
‘of this Court, proffer my ſelf ready by the help of God, to
‘prove and juſtifie this my Accuſation and Appeal, by my Body upon
‘thy Body, according to the Laws and Cuſtoms of Weapons in a Duel,
‘to be performed in the preſence of our Lord the King, &c. Which

Which Challenge being publickly recited, the ſaid *Donald* Lord *Rea*, the Party challenging, threw his Glove in the Court, of a red or brown Colour for a Pawn or Pledg, in preſence of the aforeſaid Lord *Conſtable*, and *Thomas* Lord *Marſhal*, in confirmation of all contained in the Bill and Challenge.

Ramſey's Defence againſt *Rea.*

Then the ſaid *David Ramſey* anſwered in his own Perſon, and ſaid, ‘That the ſaid Bill and Appeal was and is falſe, and that the ſaid *Donald* Lord *Rea*, the Appellant or Challenger, did lie falſly, and that he was ready to juſtify and prove this in Duel, according to the Laws and Cuſtoms of Arms, and of this Court, by his Body upon the Body of the ſaid *Donald* Lord *Rea*, as it ſhould ſeem good to the Court.

And thereupon in confirmation and juſtification of the Premiſes, he threw his Glove in the Court, of a white colour, for his Pawn, or Pledg, in preſence of the Lord *Conſtable*, and Earl *Marſhal* aforeſaid; Which Gloves reſpectively *Richard* St. *George*, otherwiſe *Clarenceux*, King of Arms, took up and delivered into the hands of the ſaid Lord *Conſtable* with due reverence; and the ſaid Lord *Conſtable*, together with the Earl *Marſhal*, committed them to the cuſtody of the aforeſaid Regiſter of the Court. Then the ſaid Lord *Marſhal* arreſted, as well the ſaid Lord *Rea* the Challenger, as the aforeſaid *David Ramſey* Eſq; the Defendent. And the ſaid *Donald* Lord *Rea* produced Sir *Robert Gordon*, Sir *Piercy Crosby*, Sir *Walter Crosby*, and Sir *William Forbes* Knights and Baronets, and *William Innis* Eſq; for his Sureties, who obliged themſelves all, and every of them, *& diviſim & conjunctim*, to our Lord the King, for the ſaid Lord *Rea*, Body for Body, that the ſaid Lord *Rea* ſhould duly proſecute this aforeſaid Challenge, to the final and laſt determination of the ſame; and that in the mean time the ſaid Lord *Rea* ſhould keep the Peace of our Lord the King, againſt all and every of his Lieges, and eſpecially againſt the foreſaid *David Ramſey* Eſquire.

And the ſaid *David Ramſey* produced for his Sureties, the Right Honourable *James* Earl of *Abercorne*, and *Robert* Earl of *Roxborough*. Then the Earl *Marſhal* aforeſaid releaſed *Donald* Lord *Rea* the Challenger, and the aforeſaid *David Ramſey* Defendent, from the aforeſaid Arreſt, and at their requeſt reſpectively delivered their Bonds of Suretiſhips to be cancelled.

After this there was read in the Court, the Lord *Rea*'s Petition to the King, for divers Noblemen and others to be of his Counſel in this Cauſe; whoſe Names he preſented in a Schedule annexed, as they are here recorded.

To the KING's moſt Excellent Majeſty.

The Humble Petition of Donald *Lord* Rea.

The Lord *Rea* his Petition to his Majeſty.

‘Humbly beſeecheth Your Royal Majeſty in this Cauſe of Appeal againſt *David Ramſey* in the Court of *Chivalry*, to grant unto the ſaid Petitioner, that he may have the Parties, whoſe Names are in the Schedule hereunto annexed, to be of his Counſel in the ſaid Court. And he ſhall daily pray for Your Majeſty's long Life, and happy Reign over us.

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George Earl of *Lyney*, Lord *Gorden*.
Miles Vicount *Mayo*.
Theobald Baron of *Brillis*.
Maurice Roch, Son and Heir of the Vicount *Fennoy*.
Donnough Mac Charty, Son and Heir of the Vicount *Muskery*.
Sir *Robert Gordon*.
Sir *Pierce Crosby*.
Sir *Walter Crasby*.
Sir *William Forbes*.
Donnough O Conno Sligo.
James Hay Eſq; *of his Majeſty's Body*.
William Innis Eſquire.
Dr. *Rives*. Dr. *Duck*.
Mr. *Selden*, }
Mr. *Littleton*, } of the *Inner Temple*.

Upon which his Majeſty iſſued out this following Order.

The King's Order upon the Petition.

It is his Majeſty's Pleaſure, That only theſe ſhould ſerve, both for his Friends to adviſe him, and his Counſel to plead for him.

Ramſey's *Defence*.

In the Name of God. Amen. In the preſence of you moſt Illuſtrious and Right Honourable *Robert* Earl of *Lindſey*, Conſtable of *England*, and *Thomas* Earl of *Arundel* and *Surrey*, Marſhal of *England*, or your Deputies in your Court Marſhal; I *David Ramſey* Eſq; Defendent, ſay and affirm, That all and every the things contained in the ſaid pretended Appeal and Accuſation, were and are falſe, and ſuggeſted and propoſed againſt me maliciouſly, and againſt Truth, excepting what follows at the time and place underwritten; I had the under-written Diſcourſe with thee, or to the ſame effect, and no other, *viz.*

I *David Ramſey* being with thee *Donald* Lord *Rea*, in the Month of *May* or *June*, as it is in the ſaid Bill mentioned, and in the Ship there alſo mentioned, being in or near the Port there mentioned, thou deſiredſt that I would tell thee, If the Marqueſs of *Hamilton* would come over? and I anſwered he would. And you asking me of what Religion the Lord Marqueſs was, I ſaid, A good Proteſtant, and before it be long, he would let the World ſee his Deſign was for the Defence of his Religion, and the Glory of God. And then asking me whether he would come over with an Army? I ſaid, Yes, with an Army of brave Men, and all Warlike Proviſion, that he cared not with whom he encountred. Which Paſſages, upon often and better recollection of my memory and thoughts than heretofore, I do now remember. And you the ſaid *Donald* Lord *Rea*, having then under your Command, two Regiments of Souldiers in Service of the King of *Swedland*, and then and there of thine own accord ſaying to me, Thou wouldſt get leave of the ſaid King to join your ſaid two Regiments with the ſaid Lord Marqueſs his Forces, and ſerve the ſaid King in the Wars under the Lord Marqueſs. I kindly accepted that motion of yours, and deſired to confirm it in you; and I told you, that

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Alexander Hamilton and Sir *James Hamilton* were to go for *England*; and you told me you had a promiſe of the Reverſion of *Orkney* from the King your Maſter if the Marqueſs would mediate with your Maſter for it? and I and *Alexander Hamilton* did deſire you to write a general Letter to the Marqueſs, with truſt to the Bearer *Alexander Hamilton* concerning *Orkney*; and aſſured you of the ſaid Marqueſs his friendſhip, if you would continue conſtant in your Reſolution, in joining your Regiments with the Lord Marqueſs, when he ſhould come over, and you gave a Letter accordingly. Afterwards in *March* laſt, I being then at the *Hague* in Imploiment for providing Furniture for the ſaid Marqueſs his Companies, which were to go over into the King of *Swedlands* Service, came to you from the *Hague* to *Amſterdam*, being earneſtly invited thereunto by Letters from you; where I ſtaied with you eight days, and delivered to you a Letter from the Marqueſs only of Complement and Thanks for your Offer, to join your Regiments under the Marqueſs his Command. And I told you all went right with the Marqueſs, and that I heard he had gotten from his Majeſty 10000 *l.* in *England*, and the Wine-Cuſtoms in *Scotland* for ſixteen years, which he would ſell; and all things for his coming over with his Forces went on without any demur or obſtacle; and the only ſtay was, for want of Arms and Ammunition, eſpecially Powder, and deſired you to put in hard for that with the *Swediſh* Ambaſſador, which you did after the Premiſes. And in *March* or *April* laſt, in *Delf* in the *Low-Countries*, you told me, you had a Letter from the King of *Sweden* to the King of *Britain*, to deſire ſome Ships for the Marqueſs. And you ſaid further, That the King of *Sweden* ſaid, He had no Ships to ſpare of his own, but he would write to our King for ſome for him; and that he the ſaid King of *Sweden* would allow 40000 *Rix Dollars* for the entertainment of the ſaid Ships to be always in readineſs upon the motions of his Army. You alſo asked me, if my Lord Marqueſs was to raiſe any Men in *England*? I anſwered, I heard he was to raiſe three Regiments in *England*, and three in *Scotland*. You asked me where theſe Forces ſhould meet? I anſwered, On the Sea. You asked where they ſhould Land? I anſwered, I was doubtful where, becauſe the Rendezvous was to be appointed by the King of *Sweden*; you ſaid further, That you was not a Souldier of Fortune, that you had Bread at home, and might live without hazarding your ſelf in the Fortunes of War; yet that you would hazard your Life and Fortune with the Marqueſs. I anſwered, I knew no more of the Marqueſs his Deſigns, than I had then told you, but that I would write to the Marqueſs to commend to him your forward affection to his Service, or to that purpoſe. I told you, that ſince my being in *Holland*, I did perceive the *Hollanders* did conceive, that *England* had made a Peace with *Spain* very prejudicial to *Holland*; and that divers of them had ſaid ſo in my hearing: which Paſſages concerning the ſaid Peace, upon often and better recollection of my memory and thoughts than heretofore, I do now remember, and I alſo told you, That the lack of Powder was the greateſt ſtay of the Marqueſs his coming over; and you deſired me to ſpeak my ſelf to the *Swediſh* Ambaſſador for the Powder, and to advertiſe you of his Anſwer, that you might aſſure the ſaid Lord Marqueſs what he might expect; and I did ſend one of my Men to the *Brill*, called *John Thompſon*, to ſhew you I was with the Ambaſſador, and hope to have what we ſpoke of.

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But whereas thou the ſaid *Donald* Lord *Rea* in thy ſaid pretended Accuſation or Appeal doſt affirm, that I ſaid other words to thee, than ſuch as are here ſet down in this my Defence; I the aforeſaid *David Ramſey* ſay and affirm, That *thou lieſt falſly*, and *art a falſe Calumniator*, and oughteſt to be puniſhed with the puniſhment of a falſe Traitor; and I offer my ſelf ready to prove and juſtify, by the help of God, this my Defence and Exception, by my Body upon thy Body, according to the Law and Cuſtom of Arms in a Duel, to be performed in the preſence of our Lord the King. And I humbly and inſtantly deſire, that a Day and Place may be aſſigned for the ſaid Duel, *&c.*

Then was read in Court the Petition of *David Ramſey* to the King, beſeeching his Majeſty to aſſign him the Perſon, whoſe Name was written in the Schedule annexed, to be of Counſel with him in this Cauſe, the Name written in the Schedule was Mr. Doctor *Eden*. The Witneſſes in this Cauſe were commanded to make their perſonal appearance in the Court, and were there examined, and divers Letters written, as well from Marqueſs *Hamilton* as from *Ramſey*, to the Lord *Rea*, were then produced.

Mr. *Ramſey* had bin releaſed from Impriſonment in the *Tower* upon Bail, and his promiſe to appear before the Earl *Marſhal* of *England*, or ſuch other Perſons as his Majeſty ſhould appoint, at ſuch Time and Place as ſhould be aſſigned unto him, upon three days warning; in the mean time to keep the Peace, and to confine himſelf to *Richmond*, having the liberty of three miles walk, with this acknowledgment, That in caſe of abſenting himſelf from ſuch Appearance, or breaking the Peace, he will be accounted guilty of the Crime, for which he ſtood committed. And for the performance of this Engagement, the Earls of *Abercorne* and *Roxborough* entred into a Bond of *Four thouſand* pounds to the King.

A while after *Ramſey* entred in the Court a Proteſtation of the Tenor following.

Ramſey's Proteſtation.

'Whereas in Obedience to his Majeſty's Commands, and in conformity to this Honourable Court, I have heretofore, contrary to ſuch Intentions as ſeemed to me moſt reaſonable, procured ſome Perſonages to ſtand engaged for my perſonal appearance in this Court, concerning this pretended Cauſe; and have, in obedience and conformity as aforeſaid, uſed the Counſel of Dr. *Eden*, aſſigned unto me for that purpoſe by his Majeſty, as Defendent in the ſaid Cauſe. And whereas at my firſt appearance, upon ſight of my Lord *Rea's* Bill, I accepted of the Trial by Combat, and ever ſince avoided and waved all Courſes uſually propoſed by Defendents to avoid the Combat, which at this preſent I am ready to entertain: And whereas ſince from the Premiſes, and the Lord *Rea*'s pretences of proving new Matters, the final Decree in this Cauſe, to my great prejudice in my other occaſions, hath bin from time to time put off, and nothing as I conceive, under favour of this Honourable Court, proved againſt me, either to convince me of any Matter objected againſt me, or to urge me by the Law of Arms to ſubmit my ſelf to Trial by Combat, if I had a deſire to decline it. I do here again once more, and that moſt inſtantly, deſire a certain Day and Place to be aſſigned and decreed for the Combat between the ſaid Lord *Rea* and me, for the Trial of the Matter in iſſue between us in this Honourable

'Court; and I do with all humbleneſs deſire of this Honourable 'Court, that after all theſe delays uſed on the Lord *Rea*'s behalf, I 'may now betake my ſelf to my ſaid firſt Intentions; and therefore I 'do proteſt, that ſo much as in me lieth, I do now diſingage, and do 'deſire this Honourable Court for ever after this time, to hold for 'diſengaged thoſe honourable Perſonages that are bound for my per'ſonal appearance. And I do humbly deſire to know what his Ma'jeſty's further pleaſure is concerning me, ſince I came hither upon 'his Majeſty's command by Letters, and am here ready to ſatisfy my 'Loyalty as his faithful Servant, with the hazard of my Life.

And ſo inſtantly deſiring and urging to be releaſed of his Obligation, and that his Sureties might be likewiſe releaſed, he was remanded to the *Tower* of *London*, and his Sureties were releaſed, and the Bonds were rendred to them.

At another ſitting, when Dr. *Duke* moved divers things in behalf of the Lord *Rea*, declaring, That with due reverence he ſubmitted to the Court in all things. The Earl *Marſhal* made anſwer, that the Lord *Rea* had governed himſelf in the whole Proceſs of the Cauſe, with much Prudence and Moderation, and wiſhed that *Ramſey* had uſed the like Moderation in his Defence. And he further ſaid, That now it ſeems neceſſary to lay open the Series of the whole Buſineſs: and ſo continuing his Speech, he ſhewed that our Soveraign Lord the King, ſo ſoon as he had knowledg of the Crime objected, did uſe all diligence to find out the Truth, and called the Parties before him; and the Lord *Rea* conſtantly affirmed the Truth of theſe things, and offered to juſtify the ſame with the hazard of his Blood and Life. And Mr. *Ramſey* on the other part with the like conſtancy denied the Accuſation, and ſaid, he would prove it falſe againſt the Lord *Rea* by Duel, if it ſeemed good unto his Majeſty. And that the King obſerving the confidence of the Parties, and the defect of other Proofs, and the Parties free choice of Duel, conſulted about the way of a publick Duel by the Authority of this Court, and took care to be informed of the Proceedings and Cuſtoms thereof. That it was certain, that this Court was the only Publick Judicature, to which the Cognizance of Treaſons committed beyond Sea appertained before the time of *Henry* the 8*th*; and that the Statute of 26*th* and 35*th* Years of that King, concerning another manner of proceeding therein, was not derogatory to the Authority of this Court, but only ſuperadded another way of Trial. That all private Duels were accounted and are unlawful, but Publick Duels decreed by the Authority of this Court, were always granted to be lawful in Caſes of Treaſon, when for the ſafety of the King and State, the Truth would not otherwiſe appear. That his Majeſty therefore conſented to the Requeſts of theſe Parties, that they ſhould fight a Duel for the diſcovery of the Truth in this behalf; and therefore he conſtituted and confirmed this Court under the Great Seal of *England*. That the Lord *Conſtable*, and he the Earl *Marſhal*, according to the King's *Letters Patents*, together with thoſe Noble Perſons that were of Counſel with the Court, had heard with patience whatſoever was alleadged on either ſide; and that there were three ways of determining things of this nature in this Court uſed by our Anceſtors.

Firſt; To abſolve the Accuſed; which in this Caſe, the Nature, Qua-

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lity, and Circumſtances of the Fact and Crime objected being conſidered, cannot be.

Secondly, To condemn the Accuſed when the truth of the Crime objected evidently appeareth by Witneſſes, or any other way; which in this Caſe hath not been, nor ſeemeth poſſible to be, when out of the Accuſation it ſelf, it appeareth that the words were ſpoken ſecretly, and not before Witneſſes.

Thirdly, By way of Publick Duel, to the decreeing whereof the Lord *Conſtable* and himſelf, with the aſſent of thoſe Honorable Perſons of Counſel with the Court, did intend to proceed.

Then the Lord Conſtable together with the Earl Marſhal demanded of the Parties, Whether they had any thing more to ſpeak or propound in this Cauſe? They ſeverally anſwered they had nothing more. The forenamed Lords asked the Lord *Rea*, whether he would finally acquieſce in his forementioned Bill of *Appeal*? whereunto he anſwered he would therein acquieſce. Then they asked *Ramſey*, whether he would acquieſce in his anſwer to the Bill of *Appeal*? whereunto he alſo anſwered, that he would therein aquieſce. After this, the Regiſter read in Court the Lord *Rea*'s Bill of Appeal, and *Ramſey*'s Defence in the preſence of the parties. Preſently the Lord *Rea* ſealed his Bill with his Seal at Arms, and ſubſcribed his name with his own hand. After the ſame manner Mr. *Ramſey* ſealed and ſubſcribed his Anſwer.

Then the Lord *Conſtable* taking the *Appeal* in his hands, and folding it up, put it into the Glove which the Lord *Rea* had caſt forth in the Court for a pawn in this behalf, and held the Bill and Glove in his right hand, and in his left hand the Anſwer and Glove or Pawn of *David Ramſey*, and then joyning the Bill and Anſwer, and the Gloves, and folding them together, he with the Earl *Marſhall*, adjudged a Duel between the parties under this form of words.

In the name of God the Father the Son and the Holy-Ghoſt, the Holy and moſt Bleſſed Trinity, who is one, and the only God and Judge of Battels; We, as his Vicegerents under the moſt excellent Prince in Chriſt our Lord and King, by whom we are deputed to this, Do admit you the aforeſaid Donald Lord Rea, the Party Challenging, and you the aforeſaid David Ramſey, the Defendent, to a Duel, upon every Accuſation contained in this Bill and the Anſwer to the ſame; and we Aſſign unto you the twelfth day of the Month of April next following, between Sun and Sun, in the Fields called Tuttle Fields, in or near Weſtminſter, in the preſence of our Lord the King, to do and perform your parts to your utmoſt power reſpectively.

And we Will and Enjoyn you the aforeſaid Lord Rea the Challenger, to be in the aforeſaid Fields, and within the Liſt there, between ſeven and nine of the Clock in the forenoon of the aforeſaid day. And we enjoyn you the aforeſaid David Ramſey the Defendent, to be in the Fields in the foreſaid Liſt between nine and eleven of the Clock in the forenoon of the ſaid day, upon Peril attending you reſpectively in that behalf.

Which Decree and final Sentence pronounced, the Lord *Rea* craving pardon of the Court, ſpake to this Effect; Firſt, he gave thanks to the Lord *Conſtable*, the Earle *Marſhal*, and the reſt of the Lords, that they had with ſo much Patience and Juſtice heard and examined this Cauſe, and for the Juſtice therein exerciſed eſpecially for the Sentence already given. Then he proteſted before Almighty God and that Court, that he had revealed nothing againſt *David Ramſey*, or any other, for Malice, or Hatred, or hope of Reward, either Gain, or Honour, but only out of his Faithfulneſs to our Lord the King, and for the ſafety of his floriſhing Kingdoms, knowing that nothing is more pernicious to Kingdoms and Commonwealths than inteſtine Wars. He profeſſed that if he himſelf had not revealed the premiſſes, but ſome other acquainted with the Treaſon had firſt diſcovered it, he without all doubt had deſerved the death of a Traytor. And whereas it might be ſaid, that he by revealing it had hazarded his own Life. To this he anſwered, that he was unworthy of all Honour, yea of Life it ſelf, that was not ready to lay down, much more to hazard his own Life for the Safety of King and Kingdom. And whereas he might ſeem in the proceſs of this Cauſe to have declined a *Duel*; he deſired to be underſtood that whatſoever was done in that behalf, he did in hope and expectation that the Treaſon which was communicated to many, might be ſome way brought to light. For he did neither diſtruſt his own Cauſe, nor fear the Perſon of his Adverſary, nor any other in ſo juſt a Cauſe, only in this he greived, that an Adverſary equal to him in Birth, Degree, and Nobility, was not offered. And whereas many wondered that he would hazard his Life for revealing words, whereof he was doubtful whether they would amount to Treaſon or not. He ſaid, he knew much more concerning the Treaſon, than what was contained in this Bill, which by the interpoſing of Authority, was for juſt Cauſes yet to be ſuppreſſed.

As for the *Duel* now decreed, he profeſſed that he embraced the Sentence with all chearfulneſs, and deſired no further delay of the Combat, than that in the mean time he might provide himſelf with ſuch neceſſaries for this Duel as became his Stock and Kindred, and the Combatant and Champion of ſo great a King. That he had no private hatred to the Perſon of *David Ramſey*, but was now to encounter him, being by the Court declared his publick Enemy. And ſo having prayed to God for his Majeſty's ſafety, and happy Government, and imploring the favour of the Court, he made an end of ſpeaking.

After this the Court aſſigned to both Parties a day, whereon to make ſuch Propoſitions as they would think fit.

Then the Lord *Rea* deſired, that the Crimes and Words by him objected in his Bill againſt *David Ramſey*, might be declared Treaſonable, and that *Ramſey* were guilty of Treaſon, if he uttered thoſe Words: which the Court with an unanimous Conſent did declare ſo, and adjudg.

Ramſey moved that a ſhorter time, and ſome day within the 12*th* of *April* might be aſſigned for the Duel, ſaying that he would ſoon compel the Lord *Rea* to confeſs the falſhood of the Crime objected, if he would meet him in place convenient.

The Lord *Marſhal* anſwered, that the day was determined; and further intimated to both Parties that they were to be attached and kept in ſafe Cuſtody, if they gave not ſufficient caution for their appearing at the day and place appointed, and in the mean while for keeping the Peace. For the performance whereof on his part the Lord *Rea* produced Sureties, namely Sir *Peirce Crosby*, Sir *William*

An. 1629. *Forbes*, Sir *Walter Crosby*, Knights and Baronets, and *William Jones* Eſq. who bound themſelves to the King Body for Body.

Then Mr. *Ramſey* being asked, whether he would bring forth Sureties? Anſwered, that he was ready in the Word and Honour of a Gentleman, to oblige himſelf to whatſoever in that regard ſhould be by the Court enjoyned, but as for Sureties that he had none, or at leaſt deſired none; That it was troubleſome for him to engage Noble Perſons, who had in other reſpects interpoſed in this behalf. Whereupon the Lord *Rea's* Advocate deſired that *Ramſey* be committed to the *Tower* till the day appointed for the Combat.

Then *Robert* Earl of *Roxborough* publickly offered, and ſaid that himſelf and *James* Earl of *Abercorn* were ready to put in Caution for *Ramſey*, if the Court would admit them; and *Walter* Earl of *Balclough* made the ſame offer, and the Court admitted them, (although the Lord *Rea's* Advocate alleadged many things to the contrary) and they became bound Body for Body. Whereupon *Ramſey* was releaſed from his Impriſonment in the *Tower*.

The Lord *Conſtable* and Earl *Marſhal* admoniſhed both Parties to keep within the bounds aſſigned them; to wit, That the Lord *Rea* ſhould not go Weſtward beyond *Charing-Croſs*, nor Mr. *Ramſey* beyond *Whitehal* Eaſtward. Theſe bounds they might not paſs without the ſpecial Licence of the Court, or ſome juſt and reaſonable Cauſe.

The Weapons which the Court aſſigned to the Combatants, were a *Spear*, a long *Sword*, a ſhort *Sword*, and a *Dagger*; each of them with a point.

Then the Lord *Rea* preſented theſe Proteſtations to the Court.

Lord *Rea's* Proteſtation or Petition to the Lords *Conſtable* and *Marſhal*.

Firſt, He did humbly deſire of the Right Honourable Judges the Lord *Conſtable* and Earl *Marſhal*, that his Arms and Weapons might be aſſigned him for to aid himſelf therewith againſt his Adverſary in the day and place to him aſſigned: And alſo in any other day and place, if any ſhould be aſſigned him; and that he might have no Weapon of advantage, and that he might be received into the Liſts or Feild with thoſe Arms as ſhall be aſſigned him, and armed in what ſort he ſhould pleaſe; and that he might have with him all other things needful and accuſtomed by right to aid himſelf at need againſt his Adverſary although they be not expreſly written; and deſired that his Adverſary, ſhould have no other Weapon, nor of other ſize than thoſe that he the ſaid Lord *Rea* ſhould have: And if the ſaid Adverſary ſhould bring into the Liſt any other Weapons, or of other ſize than the Court ſhould aſſign him, that ſuch Weapon ſhould be taken from him, and that he be allowed no other.

The Order of the Court.

It ſeemed reaſonable to the Court, that he ſhould be received into the Liſts armed as is fit: And as for the Weapons, was to have a *Spear*, a *long Sword*, a *ſhort Sword* and a *Dagger*, each with a point, as above ſaid, and for the reſt the Court would do reaſon, according to the Cuſtom and Law of Arms.

Item, The ſaid *Challenger* did pray that his Counſel might be received into the Liſts or Field with him, for to counſel him what ſhould be needful, and that he might have a *Chirurgeon* with his Ointments and Inſtruments to ſerve and aid him when need required, and he did pray, that his Counſel might remain with him, until the words *Leſſer les Armes* were cried.

The Court willeth, That he ſhall have ſufficient Counſel, a Chirurgeon with his Ointments and Inſtruments within the ſaid Liſts, as appertaineth, until the words *Leſſer Les Armes* be pronounced.

Item; He did pray, That he might have within the ſaid Liſts or Fields, a Seat or Pavilion, or other Coverture to reſt himſelf, that he might have Bread, Wine, or other Drink; Iron-Nails, Hammer, File, Sciſſars, Bodkin, Needle and Thread, Armorer and Tailor with their Inſtruments, and other Neceſſaries to aid and ſerve him in and about his Armour, Weapons, Apparel and Furniture, as need required.

The Court willed, That he have a Seat and ſuch Coverture as he ſhall pleaſe, without fixing any thing in the Ground; Bread, Wine, and other Neceſſaries, in ſuch caſes requiſite, till the words *Leſſer Les Armes* were pronounced.

Item; He did pray, that he might have liberty to make trial of his Arms and Weapons within the Field, to put them off, and to put them on, and change them at his pleaſure; to nail, faſten, or looſe his Arms and Apparel, and other things needful; to Eat and Drink, and to do all other his Neceſſities.

The Court granted until the words *Leſſer Les Armes* were pronounced.

Item; He did pray, That after he did once come into the Fields and Liſts, that his Adverſary ſhould not be permitted to make him ſtay and attend too long, under pain of being Convict.

To this the Court returned anſwer, *The Court will do you reaſon.*

Item; He did pray, That if it ſhould happen, either by the delay of his Adverſary, or any other Impediment, that he ſhould not be able to prove his intent upon his Adverſary in the day aſſigned him, between Sun and Sun, that then he might have further time and day allowed and aſſigned him for the proof thereof on his ſaid Adverſary.

To this the Court anſwered, *The Court in this Caſe will do as anciently hath been uſed according to the cuſtom and Law at Arms.*

Item; He did pray, That the Field and Liſts might be well and ſafely guarded for him until the end of the Battel, and as well in the Night as in the Day, until that with the Aid of God he ſhould make good, and prove his intent upon his Adverſary.

It was anſwered, *The Court will do herein as is right.*

Item; He did humbly pray, That if God ſhould ſo diſpoſe, as that he died in the proſecution of this his righful Appeal in this behalf, that then his Heirs, without any impeachment or hinderance, might take his Body and give it Chriſtian Burial, in ſuch place as he ſhall appoint by his laſt Will and Teſtament.

It was anſwer'd, *This muſt be at the King's pleaſure.*

Item; He did pray, That notwithſtanding that the cuſtom of Arms will, that he ſhould bear into the Field certain things neceſſary for him, that theſe, or ſome of theſe things, may be brought by others in eaſe of him, and that they might be ſaved and carried back for him, if in caſe God ſhould pleaſe to give him the Victory, as he may of his ſpecial Goodneſs and Mercy.

Hereupon this Order was made by the Court;

Order of Court.

The Court willeth that you do herein according to the Cuſtom of Arms uſed in like Caſes before this time.

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Item; He did deſire, That the ſame day when with God's help he did intend to prove his Intent upon his Adverſary, he might have all other things neceſſary for him, and accuſtomed by Right and Law of Arms, although they were not expreſſed in theſe his Proteſtations.

To this it was anſwered, *The Court herein will do that which ſhall ſeem reaſonable unto them.*

Item; He did pray, That theſe his Proteſtations, nor the Copy of them, might be delivered nor ſhewed to his Adverſary, nor to any of his Counſel, or other Perſon, whereby his ſaid Adverſary might have knowledg thereof: Further praying, and deſiring that theſe his Proteſtations and Demands might be graciouſly granted unto him, by thoſe Honourable Lords, as the Right and Law of Arms did require.

It was anſwered, *The Court would herein do that which ſhould be reaſon.*

Item; He did pray, That it might be lawful for him to go or ride into *Tuttle*-Fields, in or near *Weſtminſter*, at his pleaſure, and ſo often as he ſhould think fit, to view the Ground which ſhould be aſſigned him for the proving of his Intent, and for ſuch other ends as ſhould be moſt for his advantage for the proving his intent upon his Adverſary.

Order and Anſwer.

To this the Court anſwered, *It ſeemeth reaſonable unto the Court, that at convenient times, which ſhould be ſignified and expreſſed under the hands of the Lord* Conſtable *and Earl* Marſhal, *what ſhould be lawful for him to do as was deſired.*

Item; He did humbly pray, That ſince by the Law and Cuſtom of Arms, and of the Honourable Court, the Defendent is never to be allowed Counſel, nor to have any Aſſiſtants, nor to have any Petitions of Favour granted, except in due time he ſhall have deſired, or ſhall have proteſted that he would deſire them. And that in this Caſe his Adverſary publickly hath proteſted againſt the having of Counſel, and all other Aids and Aſſiſtants in this Court, as by the Acts of the Court appeareth, he humbly prayeth that he might not have any Counſel, nor Aids, nor Aſſiſtants aſſigned unto him in this behalf; and that no Petitions or Proteſtations (if he ſhall make any) might be granted unto him; and in this he humbly deſired the Juſtice of that Honourable Court.

Anſwer was made, *The Court would do herein upon conſideration, as to the Cuſtom and Law of Arms appertained.*

The Dimenſions of the Weapons were as followeth.

A *Long Sword*, four foot and a half in length, Hilt and all; in breadth two inches.

Short Sword, a yard and four inches in length, Hilt and all; in breadth two inches.

Pike, fifteen foot in length, head and all.

Dagger, nineteen inches in length, Hilts and all; in breadth an inch.

The Weapons were not to exceed this Proportion, but the Parties might abate of this length and breadth if they thought fit.

Theſe Proteſtations and Petitions were accepted and regiſtred.

Afterwards Mr. *Ramſey* preſented a Petition to the Lord High *Conſtable*, and to the Earl *Marſhal*.

Ramſey's

Ramſey's Petition.

To the Right Honourable the Lord High Conſtable, *and the Lord* Marſhal *of* England;

The humble Petition of Mr. David Ramſey, *Gent. of his Majeſty's Privy-Chamber in Ordinary.*

Shewing,

'That in regard there can be no Preſident ſhewed forth by Authentical Record, whereby the choice of Arms was ever heretofore permitted or granted to the Challenger, or refuſed to the Defender, ſutable to the Cuſtom and Law of all Chriſtian Nations; as likewiſe in regard the Challenger himſelf, as I ſuppoſe being aſhamed of his Proteſtations and Demand for Defenſive Armour, has in good Company denied the ſame, and aſcribed it to your Lordſhips impoſing. He therefore according to the ſaid Law of Nations, and Cuſtom of the Kingdom, doth humbly intreat that there be no other Arms allowed for the Trial, than ſuch as he hath bin already Suitor for, (*viz.*) *Rapier* and *Dagger*, as being in the number of ſuch as your Lordſhips were pleaſed to nominate, which are the moſt common in all Gentlemen's Opinions, and that are carried by all and every Man that is acquainted with the management of them.

'Laſtly, Intreating, That if there chanced to be found any want or miſtake in the formality of this, that your Lordſhips will be pleaſed to paſs over the ſame, and attribute it to the abſence of the Lawyer allowed by your Lordſhips, having now no other Counſel than the Juſtice and Equity of his Demand. And as in Duty bound, he ſhall never be wanting, either in Action or Speech, to ſhew his gratitude for theſe your Lordſhips ſo juſt and noble Favours.

To the foregoing Petition, this following Anſwer was returned.

Decimo Aprilis 1632.

The firſt part concerning my Lord *Rea*, the Lords having called Sir *William Balfour*, (the Witneſs vouched by Mr. *Ramſey*) and heard him, but could not prove what was alledged.

The ſecond part, concerning the Election of Arms, the Lords thought it was not fit to be granted, the Cuſtom of this Court being otherwiſe, and other Arms being already aſſigned by the Court.

On the 10*th* of *April Rea* and *Ramſey* appeared again before the Court, ſitting in the *Council Chamber* at *Whitehall*; at which time the Lord High *Conſtable* and the Earl *Marſhal* ſignified to the Parties, That it was the King's Pleaſure, for certain juſt and urgent Cauſes, to prorogue the day of Combat, from the 18*th* of *April*, to the 17*th* of *May*; and they prorogued the ſame accordingly; and required *Rea* and *Ramſey* to appear in *Tuttle-fields*, upon the day laſt aſſigned, at the hours appointed in the former day: for the performance whereof, both the Challenger and the Defender produced their ſeveral Sureties, and the Cautions and Sureties for the former day were by the Court remitted.

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The Lord *Rea* deſired to know the pleaſure of the Court, whether he might uſe Defenſive Arms? and in caſe he might, whether according to his own diſcretion, or as the Court ſhall regulate?

The Judges of the Court anſwered, That the Offenſive Weapons and their Dimenſions were aſſigned by the Court already; but both Parties might uſe Defenſive Weapons at their own diſcretion.

May the 12*th* the Court reaſſembled, and the Parties were called, and anſwered to their Names.

Then the *Conſtable*, together with the *Marſhal*, declared, That upon hearing and examination of this Cauſe, they had not found *David Ramſey* guilty of *Treaſon*, nor was the Treaſon intimated made appear by the Lord *Rea*, though he had ſo long time attempted it; yet they found that he had ſeditiouſly committed many contempts againſt his Majeſty, the reformation whereof his Majeſty reſerved to himſelf; and therefore the Court Decreed, That they (the ſaid Lord *Rea* and *David Ramſey*) ſhould both be committed to the *Tower* of *London*, till by Sureties to be approved by his Majeſty, they gave in ſufficient Caution, that neither in their own Perſon, nor by any in their Families, nor by their procurement or aſſent, they would attempt any thing one againſt the other, and that ſo long, till it ſeemed good to his Majeſty to ſet them at liberty; and ſo they were both arreſted by order of the Lord *Conſtable* and *Marſhal*, and by *Serjeants at Arms* delivered over to Sir *William Balfour*, Lieutenant of the *Tower*.

Then a Letter was brought from his Majeſty by *Richard* St. *George*, King of Arms, to the Lord *Conſtable* and *Marſhal*, by which his Majeſty revoked his *Letters Patents*, given to the ſaid Lords for the Trial of this Cauſe, not willing to have it decided by Duel. And ſo there was nothing more done in it.

But now let us return to Marqueſs *Hamilton*, where we left him in his Quarters in *Germany*, who loſt no time after the Battel at *Lipſick*, but went himſelf to the King at *Worben*, paſſage being then more open. The King excuſed his not ſending the Forces he had promiſed, for that he was reſolved ſpeedily to give *Tilly* Battel, and ſo could not weaken his Army, and appointed the Marqueſs to remove from thoſe Villages near *Stetin*; and accordingly on the 20*th* of *September*, the Army went up the *Oder* from *Stetin*, ſome pieces of Ordnance they carried with them by Land, and the reſt by Water, and according to order were quartered about *Cuſtrein*, *Frankfort* upon the *Oder*, *Landſbergen*, *Croſar*, and places thereabouts; where a third part of his Army languiſhed and died of the Plague, and other Sickneſſes.

The Marqueſs had not bin long at his Quarters at *Cuſtrein*, when he received Orders to beſiege *Magdenburgh*, wherein were 3000 Men: The Marqueſs's Army being then very feeble by ſickneſs, the King of *Sweden* ſent *Bannier* with 3000 Foot and 1000 Horſe to join with him, and to block up and beſiege *Magdenburgh*; which they ſo ſtreightned, as on *Chriſtmaſs Eve* they came to a Parley. But on the ſecond day of their Treaty, one of the Count *Mansfields*, their Governor, had notice that *Papenheim* was coming with Relief; whereupon the Treaty broke up, and *Bannier* would have bin retiring: But the Marqueſs preſſing his ſtay, he produced his Orders to command all the *Dutch* and *Swediſh* Forces, and not to hazard an Engagement; whereas that gallant Commander, Sir *Jacob Aſhly*, (who was then with the Marqueſs) viewing the Paſs deſigned for the Marqueſs's Retreat, in caſe *Papenheim* did advance, aſſured the Marqueſs and *Bannier*, they might in leſs than an hours time march away in ſpight of *Papenheim's* Army, and therefore not yet to remove, was his advice: whereupon the Marqueſs propoſed to *Bannier* to fight *Papenheim*; but *Bannier* not willing to hazard his Men, marched away; ſo *Papenheim* afterwards advancing, got into the Town, and carried away the Garriſon of Souldiers, and ſome Ordnance, with Ammunition, and ſo quitted *Magdenburgh*, yet left ſome Cannon behind him, (having not Draught-Horſes to carry the ſame away, nor intending to make that Place a Garriſon any longer): There the Marqueſs did ſtay till the beginning of *February* 1631, *Engliſh Style*; and the King ordered him to march to *Halberſtadt* to quarter his Army thereabouts.

As to the Negotiation of Sir *Henry Vane*, his Majeſty's Ambaſſador to the King of *Swedland* now in *Germany*, take this brief Account.

The Ambaſſador's Inſtructions.

Sir *Henry Vane* had in Commiſſion firſt to go to the King of *Denmark* to remove all ſuſpicion out of his mind, and firmly to reconcile him to the King of *Sweden*.

Secondly, To move the Princes and Republick of *Germany* to take part with the *Swede*.

Thirdly; To make ſtrict Peace between the Crowns of *Poland* and *Swedland*.

And laſtly; To enter into a League with the King of *Sweden* upon Emergent Occaſions.

The Ambaſſador after his arrival at *Gluckſtadt* came to *Erford*, from whom the Marqueſs received this enſuing Letter.

The Ambaſſador writes to *Hamilton*.

My Lord,

The firſt of mine which this Bearer wil give your Lordſhip, will tell you the extreme regret I have had ſince my coming into theſe Parts, that I could not have the honour to hear from your Lordſhip, yea, ſcarce hear of you.

I received your Lordſhip's of the 20th, delivered me this evening by one I ſent to Lipſick, *my ſelf being hindred from going that way, in regard the Enemy lay between* Brunſwick *and* Lipſick, *ſo as I could not paſs without danger, which cauſeth me to take the way of* Erford. *To morrow I ſet forward towards* Wirtſbourgh, *which his Majeſty of* Swedland *hath aſſigned me for my Audience; which as ſoon as I have had, I ſhall diſpatch an Expreſs to your Lordſhip, and be glad to receive your Lordſhip's particular Commands, of which I ſhall be as vigilant and careful as if they concerned my ſelf. I hope yet ſome one of your Lorſhips will overtake me before I ſhall ſee the King; for it will be* Thurſday *before I ſhall arrive at his Court, and I preſume it will be four or five days before he will give me Audience.*

Erford, *Octob.* 27. 1631.

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The Ambaſſador excuſes his not waiting on the King of *Denmark*.

The Ambaſſador, after his arrival, underſtood that the Duke of *Saxony* being become deſperate, by reaſon of *Tilly*'s Inſolency in his Country, had joined himſelf with the *Swedes*, and that when their Armies were united, had obtained a glorious Victory upon the Emperor's Forces near *Lipſick*; and that the King of *Sweden* making uſe of that Victory, was gone forward as far as *Franconia*: judging therefore that it concerned him to make haſte, he excuſed himſelf by a Letter to the King of *Denmark*, and went forthwith to *Wirtzburgh*, where he continued for ſome time. At length he was admitted to Audience, firſt at *Franckfort*, then afterwards at *Mentz*, but it was the latter end of *January* before he had Audience.

Admitted to have Audience in *January*.

We give you here the ſubſtance of what paſſed between him and the King of *Sweden* on the *29th* of *January* 1631, at *Franck fort* on the *Main*, as followeth.

‘THe Ambaſſador at his firſt Audience with the King of *Sweden*, on *January* the *29th*, according to our Style, told the King, That he had come ſooner, but that his Majeſty's Command ſtaied him at *Mentz*. The King bid the Ambaſſador welcome, and told him, he heard the King of *Bohemia* was upon his way to come up to him; and asked him, when he thought he ſhould be here? To which the Ambaſſador anſwered, he thought to morrow. At which the King ſtarted, and ſaid, it could not be: the Ambaſſador replied, he thought yes, for he had received ſuch advertiſement from the States Agent at *Collen*; and ſaid further, the King of *Bohemia* was come in conformity to his Majeſty's deſire unto him; and that he hoped his Majeſty would take his Cauſe actually in hand, according to his public *Maniſeſto*, whereby he would acquire to himſelf much Honour, becauſe none was ſo much wronged and oppreſt as he. The King replied, he would firſt make an Alliance with the King of *Bohemia*, and would be alſo glad that the Alliance between himſelf and the King of *Great Britain* ſhould proceed; and asked the Ambaſſador, whether he had plenary Power? and whether the King of *Great Britain* would make the Confederation perſonal with him, or not? and whether he would be content to give Mony and not Men? To the firſt he anſwered, he had Plenary Power; and that for the perſonal Confederation between the two Crowns, his Maſter was content to accept it; and for Mony in lieu of ſending Men, he thought an Expedient might alſo be found for that, providing his Majeſty would undertake the Reſtitution of the King of *Bohemia* unto his Eſtates and Dignities, and not to lay down his Arms until both were effected. All but this Condition he liked well; but to that he anſwered, he could not do that without having War with *France* and *Bavaria*; and that in the late Treaty between *France* and the *Catholick League* concerning the Neutrality, there was an Article; but as for that of *Bavaria*, it ſhould be remitted to a future Treaty between the Kings of *Britain* and *France*; and for what he held of the *Spaniards*, he was willing to return. The Ambaſſador anſwered, That that Article, and all others in that Treaty, was as much to the prejudice of the King of *Bohemia* as could be, and conſequently to his Maſter's Ends; and he wiſhed in the end it might not prove diſadvantagious to the proſperity of his Affairs, by being too long amuſed, which could not be but ‘advantagious to his Enemies,and of dangerous conſequence to himſelf and the Cauſe; that for his part he did not think it counſellable for his Maſter to make an Alliance with his Majeſty of *Sweden*, upon the hopes of a future and contingent Treaty between *Britain*, *France*, and *Bavaria*: But if his Majeſty would oblige himſelf to perform the Conditions he propoſed, he the Ambaſſador was ready to begin the Treaty to morrow. And the King replied that he could not ſtipulate to make War upon *Bavaria* at this preſent, but it might be hereafter, and if the King of *Great Britain* would follow his Counſel,he thought it might either be done by War or Treaty, and ſaid, if we had concluded before the arrival of the *French*,he could then have undertaken War upon *Bavaria*, but it was not for him to undertake againſt the Houſe of *Auſtria*, *France* and the Leagues, if he could by means of the Neutrality lay *France* and the Catholick League by.

‘The Ambaſſador anſwered, For our coming too late, there was no fault to be juſtly imputed to us; for had his Majeſty of *Sweden* demanded reaſonable Conditions,the Alliance had been concluded: but Leagues,and Buſineſs of ſo great Importance,could not but have ſlow motions; yet he beſought his Majeſty of *Swedland* to give him leave to commemorate the proceedings of his Maſter towards him ſince his Majeſty's coming into *Germany*, viz. that he had permitted him to make as many Levies of his Subjects as he had deſired; That he had ſince ſent the Marqueſs of *Hamilton* to him with a Royal Aſſiſtance, and ſo opportunely, as it could not be denied but that the Marqueſs landed his Army at a ſeaſonable time, to the amuſement of the Emperor, and the encouragement of the Confederate Proteſtant Princes, as appeared by the effects that followed thereupon, by the ſpeedy uniting of their Army under his Command. And that though his *Swediſh* Majeſty, next under God, was the only immediate Inſtrument to whom the Glory of this great Revolution was to be attributed, yet it could not be denied but that the Subjects of *Great Britain* had done him great and Remarkable Service, both in theſe and his former Wars, and that theſe were neither to be concealed nor forgotten, nor the real Aſſiſtance now ſent unto him.

His Majeſty of *Sweden* acknowledged, ‘that the King of *Great Britain* had proceeded with him as a Friend; that he was a wiſe and vertuous Prince, and that none could wiſh more proſperity to his Perſon and Affairs than he did,and that he would do his beſt to aſſiſt him in the buſineſs of the *Palatinate*: but he would then have him follow his advice; That he had too long depended upon the *Spaniſh Treaty*, which was a fault, and had prejudiced us much; that nothing was to be expected from them but *Parols*. The Ambaſſador replied, if that were a fault, it behoved him to be wary in his Negotiation, not to make an Alliance that might be diſadvantagious to his Maſter, either in Honour or Judgment; That whatſoever ſhould be the event, he doubted not but that God would bleſs both his Counſels and Actions. His Majeſty of *Sweden* replied, that for the preſent he could not ſtipulate to make War with *Bavaria*, though he intended not to let him eſcape, for that it could not be but of great advantage if he could ſecure the *Catholicks*, which he was in a fair way to effect; for according to his Articles delivered unto *Charnaſſay*, the Electors of *Triers* and *Cologn* had accepted of the Neutrality. The Ambaſſador asked,whether his Majeſty had received any Act of their ‘own? he ſaid, No, But the Marqueſs of *Preſſay* had aſſured him thereof, that he had not yet heard of *Bavaria*, neither could he yet ſay any thing thereunto, until either *Charnaſſay* or *Horn*, whom he had ſent into *France*, were returned.

‘His Majeſty of *Sweden* then ſaid, he would make him two Propoſitions, which were, He would either oblige himſelf to reſtore the *King of Bohemia* what the *Spaniard* held, and treat with *France* and *Bavaria* for the reſtitution of what he poſſeſſes; which if he would not reſtore, He would then undertake a War with him, ſo the King would enter into an Alliance with him againſt the *Spaniards*, if he ſhould attaque him in any of his Dominions. He anſwered, that was a point of ſo great Weight as he durſt not take upon him to make any preſent anſwer, but thought that his next from *England* would give ſome light.

The reſult of all was, that upon the King of *Bohemia's* arrival, it was reſolved that the Chancellor of the *Swedes* and himſelf ſhould enter into Treaty.

In this Audience he ſpake of 12000 Men to be allowed by the King of *Great Britain*, and 25000 *l.* a month, which he demanded for the maintenance of them, but he inſiſted not thereupon, and therefore he held not fit to mention it in this Diſcourſe, but by way of Memorial.

He inſiſted alſo upon the eſtabliſhing of the *Lutheran* Religion in the *Pallatinate*, and the King of *Bohemia's* Countries.

The Ambaſſador tranſmitted to Mr. Secretary *Cook* the paſſages at this Audience at *Franck-fort*, to be imparted to his Maſter the King of *Great Britain*.

Magdenburgh being quit by *Papenheim*, and Marqueſs *Hamilton* Commanded by the King of *Sweden* to remove thence, the King of *Swedland* put a ſtrong Garriſon into the ſame, under the command of the Lord *Faulconberg* of 4000 Men, and the Town raiſed 2000. Now ſeeing we are upon this great (but ſhortly after miſerable) Town, have a little patience to read what befel it by the cruelty of *Tilly*, in the begining of this year.

In the beginning of *April* 1631 *Engliſh* ſtile, Gen. *Tilly* now diſcovers himſelf to undertake what *Papenheim* had been about, *viz.* the Conqueſt of the Town and Archbiſhoprick of *Magdenburgh*. Firſt, take a word as to the ſituation thereof: The Country of *Magdenburgh* is ſituated upon the Weſt of *Brandenburgh*, from which the River *Elb* parts it; upon the South it touches upon *Saxony*, upon the Weſt joining with *Brunſwick* and *Halberſtadt*; and upon the North of it is the *Elb* again, with the two Dutchies of *Lunenburg* and *Lawenburgh*; the Country hath the name from the chief City *Magdenburgh*, which is one of the antient *Hans*-Towns of the Empire, and that honoured with an Archbiſhop's See, and he the Primate of all *Germany*.

The People be *Lutherans* of the *Auguſtan Confeſſion*, the Archbiſhoprick in the hands of a Lay-Man, *Chriſtian William*, a Prince of the Electoral Houſe of *Brandenburgh*, his Title is Adminiſtrator of the Biſhopricks of *Magdenburgh* and *Hall*, and Primate of *Germany*. This bred the Quarrel, becauſe he not giving way to Reformation of the Religion, (that is, the Adminiſtrator being againſt the bringing in of Popery again) and the reſtoring of the Church Lands to the Catholicks, whereupon it being againſt Articles of Agreement, was preſcribed and bandied by the Emperor, and ſome Forces ſent into his Country, actually to ſeize upon the ſame. His Subjects, notwithſtanding they were alſo far out with the Emperor (as having conſented with other Hans-Towns, not to ſuffer any Imperial Souldiers to be quartered or billited upon them, and had raiſed ſome 2000 Souldiers for their own Guards) yet being now terrified by the Emperor, durſt not aſſiſt their Prince, until at laſt they were encouraged by the King of *Sweden*, who promiſed to ſtick cloſe by him: Whereupon, about the end of *July* 1630, the Adminiſtrator ſets forth his Declaration, proteſting againſt the wrong done him by the Emperor, and putting himſelf under the Protection of the King of *Sweden*.

With this Prince had *Francis Charles*, Duke of *Saxon-Lawenburgh*, now conjoined himſelf.

And about the end of *November* 1630, the King of *Sweden* ſends a Noble Gentleman, the Lord *Faulconbergh*, Lord *Marſhal* and Lord *Chamberlain* of his Majeſty's Houſhold, with 4000 Men to be put in Garriſon there, the Town having alſo raiſed 2000 Men for their Defence.

Upon the 12*th of April*, *Tilly* firſt preſents himſelf in full Battalia within a Mile of the City: at which time beleived it was that he would at leaſt have fallen upon the great Star-Sconce, or *Toll-Houſe* by the old *Flue*; but that day attempted he no more, than to beat ſome Guards out of their Redoubts into the City.

The 13*th* he lays his Seige; Himſelf, *Papenheim*, *Savelli*, and *Mansfeild*, round begirting the City. This done, twelve peices of Cannon are planted againſt the Bridge over the *Elb*; upon which he made 568 Shot that ſame day: his intent being to cut that paſſage off, that the Town by it might ſend no Succour to the foreſaid Sconce or *Toll-Houſe*, but the *General Faulkenbergh* conveniently planting ſome Pieces upon the *Toll-Houſe*, which at laſt diſmounted the Enemies Cannon. This not ſucceeding, *Tilly* falls Pel-Mell at once upon both theſe places, giving eight ſeveral Aſſaults unto them: but the Lord *Faulkenbergh* with four whole Cannon double charged with Stones, old Iron, &c. about 12 a Clock at night made them to give over: ſome Priſoners the next day which were taken, confeſs there were 2000 Men that day ſlain of the Aſſailants. This *Toll-Houſe* was a notable peice of Fortification, built on the other ſide of the *Elb*. To this *Tilly* now turns all his Battery; here falls he to mining, and all to no purpoſe.

On the 15*th* both by Land and Water he lays at it: but three hundred Muſquetiers being by him ſent in Boats, to aſſail it on the Water ſide, were by thoſe of the Fort driven aſhore, and drowned, or ſlain by the Citizens; 200 alſo at the ſame time, loſt their lives on the Land ſide.

Now was news brought into *Tilly's* Camp of the King of *Sweden* being upon his March, for the relieving of the Beſieged. A Council of War thereupon being called, ſome Troops are ſent towards *Wittenbergh*, and the *Deſſanbridg*, there to ſtave off the Kings Forces; the news of his coming again ſlackning, *April* 21. to work *Tilly* falls again: and giving on upon the *Toll-Houſe*, that notable Piece is forſaken by the *Magdenburghers*, who at their Retreat offering to fire it, the place was Reſcued by the *Imperialiſts*. Upon this were all the Forts on that ſide of the *Elb*, either taken, or given over, the Bridge alſo

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by *Tilly* burnt, and Approaches made unto the City, which was from thence immediately Battered. Now were the Beſieged forced to burn their own new Town, where 2000 *Imperaliſts* immediatly lodging themſelves, fell to mining, and ſhooting Granadoes into the City.

The *29th*, by a Sally out upon theſe in the new Town, are about a hundred ſlain; the Mines do no hurt, until one *Farniback*, a notable Engineer, takes them in hand, who ſapps himſelf under the Town-Ditches to the very hard Walls, which he much ſhakes by ſpringing the Mine: in reward of which Service and ſome others, the Emperor makes him a Colonel, granting him a Commiſſion to raiſe two new Regiments.

May the *2d*, the Imperialiſts in the new City having ſuddenly in the night time caſt up a Battery, ſhrewdly puniſh the Beſieged.

May 7th, General *Tilly* comes himſelf into the New-Town, together with *Papenheim*, then General of the Ordnance, and the Count of *Scomberg*, Serjeant Major General, and a great ſhew of Ladders is made, as if there were a purpoſe of a general *Scalado*. *Tilly*'s hope was, that the Town would preſently parly upon ſight of theſe Preparations; but they taking the Alarum at it, inſtantly man all their Bulwarks.

The *8th* day is ſpent in Shooting at a certain high Tower, from which the Town Cannon did much plague the Beſiegers. This day *Tilly* ſends a Trumpeter to Summon the Town; they ſend another to him, ſignifying their willingneſs to yeild, might but their Adminiſtrator ſtill enjoy his Biſhoprick, and the Town their Priviledges. This not conſented unto;

The *9th* day, *Papenheim* attempting to ſcale the Walls, is by a Sally beaten off: in which ſome of the Enemies Mines being diſcovered, are by Countermines in the Town defeated.

That day another Trumpeter is ſent into the Town; towards evening there was much buſtling obſerved, and carriages to and again in the Enemies Leaguer: Yea, they were perceived to riſe with their whole Army, (as the Town thought) and to March to *Orterſleben*, half a mile from them. All that night was the Lord *Faulkenberg* upon the Walls: who perceiving in the morning no danger of aſſault, calls the City together into the State-Houſe to give anſwer to the Enemies Trumpet; yea ſo ſecure they were, that the over-watcht Souldiers are ſuffered to go from their Courts of Guard, to take ſome ſleep: and the Townſmen were gone to Church to give God thanks for their deliverance from the Siege. Thus the Walls being found empty, about ſeven on the Tueſday morning, *May* the *10th*, *Papenheim* having given the Word *Jeſu Maria* to his Souldiers, and a white ſtring about their Arms; makes towards the *Heydecker*-Port; where having thrown Turffs and Faggots into the Ditch to fill it up to the middle, the Imperialiſts run with Scaling Ladders upon their backs, the Walls are in a trice mounted, the Town entred, and the Souldiers fall to killing. *Faulkenberg* now flying in upon them, beats them back to the very Walls again: but a Port being by this time opened, and the Enemies Horſe let in, the Valiant *Faulkenberg* is ſlain with a Shot, the *Adminiſtrator* hurt, both in the Thigh and Head, and ſo taken. Whilſt all thus goes to wrack, a mighty Fire breaks out (how none knows) and it being a great windy day, all was on the ſudden become one great Flame, the whole Town was within twelve hours ſpace utterly turned to Aſhes, excepting 139 Houſes, ſix goodly Churches are burnt; the Cathedral, together with St. *Mary*'s Church and Cloiſter, were by the Monks and Soldiers diligence, preſerved. Twenty thouſand People at leaſt were here killed, burned, and ſmothered, whereof 6000 drowned in the *Elb.* *Tilly*'s Walloons would give quarter to few: and the *Crabatts* never uſe to give, or beg any.

May the 12*th* came *Tilly* into the Town; and finding ſome hundreds of Women and Children in the Church, he gives them their Lives, and ſome Bread to maintain them; next day he forbids pillaging.

Upon *Sunday*, May 15. becauſe he would have this fair Cathedral, now ſtained in Blood, made glorious, cauſes it to be cleanſed, and new conſecrated.

James Maleverer proceeded againſt in the *Exchequer*, concerning the Knighthood buſineſs.

WHereas it was commanded, to the Sheriff of the County of *York*, by Writ under the Seal of his Majeſty's Court of *Exchequer*, dated the 16*th* day of *May*, in the 7*th* Year of his Majeſty's Reign that now is, That he ſhould diſtrain *James Maleverer* Eſq; to appear before the Barons of his Majeſty's ſaid Court of *Exchequer*, in the *Octaves* of the *Holy Trinity* then next following, to make Fine to the King for his Treſpaſs and Contempt in not coming to the preſence of the King, before the *One and thirtieth* day of *January*, in the firſt Year of his ſaid Majeſty's Raign, to take upon him the Order of Knighthood, according to the form of a Proclamation in that behalf formerly made; at which day of the ſaid *Octaves* of the *Holy Trinity*, the ſaid *Maleverer* did appear, and pleaded to the ſaid Writs, That although his ſaid Majeſty the ſaid one and thirtieth day of *January*, and for three days next before the ſaid one and thirtieth day of *January*, was reſident and remaining at his Palace at *Whitehall* in the County of *Middleſex*; and that the ſaid *James Maleverer*, the ſaid one and thirtieth day of *January*, and three days next before the ſaid one and thirtieth day of *January*, was reſident and remaining at *Arncliff*, in the ſaid County of *York*, which is diſtant from the ſaid Palace of *Whitehall*, the ſpace of one hundred and fourſcore miles: and that the ſaid *James Maleverer*, the ſaid one and thirtieth day of *January* aforeſaid, or at any time before, had no Lands or Rents in his own hands, or in the hands of Feoffees to his uſe, out of the ſaid County of *York*; and that that part of the ſaid County of *York* which is neareſt to the ſaid Palace of *Whitehall*, is diſtant from the ſaid Palace of *Whitehall* the ſpace of one hundred and thirty miles; and that no Proclamation, by virtue of any Writ of Proclamation, for the appearance of any Perſons whatſoever, to take the ſaid Order of Knighthood, was made in any part of the ſaid County of *York*, before the thirtieth day of *January*, in the ſaid firſt Year of his Majeſty's Raign; by reaſon whereof the ſaid *James Maleverer* could not perſonally come to the preſence of his ſaid Majeſty, to take the ſaid Order of Knighthood before the ſaid one and thirtieth day of *January*, in the ſaid firſt year of his Majeſty's ſaid Raign; yet the ſaid *James Maleverer* for his Fine in the Premiſes, did humbly ſubmit himſelf to the ſaid Court, and demanded to be diſcharged of the ſaid Iſſues returned and impoſed upon him by reaſon of the Premiſes. Yet notwithſtanding the ſaid Plea and Submiſſion of the ſaid *James Maleverer*; and after the ſame was made as aforeſaid, and entred upon Record in his Majeſty's ſaid Court of *Exchequer*; and the ſaid Court moved for

An. 1631. ſtay of the ſaid Proceſs, and diſcharge of the Iſſues. Sir *H. D.* being then Lord Chief Baron of the ſaid Court of *Exchequer*, contrary to his Oath, and contrary to the Laws of this Realm, and to the great impoveriſhing of the ſaid *James Maleverer*, did (together with the reſt of the then Barons of the ſaid Court) refuſe to impoſe any Fine whatſoever upon the ſaid *James Maleverer*, and told him, That the ſaid Court had no power to fine him, and that he muſt compound with certain Commiſſioners for that purpoſe appointed. And did further order and direct ſeveral other Writs of *Diſtringas*, to iſſue forth out of his ſaid Majeſty's Court of *Exchequer*, under the Seal of the ſaid Court, directed to the ſeveral high Sheriffs of the ſaid County of *York*, whereby the ſaid Sheriffs were commanded further to diſtrain the ſaid *James Maleverer* to appear, as aforeſaid; upon which ſaid Writs of *Diſtringas*, ſeveral great and exceſſive Iſſues were returned upon the Lands of the ſaid *James Maleverer*, amounting to the ſum of two thouſand pounds, or thereabouts; a great part whereof the ſaid *James Maleverer* was inforced to pay; and in like manner the ſaid Sir *H. D.* (together with the reſt of the then Barons of the ſaid Court of *Excqeuuer*) did order and direct ſuch and the like unjuſt and undue Proceedings; and the ſaid Proceedings were had and made accordingly againſt *Thomas Moyſer* Eſq; and againſt ſeveral other Perſons his Majeſty's Subjects in ſeveral parts of this Realm, to the utter undoing of many of them.

Jan. 20. Sope-makers incorporated.

In order to increaſe the Crown-Revenue by the way of Grants, by Letters Patents under the Great Seal of *England*, the King creates a New Corporation within the City of *Weſtminſter*, by the Name of the *Society of Sope-makers*, made to theſe Perſons following; Sir *Henry Compton* Knight of the *Bath*, *Henry Gilford*, *Nicholas Forteſcue*, *Baſil Brook*, *Edward Stradling*, *Richard Weſton*, *William Ford*, Sir *James Banks*, Knight; *George Gage*, *Francis Townly*, *Beverly Bretton*, *Thomas Jones*, and *Thomas Ruſſel*, Eſquires, and their Succeſſors; and to remain as a Society or Body Corporate, by the Name of the Governor, Aſſiſtants, and Society of Sope-makers, and that they ſhall have the ſame to them and their Succeſſors.

Giving them and their Succeſſors power to erect and admit Perſons into their Society, and to purchaſe Lands and Hereditaments to them and their Succeſſors, in Fee and Perpetuity, for Life or Years, and diſpoſe of the ſame as they ſhall pleaſe.

And the King by the ſaid Patent doth nominate and appoint Sir *Richard Weſton* Knight, to be the firſt Governor of the ſaid Society; and the ſaid Sir *Henry Compton* and others to be the Aſſiſtants.

And all Sope-boilers who will not come into their Corporation, are to be prohibited the Trade of Sope-boilers. And a good Revenue yearly was brought into the King's *Exchequer*, as is hereafter mentioned, *viz.* 10000 *l.* by way of Advance; and 8 *l. per* Tun paid alſo into the Exchequer.

Titles of PROCLAMATIONS, *&c.*

Pro Anno 1631.

A Proclamation for the better directing of thoſe who deſire to repair to the Court for the Cure of the Diſeaſe called the *King's Evil.*

Whitehall, March 25.

A further Proclamation prohibiting the Exportation of Corn and Grain.

Whitehall, March 25.

A Proclamation for the better ordering of *Fiſhing* upon the Coaſts of his Majeſty's Dominions.

Greenwich, May 24.

A Proclamation for preventing of Deceit uſed in the Importation of *Madder.*

Greenwich, June 15.

A Proclamation for the new Making, Altering, Amending, Dreſſing, Repairing, Proving, and Stamping of Armour, Guns, Pikes, and Bandaliers, both of the Common Arms, and Arms of the Trained-Bands throughout *England* and *Wales.*

Greenwich, June 30.

A Proclamation againſt ſuch as willfully and preſumptuouſly contemn his Majeſty's Royal Authority uſed in prevention of the barbarous uſe of *Duels,* particularly againſt *Peter Apſley* Eſquire.

Oatlands, Aug. 9.

A Proclamation for revoking the Commiſſion concerning *Archery.*

Woodſtock, Aug. 23.

A Proclamation for the better Direction of thoſe who deſire to Repair to the Court for the Cure of the Diſeaſe called the *King's Evil.*

Hampton-Court, Octo. 13

A Proclamation inhibiting the reſort of his Majeſty's People to the Court for cure of the *King's Evil* until the middle of *Lent,* and to reſtrain the acceſs of others from Infected Places.

Whitehall, Novemb. 8.

A Proclamation concerning the Trade of *Guiny* and *Binny* in the parts of *Africa.*

St. *James's* Novemb. 22.

A Proclamation commanding the due execution of the Laws made againſt Eating and Selling of *Fleſh in Lent,* and other Times prohibited.

Whitehall, Jan. 27.

A Proclamation for the better encouragement and advancement of the Trade of the *Eaſt-India* Company, and for prevention of the exceſs of *private Trade.*

Whitehall, Feb. 19.

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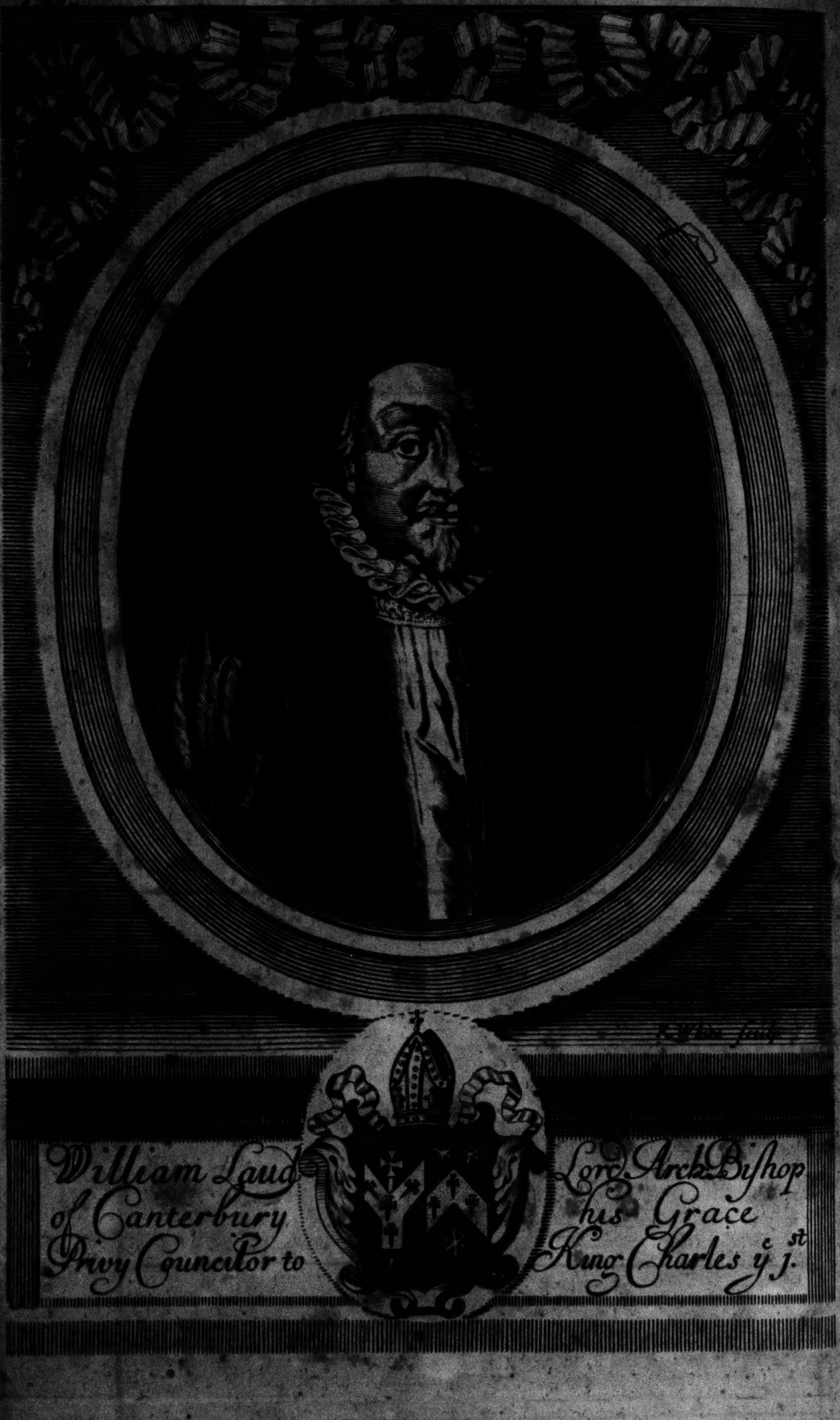
Whitehall, Feb. 20. A Proclamation for enabling all his Majeſty's Subjects to trade within his ſeveral Dominions, without being further charged with Cuſtoms, or other Duties, than they of that Kingdom wherein they trade ought to pay.

Newmarket, March 16. A Proclamation for the well-ordering of the Silk Trade throughout *England*, &c.

Hiſtorical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William Laud Lord Arch Bishop
of Canterbury his Grace
Privy Councilor to King Charles ye 1st.

Hiſtorical Collections

For the Year 1632.

WE begin this Year in a new method, which we purpoſe to obſerve for the following Years, being a brief Account or *Diary* of ſome remarkable Paſſages in order of Time for the whole Year of 1632, by commencing the Year with a Copy of the Arch-Biſhop of *Canterbury's* *Diary*, written with his own hand; which we (being preſent) ſaw produced at the Lords Bar at the time of his Trial; wherein are many things contained, which will ſave us the labour to mention in the Body of *Hiſtorical Collections*, and will gain greater Belief with the Reader (being his own words) than if they had bin never ſo truly related by any Author upon Credit: And if there be Matters of leſs moment contained in the *Diary*, which are not ſo clear for Hiſtory, yet are they ſubject Matter for Obſervation; and the Reader may ruminate in his Thoughts what the meaning ſhould be of ſome dark Expreſſions, which we do not undertake to explain, neither are we ſo uncharitable to make publick in print the ſaid *Diary*, as ſome * have done, ſeeming thereby to reflect on ſome Paſſages which had bin better omitted than publiſhed, but we paſs them over.

* *W. P.*

The Biſhop of London's *Diary for the Year* 1632.

I Preached at Court, *Saturday*, *May* 26.

Trinity-Sunday-Eve, I conſecrated the Lord Treaſurer's Chappel at *Roehampton*.

May 29, *Tueſday*, my meeting and ſetling upon expreſs terms with *K. B.* in the Gallery at *Greenwich*, in which buſineſs God bleſs me.

June 15. Mr. *Francis Windebank*, my old Friend, was ſworn Secretary of State; which place I obtained for him of my Gracious Maſter King *Charles*.

June 10. *Monday*, I married my Lord Treaſurer *Weſton's* Eldeſt Son, to the Lady *Frances*, daughter to the Duke of *Lenox*, at *Roehampton*.

June 25. *D. S.* with me at *Fulham*, *Cum Ma.* &c.

July 10. Dr. *Juxon*, the Dean of *Worceſter*, at my ſuit, ſworn Clerk of his Majeſty's Cloſet; that I might have one that I might truſt near his Majeſty, if I grew weak or infirm, as I muſt have a time.

July 17. I conſecrated the Church at *Stanmore Magna* in *Middleſex*, built by Sir *John Wolſtenham*.

December 2. *Sunday*, The Small Pox appeared upon his Majeſty, but God be thanked, he had a very gentle Diſeaſe of it.

Decemb. 27. *Thurſday*, The Earl of *Arundel* ſet forwards towards the *Low Countries*, to fetch the Queen of *Bohemia* and her Children.

Decemb. 25, I preached to the King, *Chriſtmaſs*-day.

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Jan. 1. My being with *K. B.* this day in the afternoon, troubled me much, God give me a good iſſue out of it.

Jan. 15. *K. B.* and I unexpectedly came to ſome clearer Declarations of our ſelves, which God bleſs, *&c.*

Feb. 11. Monday night till Tueſday morning the great Fire upon *London-Bridg*, many Houſes burnt down.

Wedneſday *Feb.* 13. The Feoffees, that pretended to buy in Impropriations, were diſſolved in the Chequer-Chamber. They were the main Inſtruments for the *Puritan Faction*, to undo the Church; The Criminal part reſerved.

Feb. 28. Thurſday, Maſter Chancellor of *London*, Dr. *Duke* brought me word, how miſerably I was ſlandered by ſome Separatiſts; I pray God give me Patience, and forgive them.

March 6. Aſh-wedneſday, I preached at *Whitehal.*

There were at this time ſome who were averſe to the way of the times, and did not forbear to ſpeak againſt new Doctrines and Ceremonies: as appears by the following Proceedings in the High Commiſſion.

May 6.
Mr. *Barnard* queſtioned in the HighCommiſſion Court, and cenſured, the Archbiſh. being preſent.

Mr. *Nathaniel Barnard*, Lecturer of St. *Sepulchers London*, in his Sermon preached at St. *Maries* in *Cambridge*, delivered ſmart paſſages againſt poſſibility of Salvation in the Faith and Worſhip of the Church of *Rome*, as it was Decreed in the Council of *Trent*; and againſt the Introducing of *Pelagian* Errors, and *Romiſh* Superſtitions into our Church; for which he was articled againſt in the *High-Commiſſion-Court.* His Text was, 1 Sam. 4. 21. *The Glory is departed from Iſrael, (becauſe the Ark of God was taken away.)* For which he was cenſured, and ordered to make this Recantation.

The Recantation ordered for Mr. Barnard, *(which he refuſed to make) was as followeth.*

'WHereas by a Sermon, made by me in this place the *6th* of '*May* laſt, upon this Text, 1 *Sam.* 4. 21. [*The Glory is departed* '*from Iſrael, becauſe the Ark of God was taken*] I had this Paſſage; ' [*And the Apoſtle,* Rom. 1. 16. *affirmeth of the preaching of the Goſpel*; 'that it is [*the Power of God unto Salvation*] id eſt, *It is that Mean* '*by which God maniſeſteth his Omnipotent and Irreſiſtible Power, in the* '*Converſion and Salvation of all thoſe, who from Eternity were ordained* '*hereto by God's abſolute and immutable Decree.*]

For which Paſſage he was enjoyned to make this Recantation following:

'And I do here publickly acknowledg, that hereby (contrary to his 'Majeſty's Command in his Declaration lately publiſhed, and printed 'with the Articles of Religion) I did go beyond the general meaning 'of that place of Scripture, and of the ſaid Articles, and drew the ſame 'to maintain the one ſide of ſome of theſe ill-raiſed differences which 'his Majeſty's ſaid Declaration mentioneth: And this I did rather out 'of a deſire to thruſt in ſomewhat into my ſaid Sermon, in affirmation 'of one ſide of the ſaid Differences, than any ways occaſioned by the 'Text I then preached of.

'For which I here publickly profeſs my hearty Sorrow, and do humbly crave pardon of God Almighty, of his Majeſty, and of this Congregation.

‘And whereas in the ſame Sermon I had this Paſſage,

‘[*If God's Ordinances for his publick Worſhip in their purity are the Glory of a Nation; then it follows that they who go about to deprive a Nation of any of God's Ordinances for his publick Worſhip either in whole, or in the leaſt part of them,* (id eſt) *in their purity and integrity, they go about to make that Nation baſe and inglorious; and if ſo, then are they enemies to that Nation, and Traitors to it, if it be their own Nation: for Treaſon is not limited to the Royal Blood; as if he only could be a Traitor who plotteth and attempteth the diſhonour, or ſhedding thereof; but may be, and is too oft committed againſt the whole Church and Nation: which laſt is ſo much the worſe of them two, by how much the End is better than the Means, and the Whole of greater conſequence than any one Part alone. Whereby we may learn what to account of thoſe among our ſelves (if any ſuch be) which is better known to you than to me, who endeavour to quench the Light, and abate the Glory of our* Iſrael, *by bringing in their* Pelagian *Errors into the Doctrine of our Church eſtabliſht by Law, and the Superſtitions of the Church of* Rome *into our Worſhip of God, as high Altars, Crucifixes, and bowing to them* (id eſt) (*in plain Engliſh*) *worſhipping them; whereby they ſymbolize with the Church of* Rome *very ſhamefully, to the irreparable ſhipwrack of many Souls who ſplit upon this Rock.*]

‘I do now upon better information find, that many erronious and dangerous Aſſertions, and Conſequences unfitting to be here expreſt, may be collected and inferred out of the ſaid words; and I do therefore hereby publickly recant all the ſaid Words, as they are, by way of uſe or inference and application, uſed by me, to be very raſhly and inconſiderately uttered, and to be very undutiful towards his Majeſty. I do humbly refer and ſubmit my ſelf to his Majeſty's Clemency and gratious Acceptance for the interpretation of my meaning of the ſame; and I am heartily ſorry, and do humbly crave pardon, that words and applications ſo dangerous and ſcandalous to the preſent ſtate of the Church of *England* proceeded from me.

‘Thirdly, Whereas in the ſame Sermon I had this paſſage;

‘[*By* God's Ordinances *here I underſtand chiefly the word Sacraments and Prayer, in that purity and integrity, wherein the Lord Chriſt left them, not blended and adulterated with any ſuperſtitious Inventions of Man, for then they ceaſe to be God's Ordinances, and he owns them no longer.*]

‘I deſire this paſſage may be taken and underſtood as I ſpake and meant it, and not otherwiſe; that is, not that I hold all humane Inventions added to God's Ordinances to be ſuperſtitious; for I account that Tenent not only falſe but palbably abſurd and fooliſh. But to exclude all thoſe humane Inventions which may hinder the preſervation of the Doctrine and Diſcipline of this Church of *England* in that purity and integrity, wherein through God's Gracious Goodneſs by his Majeſty's Laws Eccleſiaſtical we do enjoy them.

‘Fourthly and laſtly; Whereas by ſome other Paſſages in my ſaid Sermon was (as I underſtand) conceived by ſome not only to caſt Aſperſions upon the preſent ſtate of our Church, and ſome principal Members and parts thereof, thereby to bring it and them into ſcandal and diſlike; but even under ſome ambiguous words, as if it were to move to take up Arms for Redreſs, although with recalling or re-

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‘ſtraining the ſame in terms afterwards, and ſaying thus;

‘[*Let us pray theſe Men either to Converſion (if it be God's bleſſed Will) or to their Deſtruction*, Fiat Juſtitia pereant illi, *and calling them crafty Achitophels*, &c.]

‘I do here acknowledg and profeſs I had no ſuch intentions, neither do I know any cauſe why my ſelf, or any other, ſhould ſo bitterly inveigh againſt any in our Church. I am therefore heartily ſorry that I gave cauſe to any of the Hearers to conceive ſo: And I humbly crave pardon for it.

Mr. *Bernard* refuſed this Recantation, yet in general terms profeſſed his ſorrow for any Overſights, and unbeſeeming Expreſſions in his Sermon. He was fined in the *High Commiſſion Court* a thouſand pound, and ſuſpended his Miniſtry; Condemned in coſts of Sute, and committed to Priſon, *&c.*

The Trial of *Rea* and *Ramſey* in the Court of Honour before the Lord High Conſtable and Lord Marſhal.

On the 8*th* of *May* this Year, a period was put to the great Trial in the Court of Honour before the *Lord High Conſtable*, and *Lord Marſhal*, between *Rea* and *Ramſey*, concerning the formentioned Accuſation of High Treaſon againſt Marqueſs *Hamilton*, which begun to have a Hearing in *November* the laſt Year, and was now decreed by that Court in this Year to be determined by Combat: which in regard it is a Trial Remarkable after the Proceeding of the Civil Law, we have given the Reader an account thereof at large, however take his Majeſty's thoughts of it, as it is expreſſed in this Letter to the Marqueſs.

The King writeth to Marq. *Hamilton* of the proceeding in the Trial between *Rea* and *Ramſey*.

James,

Since you went I have not written to you of Mackay's *buſineſs, becauſe I neither deſire to propheſie nor write half News; but now ſeeing (by the Grace of God) what ſhall be the end of it, I have thought fit to be the firſt Advertiſer of it to you. I doubt not but you have heard, that (after long ſeeing of Proofs for clearing the buſineſs as much as could be, and Formalities which could not be eſchewed) the Combat was awarded, Day ſet, Weapons appointed: But having ſeen and conſidered of all that can be ſaid on either Side, as likewiſe the carriage of both the Men, upon mature deliberation I have reſolved not to ſuffer them to fight. Becauſe, firſt, for* Mackay *he hath failed ſo much in his Circumſtantial Probations, eſpecially concerning* Muſchamp, *upon whom he built as a chief Witneſs; that no body now is any way ſatisfied with his Accuſations. Then for* David Ramſey, *though We cannot condemn him for that which is not, yet he hath ſo much, and ſo often offended by his violent Tongue, that We can no ways think him innocent, though not that way guilty whereof he is accuſed; wherefore I have commanded the* Court ſhall be diſmiſſed, *and* Combat diſcharged, *with a Declaration to this purpoſe, That though upon want of good Proof the Combat was neceſſarily awarded, yet upon the whole matter I am fully ſatisfied that there was no ſuch Treaſon as* Mackay *had fancied. And for* David Ramſey, *though We muſt clear him of that Treaſon in particular, yet not ſo far in the General, but that he might give occaſion enough* by his Tongue *of great Accuſation, if it had been rightly placed, as by his fooliſh preſumptuous Carriage did appear.*

Combat diſcharged.

This is the ſubſtance, and ſo ſhort, that it is rather a Direction how to believe others, than a Narrative it ſelf; one of my chief ends being that you may ſo know David Ramſey, *that you may not have to do with ſuch a Peſt as he is, ſuſpecting he may ſeek to inſinuate himſelf to you upon this Occaſion:*

Wherefore I muſt deſire you, as you love me, to have nothing to do with him.

To conclude now; I dare ſay that you ſhall have no diſhonour in this Buſineſs; and for my ſelf, I am not aſhamed that herein I have ſhewed my ſelf to be,

London, *May* 8.
1632.

Your Faithful Friend,

and Loving Couſin,

CHARLES *R.*

Four Biſhops advanced.

By the Interceſſion of the Biſhop of *London*, this Year, *Walter Curl* was Tranſlated from the Biſhoprick of *Bath* and *Wells* to *Wincheſter.*

Robert Wright from the Biſhoprick of *Briſtol* to that of *Coventry* and *Lichfield.*

Auguſtine Lindſey was made Biſhop of *Peterborough.*

And Dr. *Pierce* Biſhop of *Bath* and *Wells.*

Concerning the well making of Sope.

‘His Majeſty intending the advancement of the Native Commodities of this Realm, and the prevention of divers Deceits commonly uſed in the making of Sope, with Forreign and unſweet Materials; and of the exceſſive Rates in the ſale of ill Sope, at the pleaſure of the Sope-boilers, being no Body Politick, nor govern'd by any good Order: And reſolving to make the Manufacture of Sope and Pot-aſhes a Work of his own People, did, by Letters Patents dated the 20*th* of *January* laſt paſt, incorporate divers Perſons, by the Names of *Governors*, *Aſſiſtants*, and *Fellows* of the Society of *Soapers* within *Weſtminſter* and *Middleſex*; and that it ſhould be lawful for them, and their Succeſſors, to exerciſe the ſaid Art and Myſtery; and that they ſhould chuſe skilful Perſons out of the ſaid Society, to overſee all Works, Workmen, *&c.* uſing the ſaid Art and Myſtery, and to prevent fraud and deceit therein. And that none of the ſaid Sope ſhall be put to ſale, before the Overſeers ſhall have overſeen the ſame, and have marked it for good; and to puniſh the Gainſayers and Rebellers of his Majeſty's Proclamation.

‘And the Governors, Aſſiſtants, and Fellows of the ſaid Society, did by Indenture, ſealed with their Common Seal, made between his Majeſty of the one Part, and them of the other part, covenant, to erect and maintain ſuch Workhouſes as might make 5000 Tun of good Sope, and a further proportion if need ſhould require.

‘And his Majeſty, by his Letters Patents, did erect an Office for keeping of Patterns, and making the Eſſay of Sope to be made by the Governors, Aſſiſtants, and Fellows of the Society of Sopers of *Weſtminſter*; and appointed *F. C.* to be the firſt Eſſay-maſter, and to take an Oath for the true execution of his Office.

‘His Majeſty therefore did charge and command the ſaid Society, That they uſe no other Oil in making of their Sope, but Olive-Oil, and Rape-Oil, by which means the Sope may be ſweet, good, and ſerviceable; and that none do put to ſale any Sope, Pot-aſhes, *&c.* before they be Eſſayed, and tried to be ſound good and ſerviceable, and ſo marked by the Deputies of the ſaid Society.

An. 1632.

June 20. The King commands the Gentry to keep their reſidence at their Manſions in the Country; and forbids them to make their habitations in *London*, and Places adjoyning.

The King being informed, that of late Years a great number of the Nobility, Gentry, and Abler ſort of his Subjects, with their Families, reſorted to the Cities of *London* and *Weſtminſter*, and Places adjoining, and there made their Reſidence, more than in former Times; contrary to the Ancient Uſage of the *Engliſh* Nation, which had occaſioned divers Inconveniencies: for whilſt their Reſidence was in the Country, they ſerved the King according to their Degrees and Ranks, in aid of the Government, whereby, and by their Houſe-keeping in thoſe parts, the Realm was defended, and the meaner ſort of People were guided, directed, and reliev'd; but by their reſidence in the ſaid Cities of *London*, *Weſtminſter*, and parts adjoining, they had not Emploiment, but lived without doing any Service to Prince or People: A great part of their Mony drawn out of their ſeveral reſpective Counties, and ſpent in the City, in exceſs of Apparel, provided from Forreign Nations, to the enriching of other Nations, and conſumed their time in other vain Delights and Expence, even to the waſting of their Eſtates.

‘His Majeſty therefore touched with a deep ſence of thoſe Inconveniencies, doth ſtraightly charge and command, that before the end of forty days, his Lords Spiritual and Temporal, Lieutenants, Deputy Lieutenants of Counties, Juſtices of Peace, Baronets, Knights, Eſquires, Gentlemen, and all Clerks having Benefices with Cure, Prebendaries, or Dignities in Cathedral or Collegiat Churches, that have Manſion-houſes, and Places of Reſidence in other Parts; that they do reſort to the ſeveral Counties where they uſually reſided, and there keep their Habitations and Hoſpitality, *&c.* except ſuch as are of his Majeſty's moſt Honourable Privy-Council, or bound to daily attendance on the King, Queen, or their Children.

‘Further declaring, That it was his firm reſolution to withſtand this great and growing Evil, by a conſtant ſeverity towards the Offenders; and therefore gave this timely warning, that none hereafter might preſume to tranſgreſs.

July 16. Againſt Building on New Foundations in *London*.

The King at this time took into his Princely Conſideration, the ſtate of his City of *London*, being his Royal Chamber, and Imperial Seat of his Kingdom, renowned over all parts of Chriſtendom.

‘And foreſeeing that the Honour, Government, Health and Safety of the City, is of great conſequence unto his Majeſty, and the whole Kingdom: And that his Royal Progenitors, in former Times, eſpecially his Royal Father, of bleſſed Memory, King *James*, and the moſt excellent Princeſs Queen *Elizabeth*, in their Times had carefully provided for the ſame, ſtraightly prohibiting the erecting of Houſes and Buildings upon new Foundations, and the entertaining of Inmates in and about this City, which would multiply the Inhabitants to ſuch an exceſſive number, that they could neither be govern'd nor fed; and for putting theſe his Majeſty's Commands in due execution, he did make, and ſeveral times renew Commiſſions, directed to the Lord Mayor of the ſaid City, and divers other Perſons of Honour and Worth, grounding the ſame upon the Rules of Law and Juſtice, as againſt publick and common Nuiſances, as well as upon Reaſons of State and Government, all tending to the publick Good ‘of the People; but that taking not ſo full effect hitherto, as the King expected, his Majeſty hath now again reſolved to renew that his Commiſſion to divers Honourable Perſons, and others of Worth and Underſtanding, requiring them forthwith in their own Perſons, as by other good ways and means, to inquire and find out the Offenders, and Offences againſt this his Majeſty's Declaration, and to make Certificate thereof to the Council-Board, or in the Court of Star-Chamber, to the end that ſuch Proceedings may be had againſt them, as may ſtand with the King's Honour, and the Laws of the Land. See more of this at large in the *Appendix*, which contains alſo his Majeſty's particular Rules for the putting this Commiſſion in execution, which are very large.

Concerning the Poſtmaſter of *England* for Foreign Parts.

Whereas the King's Royal Father, King *James*, did conſtitute an Office, called, *The Office of the Poſtmaſter of* England *for Foreign Parts*, who ſhould have the ſole taking up, ſending, and conveying of all Pacquets and Letters into thoſe Parts, with power to take moderate Salaries; and did appoint and conſtitute firſt *Matthew de Queſter* to execute that Imploiment; afterwards *William Frizel* and *Thomas Withering*, and their Deputies, to do all things appertaining to the ſame.

The Merchants of the *Engliſh* Nation, praying his then Majeſty to continue them in that Office, his moſt Excellent Majeſty that now is, affecting the welfare of his People, and conſidering how much it imports his State and this Realm, that the Secrets thereof be not diſcloſed to Foreign Nations, by a promiſcuous uſe of tranſmitting, or taking up of Foreign Letters, was pleaſed on the 19th of *July*, to appropriate the ſaid Office to *Frizel* and *Withering* aforeſaid, with prohibition to all others to intermeddle therewith.

The City of *London* about the Death of Dr. *Lamb* is fined.

Doctor *Lamb*, commonly ſo called, was now living, though neither Doctor nor any way Lettered, but a Man odious to the Vulgar for ſome Rumors that went of him, as a Conjurer, or Sorcerer. He was quarrel'd withal in the Street in *London*; and as the common People more and more gathered about him, ſo they pelted him with rotten Eggs, Stones, and other Riffraff; juſtled him, beat him, bruiſed him, and ſo continued purſuing of him from Street to Street, till there were five hundred People in a plump following him: This continued three hours at leaſt, until Night, and not a Magiſtrate or Officer of Peace, once ſhewed himſelf to ſtop the Tumult; and ſo the poor old Man, being above eighty Years of Age, died of this violence, and no Inquiſition was taken of it, nor any Malefactor ever diſcovered. For which Negligence, an Information was put in the *King's Bench*, by Mr. Attorny *Noy*, againſt the Mayor and Citizens; and they ſubmitted to the Grace of the Court, and were fined by the ſaid Court 1500 Marks by the Common Law, and not upon the Statute of 28. *Ed.* 3. nor upon the Statute of 4. *H.* 4. ſee the Statutes.

The Information.

The Information brought againſt the Mayor and Commonalty of *London*, was to this effect.

Term *Paſch.* 8. *Car.* Dr. *Lamb.*

‘Whereas they were incorporated by that Name, and it was a Walled City, and recites the Statute of 2. *E.* 4. That the Mayor for the time, and all who have been Mayors, ſhould be Juſtices ‘of the Peace within the City; and that the Sheriffs are made among themſelves, and Coroners appointed by themſelves, and that by Law they ought to ſuppreſs Riots, and unlawful Aſſemblies. Notwithſtanding in *Jun.* 4. *Car.* in the day time, That one *John Lamb*, alias dict. *Doctor Lamb*, was ſlain in a Tumult, and none of the Offenders taken, nor any Perſon known or indicted for that Felony. And upon this Information, the Mayor and Commonalty appeared, and confeſſed the Offence, *& poſuerunt ſe in gratiam Curiæ, &c.* for which they were amerced to 1500 Marks; for it was conceived to be an Offence at the Common Law, to ſuffer ſuch a Crime to be committed in a walled Town, *tempore diurno*, and none of the Offenders to be known or indicted; *vide* 3. E. 3. *Corone* 299. 22. *E.* 3. *Coron.* 238. 8. *E.* 2. *Coron.* 425. *Stamf. fo.* 33. *Cok. lib.* 7. *fo.* 7. 3. *H.* 7. 15. *Dyer.* 210. And *Noy*, Attorney General, ſhewed a Record, *Mich.* 18. *E.* 3. *Rot.* 132. an Indictment of a Town in *Devonſhire*, for ſuffering an Aſſembly, as it were, to hold Aſſizes in mockery of Juſtice. And 21. *H.* 6. a Preſentment before *Forteſcue*, againſt the Town of *Norwich*; That there was a great Riot in *Norwich*, and one *Gladman* took upon him to be King, and went with a Crown of Paper, in a riotous manner, to the Priory of *Norwich, &c.* And although it appears not upon the Roll, *quid inde venit*, yet *per Rot. Patent.* 27. *H.* 6. *Memb.* 13. their Liberties for that Cauſe were ſeized, and regranted.

Auguſt 1. Concerning the Earl of *Strafford* his Trial, as to an Article, charging him with words ſpoke at *York* Aſſizes.

Thomas Lord Vicount *Wentworth*, Lord Preſident of the Council in the North, in *Auguſt* this Year, at the Publick Aſſizes held at the Caſtle in the County of *York*, let fall ſome words, which the Gentlemen of the Country then preſent, took great exception at; and afterwards the ſame were laid to his Charge by the Parliament as a Crime.

Here followeth the words, and the Lord Vicount *Wentworth*'s Anſwer in his Defence; for it were unjuſt to ſet down the Crime, and not the Defence of the Accuſed, although it be a Digreſſion in point of Time.

To prove the words the firſt Witneſs that was produced did teſtify;

Auguſt.

That when Sir *Thomas Leyton* was Sheriff of *Yorkſhire*, in the Year 1632, he heard the Earl of *Strafford* ſay theſe words, *That ſome nothing would content but Law; but they ſhould know, the King's little Finger ſhould be heavier than the Loins of the Law:* and that this was ſpoken in the place where the Judges ſat in *York* Caſtle, at the Aſſizes that Year.

And the High Sheriff himſelf being produced, teſtified, that his Lordſhip ſaid, *Some would not be ſatisfied but by Law, but they ſhould have Law enough, for they ſhould find the King's little Finger ſhould be heavier than the Loins of the Law*; and that his Lordſhip was upon the Bench when he ſpake thoſe words.

The Teſtimony of theſe two Perſons, was confirmed in ſubſtance by another Witneſs, whoſe Examination was read, himſelf being dead; they all agreed the time when theſe words were ſpoken, to be in the Year 1632, or 1633.

DEFENCE.

DEFENCE.

The Defendent knows not whether it be material for him to anſwer this or no, becauſe the words are charged upon him to be ſpoken in *Auguſt*, after the 21 of *March*, 8. *Car.* which appears to be when he was in *Ireland*; but he will not ſtand upon ſuch niceties, (there might be a miſtake in point of time) he deſires the Truth may appear. The words ſaid by him, were quite contrary to the Charge: he ſaid, *The little Finger of the Law was heavier than the King's Loins.* The occaſion of which words was this, There came divers Levies in the Year when Sir *Thomas Layton* was High Sheriff, for divers great Sums of Mony for Iſſues in the Knighthood Buſineſs, on ſome that had compounded, and paid their Mony to him the Defendent, who was the Receiver of that Mony, which he paid into the *Exchequer*; yet theſe Iſſues came out of the *Exchequer* by ſome Error above, and were levied with very great rigor by Sir *Thomas Layton.* When the Defendent came down, he ſhewed Sir *Thomas Layton* how the Men were injured by ſuch Proceſs, and deſired him to return their Mony to them again, and he would ſee him diſcharged. And then to give ſatisfaction to the Country, he told them, That the Commiſſion for *Knighthood-Mony*, was a Commiſſion of Grace and Favour; and that their compounding with the King was an eaſe to them, and much greater eaſe than by a proceeding at Law would have fallen on them, the very Iſſues being three or four times more than they had compounded the whole for. And thereupon I applyed that Speech, *The little Finger of the Law is heavier than the Loins of the King*; and if he ſhould have fallen to threaten, he had ſpoken contrary to the end purpoſed by him, which was to incline them; and none of the Witneſſes againſt him ſpake any thing to the occaſion of that Speech. It is long ſince theſe words were ſpoken, and they were never yet complained of, and he muſt have a ſtrong Memory, that will ſwear poſitively to the very words ſpoken ſeven or eight years ago; and ought to have better ears than one of the Witneſſes produced, who appears to have ſuch an infirmity in his hearing, that he muſt be whooped to at the Bar before he can hear; and ſure his Sence of Hearing is much amended, elſe he could not hear my Lord of *Strafford* at that diſtance, to the place where he ſat as *High-Sheriff* in open Court. Then he produced two Witneſſes, the one teſtified that he heard a Gentleman of the County ſay, who was preſent at that Aſſizes, that my Lord ſpake the words in manner and occaſion, as related by his Lordſhip; and another Witneſs (now a Member of Parliament) who was preſent at that time upon the Bench teſtified the ſame.

REPLY.

Though as to point of Time the Month was miſtaken in the Article, yet that is not at all material, the Offence is, That his Lordſhip ſpake the words, and that he was on the Bench when he ſpake them.

As to his Lordſhip's exception to the Witneſs, which he ſaid had need have better Ears; it was replyed, he had not bin deaf above two Months; and that two other Witneſſes concurred fully in the

Point with his Teſtimony. And for the firſt Witneſs produced in his Lordſhip's behalf, it is but a Hearſay from one that ſpake it at the Table.

Hereupon the *Sheriff* was again interrogated, who teſtified upon Oath, That he had his Hearing well till about *Chriſtmaſs* laſt, and ſaid, he ſtood within four yards of the Earl of *Strafford* when he ſpake theſe words at *York* Aſſizes.

Two other Witneſſes were produced, who teſtified the forementioned words to be ſpoken by his Lordſhip, the firſt whereof gave an Account of the Occaſion.

In Anſwer to this new Teſtimony the Earl ſaid, That the Point he muſt inſiſt upon is, *That the very words, if they had been ſpoken by him as they are laid, are no Treaſon within the Statute, and that being a Point of Law, he craved leave to reſerve himſelf to be heard by his Counſel in a fitting time.*

Then ſaid the Gentleman that managed the Evidence againſt him, Your Lordſhip may be pleaſed to take notice, that there are five Witneſſes expreſs in the Point. Upon which your Lordſhip's Judgment is expected.

Concerning greedy Cormorants and Hoarders of Corn, forbidding to tranſport any *Corn*.

Conſiderations being had the 30th of *September*, of the manifold evil Practices, which for private Gain are too often put in practice, as well by Hoarders of Corn, as by Merchants and others, to enhance the Price thereof, which appeared in the time of the late Dearth: And yet falſe Rumours are ſpread and divulged of great Tranſportation of Corn, licens'd by Authority, to the diſhonour of the King and State; It was then declared by King and Council, 'That all the ſaid Rumours were moſt falſe, untrue, and ſcandalous, and the penalty of the Laws was ordered to be ſeverely inflicted on the Divulgers thereof; with a ſtrict Prohibition that for the ſpace of one Year no Corn or Grain be Tranſported; to the intent that the Plenty which then was, might not be turned to the enriching only of a few greedy *Cormorants*.

Counterfeiting of Seals uſually affixed to *Colcheſter* Bays.

One *Thomas Jupp*, a Clothworker of the City of *London*, being on the 12th of *October* at Bar of the Court of *Star-Chamber*, his Majeſty's Attorney-General, Mr. *Noy*, informed the Court that he had taken the Examination of the ſaid *Thomas Jupp*, concerning the Counterfeiting of Seals affixed to the Bays of *Colcheſter*, and the fixing them to other Bays of meaner condition; and ſhewed forth certain *Iron Stamps*, and pieces of Bays ſealed with *Counterfeit Seals*, put to Bays not of the making of *Colcheſter*, but of leſs eſtimation. And his Examination being read in Court, and he confeſſing the truth thereof; The King's Attorney-General prayed that ſome exemplary Puniſhment might be inflicted upon him. Whereupon the Court did declare in theſe terms, 'That the Offence of the ſaid *Thomas Jupp* is a falſe Cozenage and Deceit to the Buyers, and a Prejudice to the Sale of their Clothes; and therefore the Court doth adjudg and decree the ſaid *Thomas Jupp* to be committed to the *Fleet*, fined a Thouſand Pounds to the King, and be ſet upon the *Pillary* in *Cheapſide*, with a Paper in his Hat, declaring the nature of his Offence; and alſo to be ſet upon the Pillory at *Cornhil-Exchange*, *Blackwell-Hall*, *Bocking*, and *Colcheſter*, upon ſeveral Market-days, with the like Paper on his Hat.

Now foraſmuch as the Decree of the Court in this Caſe is drawn up with great care, to prevent the like Abuſe for the future; We have inſerted the ſame at large in the *Appendix*.

A Complaint againſt a Judg for delivering an Erronious opinion about the ſetting Prices upon *Corn*.

Whereas by the Statute made in the Reign of King *Henry* the 8*th*, prices of Victuals are appointed to be Rated in ſuch manner as in the ſaid *Statute* is declar'd; but it is manifeſt by the ſaid *Statute*, Corn is none of the Victuals thereby intended. Nevertheleſs ſome ill-affected perſons endeavouring to bring a charge upon the Subjects, contrary to Law, did ſurmiſe, that the prices of Corn might be rated and ſet according to that Statute, and thereupon great gain might be raiſed to his Majeſty by Licenſes and Diſpenſations, for ſelling Corn at other Prices: and a Command from his Majeſty being procur'd to the Judges, and ſent to them by Mr. *Noy*, his Majeſty's Attorny General, to deliver their Opinions touching the Queſtion, Whether Corn was ſuch Victuals as was intended to have the Price rated within the ſaid Statute? In anſwer to which Demand, Sir *R. B.* one of his Majeſty's Juſtices of the *King's-Bench*, in furtherance of the ſaid unlawful Charge endeavoured to be impoſed, as aforeſaid, the 30th day of *November*, in the eighth Year of his then Majeſty's Reign, did deliver his Opinion, *That Corn was ſuch Victual as was intended to have the Price rated within the ſaid Statute.* Which ſaid Opinion was afterward declared by *Parliament* to be contrary to Law, and the plain ſenſe and meaning of the ſaid *Statute*, and contrary to that Judge his own knowledge; and the Parliament afterwards, among other things, impeached him, *That this Judgment was given and delivered by him with a purpoſe and intention, that the ſaid unlawful Charge might be impoſed upon the Subject.*

Decemb. 20. Concerning Gold-Weights

'The King taking into his Conſideration, That the ordering of Coin, and the value of Coin within this Realm pertaineth to his Majeſty, as a part of his Regality; and that the making and allowing of Weights and Counterpoiſes of Current Money, whereby diſcovery ſhall be made of the Juſtneſs thereof, is proper to the King; And that many Complaints have bin made of many and great Abuſes daily committed within the Kingdom; That divers Counterpoiſes of the King's Mony of Gold, (commonly called *Gold-Weights*) and Beams and Ballances for the poiſing of thoſe Moneys, are made and put to ſale, marked with the King's Enſigns, yet are not equal and juſt, whereby the Subjects are deceived.

'Wherefore for Redreſs of ſuch Abuſes, and that the Beams and Ballances may be equal, the Kings Majeſty hath taken into his own hands the making, aſſiſing and iſſuing of thoſe Counterpoiſes, or Weights with Grains; and hath appointed Sir *Thomas Aileſbury* to have the ſole making and putting to ſale thoſe *Gold Weights*, ordered to be of a round and circular form; prohibiting all others to make any of them, other than ſuch as ſhall be licenſed by the ſaid Sir *Thomas Aileſbury*, who is required to take care that the ſaid *Gold Weights* & *Grains*, or *half Grains*, ſhall be made ſo as the whole Kingdom may be ſupplied therewith. And that the Offenders againſt this his Majeſty's declared pleaſure ſhall be proceeded againſt in the King's High-Court of *Star-Chamber*, or elſewhere.

At this time there was ſuch plenty of Gold in the Kingdom, and ſuch ſcarcity of Silver, that the Drovers and Farmers, who brought their

Concerning the Plenty of Gold.

their Cattel, Sheep and Swine to be ſold in *Smithfeild*, would ordinarily make their bargain to be paid in Silver, and not in Gold; And beſides in this time people did ordinarily give two pence, and ſometimes more, to get twenty ſhillings in Silver for the exchange of a Twenty-ſhilling piece in Gold full Weight.

And in and about *London* and *Weſtminſter*, as well as in other parts, moſt people carried Gold Scales in their pockets, to weigh Gold on all occaſions, and had them from that Office for that purpoſe erected.

The Feoffees Inſtruments for *Impropriations* called in queſtion in the Exchequer. *William Noy*, Attor. Gen. Plantiff.

The Biſhop of *London*, as is already mentioned, having formerly projected the overthrow of the Feoffees for the buying in of Impropriations, as the main Inſtruments of the *Puritan Faction* to undo the Church; The Cauſe was brought by Information into the *Exchequer*, by Mr. *Noy* the King's Attorny General, *Plantiff*, againſt *William Gough*, *Richard Sibbs*, *Giles Off-ſpring*, *John Damport*, Clerks. Sir *Tho. Crew*, Knight; *Robert Eyers*, an Apprentice of the Law; *John White*, *Sam. Brown*, Utter Barriſters at Law. *Nickolas Rainton*, Alderman of *London*. *John Gearing*, *Rich. Davies*, *George Harwood*, *Francis Bridges*, Merchants; *William Leman*, *Thomas Foxley*, Clerks; and Mr. *Price*, *Defendents*.

The Information was to this effect.

The Information.

'That ſince the tenth Year of the Reign of the late King, theſe '*Feoffees*, to the intent to procure into their hands divers Manours, 'Lands, and Tenements, Rectories, Tythes, Oblations, and Sums of 'Money, which well-diſpoſed People ſhould give to the ſuſtaining 'and endowment of Perpetual *Vicars*, having Cure of Souls, and other 'Charitable Uſes; did of their own Authority erect and make themſelves into a *Society*, or Body Corporate, called ſometime by the name 'of the *Collectors of St. Antholins*; and uſed to hold Aſſemblies and 'Councils, and make Ordinances, appoint Regiſters and Actuaries for 'their doings: And have gotten into their hands Sums of Money, intended by the Donors for the foreſaid Pious Uſes; With part whereof they had purchaſed divers *Rectories*, *Tithes*, *Prebendaries*, *Lands* 'and *Tenements*, the Remonſtrances whereof are regiſtred in a Book, 'and had not imploied the ſame as was intended by the Givers, as by 'Law they ought.

Mr. *Attorney* further ſhewed, That it did appertain to his Majeſty's care, That ſuch Donations for Augmentation of Divine Worſhip and Publick Works of Charity, be not withdrawn, diminiſhed, or miſimployed, but be rightly diſtributed; and that an Accompt thereof ought to be made to his Majeſty in this Honourable Court, or elſewhere. That without the Writings, Evidences, and Regiſters remaining in the cuſtody of theſe Perſons, or their Officers, there could be no perfect Charge whereon to make an Accompt. Wherefore for diſcovery of what Lands, Goods, Chattels, and Sums of Money, had come into their hands, and how the ſame were imploied, and what Evidences and Regiſters remained in their keeping; and for an Accompt to be made of the diſtribution of all; He prayed Proceſs of *Subpœna* againſt them to appear in this Court.

The *Defendants* Anſwer.

The *Defendents* appeared, and made Anſwer, 'That they believed '*Impropriations* in the poſſeſſions of Lay-Men, not imploied for the 'Maintenance of Preachers, was a great damage to the Church of *England*;

‘*England*; and that the purchaſing thereof for the maintenance of *Divine Service* and *Preaching*, is a Pious Work. And that as divers Men may by the Law join in the purchaſing of Manours and Lands, ſo without offence of Law they might confer how they might raiſe Moneys out of their own Purſes, and from their Allies and Friends, to purchaſe *Impropriations* for the maintenance of Worthy, Painful, and Conformable Preachers; and that the Lands and Revenues were ſufficiently conveyed unto *Richard Stock*, Alderman *Hoyley*, *Chriſtopher Sherland*, deceaſed, together with themſelves.

‘That they referr'd themſelves for the ſeveral States and Uſes thereof, to the ſeveral *Deeds*, *Wills*, and *Declarations* concerning the ſame. That the Donors of the Moneys, being many, gave the ſame towards the buying of Impropriations, Maintenance of Preachers, and ſuch other good Uſes, as the *Defendents* ſhould think meet; and not for the Endowment of Perpetual *Vicars*. That they had not converted to their own uſes any of the Moneys, or other things given or purchaſed. That they had not enacted, or made themſelves a *Body Corporate*, otherwiſe than they have here ſet forth. That to their knowledg they never preſented any to any Church, or Place in their diſpoſition, who was not Conformable to the Doctrine and Diſcipline of the Church of *England*, and Approved by the *Ordinary* of the Place.

And Sir *Thomas Crew* anſwered for himſelf, ‘That ſince *Hillary*-Term laſt, before the exhibiting of the *Information*, upon the Death of *Chriſtopher Sherland*, one of the Readers of *Grays-Inn*, he was moved by ſome of the Perſons above-named, to aſſiſt them in the Buſineſs; to which he willingly condeſcended, and was ready to join in ſo good a Work, the ſame tending to the maintenance of the Clergy that had not ſufficient Means, and were Conformable to the Orders of the Church, and painful and faithful in their Places.

Hereupon it was ordered, that the Books and Evidences ſhould be brought into the Court, which was done accordingly; Upon the reading whereof, together with the *Defendents* Anſwer, and upon hearing of the Cauſe debated by the Learned Counſel on both Sides, the Court declared,

Judgment of the Court.

That the Defendents *uſurped upon the King's Regality, and of their own Authority aſſume themſelves into a* Body *and* Society, *as if they had been Incorporated to a perpetual ſucceſſion, and made Ordinances and Conſtitutions to eſtabliſh themſelves in perpetuity, as appeareth by this their Ordinance.*

‘*That whereas four of them were in the Order of* Prieſthood, *four were* Profeſſors *of the Common-Law, and the reſt* Citizens *of* London; *if any of them ſhould die, or be removed, they ſhould elect one into his* Place *of the ſame Condition. And that all thoſe that ſhould have the profit of* Impropriations, *or obtain any* Eccleſiaſtical Preſentation, *ſhould be bound by certain Conditions which they had framed. Alſo they choſe among them a* Treaſurer, Secretary, Auditor, *and a* Common Servant of their Livery, *and inflicted Mulcts upon ſuch of them as met not at their Aſſemblies.*

That they purchaſed diverſe Impropriations, but never reſtored one of them to the Church, by conferring it in Perpetuity *upon any Incumbent, but kept them in their own hands, and diſpoſed of the* Profits *to ſuch Lecturers and Miniſters, and in ſuch* Proportion, *and for ſo long time as pleaſed them; and with other part thereof they bought Advowſons of Churches, Nominations*

tions of Lecturers and Schoolmaſters, which the Court conceived was not in the intention of thoſe that gave the Mony for buying in of Impropriations.

The Judgment of the Court.

Wherefore the Court was of Opinion, That the Proceedings of the Defendents was againſt the Laws and Cuſtoms of the Realm, and that they tended to the drawing to themſelves in time the principal Dependency of the whole Clergie, that ſhould have rewards from them, in ſuch meaſure, and on ſuch conditions as they ſhould fancy, thereby introducing many Novelties of dangerous Conſequence, both in Church and Common-Wealth, and making Uſurpation upon his Majeſty's Right.——That in not annexing Impropriations to perpetual Incumbents in purchaſing Advowſons, Nomination of Incumbents, Lecturers, and Schoolmaſters, and buying and keeping of Leaſes, they had not behaved themſelves as they ought to have done, nor according to the Truſt repoſed in them. And his Majeſty having referred the further examination of theſe Deſigns, intending to queſtion this Matter in the Star-Chamber, *the Court did forbear to proceed to the inflicting of Puniſhments. Nevertheleſs it was Ordered and Decreed, That the Defendents ſhould not from thenceforth hold any more Aſſemblies, or make Orders touching the Premiſes: Nor make any Alienations or Alterations of the Eſtates of the afore-mentioned Impropriations, Advowſons, Manors, Lands, Tenements, and Leaſes, which ſhall remain in the Perſons in whom they now are, till the Court take further order. And as touching the buying of theſe Impropriations, the Court thought it a pious Work; but the diſtribution of the Profits, as is before declared, would have grown to a great inconvenience, and prejudicial to the Government of the Church. And his Majeſty's Pleaſure was made known, That whatſoever had bin thus beſtowed, ſhould be imploied wholly to the Good of the Church, and the Maintenance of Conformable Preachers in the right and beſt way. And it was further decreed, That Commiſſions ſhould be made to ſuch as the Court ſhall nominate, to enquire of all Rectories, Tythes, Impropriations, and of all Leaſes appointed to be ſold, and of all Sums of Mony appointed to be given for the purchaſing of Impropriations; and upon the Returns made by thoſe Commiſſioners, the whole Profits thereof ſhall be conferred upon perpetual Incumbents and their Succeſſors, as his Majeſty ſhall think fit. And as touching the Advowſons, when any Church becomes void, the King's Majeſty ſhall preſent, and School-maſters ſhall be placed by his Nomination. And the Defendents ſhall make Accompt of all Receipts, before ſuch Auditors as the Court ſhall appoint. And his Majeſty's Attorney General may give them a diſcharge, or except againſt the Allowances demanded by them.*

Moreover, the King gave direction, That the Arch-Biſhop of Canterbury, *the Lord* Keeper, *and other Lords and Biſhops, ſhould conſider whether a Criminal Proceſs ſhould be made againſt the Feoffees? and if ſo, then whether in the Court of* Exchequer, *or* Star-chamber?

Not many days after, ſaith the Biſhop, Mr. Chancellor of *London*, Dr. *Duck*, brought me word how miſerably I was ſlandered by ſome Separatiſts; I pray God give me patience, and forgive them.

Alſo in *February* this Year *Henry Sherfield* Eſq; a Bencher of *Lincolns-Inn*, and Recorder of *Sarum*, was cenſur'd in the *Star-Chamber*, for taking certain Pictures of God the Father out of a Glaſs-Window in St. *Edmond's* Church in *Saliſbury*.

The Information in *Star-Chamber* againſt *Henry Sherfield* Eſq; a Bencher of *Lincolns-Inn.*

THe Information was exhibited againſt him, and divers other Perſons, by the King's Attorney General; ſhewing, That in the Churches, Chappels, and Sacred Places within this Realm, no private Perſon ought to alter or innovate any thing in the Fabrick or Ornament thereof, without ſpecial Licence from his Majeſty, or the Biſhops in their ſeveral Dioceſſes, much leſs deface or diminiſh any part thereof againſt their Direction: but the Defendent, *Sherfield*, Recorder of *New Sarum*, and dwelling in the Pariſh of St. *Edmonds*, being evil affected to the Diſcipline of the Church of *England*, and encouraging ſuch as oppoſe the Government thereof under the Reverend Biſhops; and the other Defendents, being of the ſame Opinion and Practice, and of the ſame Pariſh, did, by Combination, about *January*, *Anno* 1629, irreligiouſly conclude to deface and pull down a fair and coſtly Glaſs-Window in the Church aforeſaid, containing the Hiſtory of the Creation of the World; which had ſtood there for Hundreds of Years, and was a great Ornament to the Church. And the Reverend Father in God, *John* Lord Biſhop of *Sarum*, having heard the Report of this Purpoſe, ſent a Meſſenger to Mr. *Sherfield*, and the other Confederates, to admoniſh them to forbear to put it in execution; and to that end he wrote a Letter to *Sherfield*, which came to his hand. Nevertheleſs *Sherfield*, with the Confederates, and other riotous Perſons, did, unlawfully, riotouſly, and prophanely break down that Glaſs-Window in ſcorn of his Majeſty's Government and Authority: And when that Prophane Act was done, they wickedly boaſted thereof, ſaying, *He that had done it, would ſhortly take down all the reſt.* That by this evil Example, other Wicked and Schiſmatical Perſons, ill-affected to the Government of the Church of *England* under his Majeſty, are animated to uſe the like violent and outragious Courſes; and the paſſing by of ſuch an Offence, committed by a Perſon of ſuch Place and Quality in that City, and by a Combination of other Confederates, being alſo Perſons of Note, would be of perilous Example.

Mr. Sherfield *put in his Anſwer on* May 20 *following.*

Mr. *Sherfield*'s Defence.

THat the Church of St. *Edmonds* in *Salisbury*, about the Reign of King *Henry* the Third, was ordained to be a *Collegiate Church*, to conſiſt of a *Provoſt* and thirteen *Prieſts*, who were to dwell in a College-Houſe adjoining to the Church-yard, having a certain Revenue appointed to the maintenance thereof; which continued in Succeſſion, and the Prieſts attended the Service, and celebrated Maſſes, and Divine Offices and Rites to the Pariſhioners of St. *Edmonds* Pariſh. This College and *Collegiate-Church*, with the Poſſeſſions and Revenue thereof came, by Act of Parliament, into the Hands of King *Henry* the 8*th*, and remain'd in the Crown till the 7*th* of King *James*. About which time the King by Letters Patents under the Great Seal, did grant that Church by the Name of the *Rectory* of St. *Edmonds* Appropriate, as Parcel of the Poſſeſſion of the late College of St. *Edmonds*, unto *Anthony Gooch*, and *William Lloyd*, and their Heirs; who within, or about the ſame Year, conveyed the Church unto *John Baily* and his Heirs; who, together with *John Beckingham*, in the Year following, did convey it unto *Bartholomew Tooky*, one of the Defendents, and to his Heirs, except the Church-Yard, Ditch, and Walks about the ſame, and Trees growing thereupon: Which excepted Premiſes, *Giles Tooker* Eſq; and *Edward* his Son, have ever ſince enjoyed under *Baily's* Title. And that in the *13th* of King *James*, the Defendent *Tooky* did agree for a competent Sum of Mony, to inſtate and convey the Church, for the behoof of the Pariſhioners of St. *Edmonds*, for ever; and made them an Inſtrument of Conveyance, by virtue whereof the Perſons intruſted were ſeized of the Church, as of a *Lay-Fee* upon Truſt.

That the Church is a *Lay-Fee*, and hath ſo continued ever ſince it fell to the Crown; and that from the ſame time it hath bin legally exempted from the Juriſdiction of the Biſhop of the Dioceſs; and the Defendents, with the reſt of the Pariſhioners, had lawful Power, without ſpecial Licence from the Biſhop, to take down the Glaſs of the Window, and to make up the ſame with white Glaſs.

That according to the Orders and Agreement of the Pariſhioners made in the Veſtry, the Steeple of the Church hath bin taken down and turn'd into a Tower; and alſo a part of the Wall hath bin taken down, to ſet a Glaſs Window in the room; and the Glaſs of other Windows hath bin taken down to ſet up new. The Reading Place hath bin removed from the Quire into the Body of the Church, and the Pulpit from one place pul'd down, and a new one ſet up; which Alterations were done, from time to time, by the Pariſhioners Agreement and Order, without ſpecial Licence from the King, or his Royal Predeceſſors, or the Biſhop of the Dioceſs, and that ſundry of them were made in the time of the Biſhop that now is.

That it was agreed, by an Aſſembly of the Pariſhioners in the Veſtry, *January* the *16th*, 1629, That the Defendent might take down the Glaſs mentioned in the Information; and about the time therein mention'd, he took down ſome ſmall Quarries of the Glaſs, that the Glaſier might know, that that was the Window to be made new, and not any other.

But the Window yet remaineth, with a few Holes therein, ſo that the deſcribed Story may be plainly diſcovered: That it was not fair, nor coſtly, but of very rude Work; that it was but of four Lights only, and not any of the fair Windows of the Church; that the painting thereof, when it was made, did not coſt above forty ſhillings; and that he ſhall be ready to new make it, according to the Order of the Veſtry. He denieth all Confederacy with the other Defendents, and the riotous breaking of the Window: for that he took down a few ſmall Quarries in a quiet and peaceable manner.

And whereas his Religion and Fidelity to Almighty God, and his Duty and Allegiance to his Sovereign Lord the King's Majeſty, are brought in Queſtion; he ſaith, *The true Hiſtory of the Creation of the World was not contained in that Window, but a falſe and impious Deſcription of the ſame.*

The Painter, to expreſs God the Father, had painted the Forms and Pictures of divers little old Men ſeeming bare-footed, and cloathed in long blew Coats; and ſo ſetting forth every of the ſix days Work of God in the Creation, he had diſtinctly placed one ſuch Picture of an Old Man, made to repreſent the Creator of Heaven and Earth, in ſix ſeveral places; with the joining near to them the likeneſs of ſome created Thing, to denote thereby what was made on each of the ſix days:

8 Caroli.

days: And to ſhew the third days Work, he had painted the Sun and the Moon, which were created the fourth day, and had placed in the Hand of one of thoſe Pictures, repreſenting God the Father, the ſimilitude of a Carpenter's Compaſs, as if he had bin compaſſing the Sun, to give the true proportion thereof. To expreſs the fourth days Work, he made the likeneſs of Fowls of the Air flying up from God their Maker, whereas God created them on the fifth day. To expreſs the fifth days Work, he painted the ſimilitude of a Naked Man lying on the Earth, as it were aſleep, and ſo much of the ſimilitude of a Naked Woman, as from the Knees upward, ſeeming to grow out of the ſide of a Man, whereas God did create Man on the ſixth day; neither did the Woman grow out of the Man's ſide, but God took a Rib from the Man and made it a Woman. To repreſent the ſeventh days Story, he painted the ſeventh Picture of a little old Man, to reſemble God in the habit of the other ſix, but had formed it ſitting, to repreſent God's Reſt.

That this was an impious Falſification, and prophane abuſe of the Hiſtory: and he holdeth it ungodly, and altogether unlawful to frame any Image or Similitude of God the Father, Creator of Heaven and Earth, and the firſt Perſon of the *Holy Trinity*; and that it is more ungodly and prophane to ſet up any ſuch Image or Picture of God the Father in the Windows, Walls, or other parts of any Church dedicated to the Service of Almighty God, which he hopeth he ſhall be able in moſt humble manner to make appear to the Court, by the Holy and Pure Word of God, ſet down to us in the Books of the Old and New Teſtament; by the Canons of ſundry Ancient Councils of the Church of Chriſt; by the Decrees and Mandates of ſundry of the Chriſtian Emperors; by the Opinions and Writings of many of the Ancient Doctors and Fathers of the Church; by many Godly Writers of our Church, ſince the time of Reformation of Religion within this Kingdom; ſundry of whom did Seal their Belief with their Blood; by the Works of ſundry Godly Writers of our Church, yet living, whereof ſome are now Reverend Biſhops; among whom the Defendent hath cauſe to rely, in a ſpecial manner, upon the Doctrine of his Learned *Dioceſan*, the now Lord Biſhop of *Sarum*, in his Expoſition on the Epiſtle to the *Coloſſians*, pag. 97, and 98. Alſo by the Royal Determination of King *James*, in his *Præmonition* to all Mighty Monarchs, Kings, Princes, and Free-States of Chriſtendom.

That the ſame his Belief, is according to the Doctrine of the Church of *England*, eſtabliſhed by Act of Parliament, 13. *Elizabethæ*, expreſſed in the Book of *Homilies*, ſet forth by Authority; *That the Pictures of God were Monuments of Superſtition, and ought to have bin deſtroyed by the Statute made* 3, and 4, *Ed. 6th.* That Queen *Elizabeth*, *Anno* 1. according to an Act of Parliament then made, for the ſuppreſſing of Superſtition in all her Dominions, did publiſh her Injunctions, whereby all that had Cure of Souls, were commanded to inſtruct their Pariſhioners to deſtroy all the Pictures and Monuments of Idolatry and Superſtition; that no memory thereof might remain in Walls, Glaſs-Windows, or elſe-where. And that it was to be enquired of in the Viſitations, Whether all Images, Pictures, Paintings, and all other Monuments of Idolatry were removed? And that the ſame Injunctions being grounded on the Statute 1. *Eliz.* are yet in force. Alſo that the ſame was lawful by the Canons of this Church, ſet forth 13.

An. 1632.

Eliz. and agreed upon by the Arch-Biſhop of *Canterbury*, and all the other Biſhops of that Province.

And beſides the Indignity and Contempt offer'd to Almighty God by ſuch unworthy Reſemblances of his Majeſty, and Deity, in the foreſaid Window, there was a Speech, That ſome ignorant Perſons had committed Idolatry, by bowing before the ſame Reſemblances of God.

Laſtly; He denied that he was ill-affected to the Diſcipline of the Church of *England*, or had encouraged any, to his knowledg, to oppoſe the Government thereof under the Reverend Biſhops; or that the Biſhop of *Sarum* did ſend any Meſſenger, or write any Letter to him, to admoniſh him to forbear to put the Agreement of the Veſtry in Execution; or that any ſuch Meſſenger, or Letter, came to him; or that his Lorſhip, though he had frequent Conference with him, uſed any Speech touching his Pleaſure to have that Window ſtand as it was, or not to be taken down.

Upon the hearing of the Cauſe, the Court pronounced Sentence againſt Mr. *Sherfield*; ſome Lords were to fine him 1000 *l.* to the King, but the greater part only 500 *l.*

That Mr. Sherfield ſhould be fined 500 l. and be removed from the Recordership of that City; make a publick Acknowledgment of his Fault, and be bound to his Good Behaviour.

And for further ſatisfaction, take the Words of the Decree, as it was entered in the Regiſter's Book of that Court.

Noy, *Attor. Regis* v. Sherfield, *Armig.*

'THe Defendent being troubled in Conſcience, and grieved 'with the ſight of the Pictures which were in a Glaſs Window 'in the Church of St. *Edmonds* in *New Sarum*, one of the ſaid Pictures, to his Underſtanding, being made to repreſent *God the Father*, did procure an Order to be made by the Veſtry, (whereof himſelf was a Member,) That that Window ſhould be taken down, ſo as 'the Defendent did at his own Charge glaſe it again with White Glaſs. 'And by colour of this Order, the Defendent, without acquainting 'the Biſhop or his Chancellor therewith, got himſelf into the Church, 'made the Doors faſt to him, and then with his Staff brake divers 'Holes in the ſaid Painted Window, wherein was deſcribed the Creation of the World; and for this Offence committed, with neglect 'of Epiſcopal Authority, from whom the Veſtry derives their Authority, and by colour of an Order of the Veſtry, who have no power 'to alter or reform any of the Ornaments of the Church, the Defendent was committed to the *Fleet*, fined 500 *l.* and ordered to repair 'to the Lord Biſhop of his Dioceſs, and there make an acknowledgment of his Offence and Contempt, before ſuch Perſons as the Biſhop would call unto him.

Defacing a Church Window, by colour of a Veſtry Order.

At the giving of the Cenſure of the Court, the Biſhop of *London* ſpeaking in favour of the Painter, mentioned a place in Scripture, where, ſaid he, God is called the *Ancient of Days*, which might make the Painter of the Glaſs miſtake. To which *Edward* Earl of *Dorſet* replied, That by that Text was meant, *God from Eternity, and not God to be pictured as an Old Man, creating the World with a pair of Compaſſes.*

Conſidering

8 Caroli.

Prizing of Wines.

Conſidering the difference of the Rates at which Wines are ſold at this preſent, from what they were in this Year 1632, and formerly; it may not be uſeleſs or ungrateful to the Reader, to ſet down at large the *Contents* of a *Proclamation*, bearing date the 18*th* of *February* 1632, by which will appear the Reſpective Prices at which Wines were to be ſold either in *Groſs*, or by *Retale*, throughout this Kingdom.

‘Whereas by the Statute made in the 28th Year of the Reign of King *Henry* the Eighth for *Pricing of Wines*, it is provided, that the Lord *Chancellor*, Lord *Treaſurer*, Lord *Preſident* of the King's moſt Honourable *Privy-Council*, Lord *Privy-Seal*, and Lord *Chief-Juſtices* of either Bench, or any five, four, or three of them, ſhall have Power and Authority by their Diſcretions, to ſet the Prices of all ſorts of Wines, as in the ſaid Statute is expreſſed. In purſuance whereof the Lord *Keeper* of the Great Seal of *England*, the *Keeper* of the Privy-Seal, the Lord *Chief-Juſtice* of his Majeſty's Bench, and the Lord Chief-Juſtice of the *Common-Pleas*, the 28*th* day of *December* laſt paſt, did order, That *Canary* Wines, *Muſcadal* and *Alicant*, ſhould be ſold in Groſs for Sixteen pounds the Pipe, and at Twelve-pence the Quart by Retale; *Sacks* and *Mallego's* at Thirteen pounds the Butt in Groſs, and Nine-pence the Quart by Retale. The beſt *Gaſcoign* and *French*-Wines at Eighteen pounds the Tun; and the *Rochel* Wines, and the other ſmall and thin Wines, at Fifteen pounds the Tun in Groſs, and Six-pence the Quart by Retale; and according to thoſe proportions for greater or leſſer quantities, either in Groſs or by Retale. And that none preſume to ſell at higher Prices, during the next Year then enſuing, whereof the *Clerk* of the *Crown* was to take notice, and to ſee the ſame proclaimed the then next Term in the *Chancery*, according to the *Statute*. And accordingly there hath been Proclamation made the firſt day of *Hillary* Term, being the 23*d* day of *January* laſt.

‘Now that all cauſe of Excuſe may be removed from ſuch as inhabit in remote parts of this Realm; and that ſuch as ſhall be found Delinquents herein may acknowledge their own wilfulneſs, the cauſe of the Danger and Penalty they fall into after double Advertiſment; His *Highneſs's* Will and Pleaſure is, and by the Advice of the Lords and the reſt of the *Privy-Council*, according to one other Statute made in that behalf in the Fourth Year of the Reign of his moſt noble Progenitor, King *Edward* the Third, by his Royal Proclamation doth publiſh and declare, That for one Year next following, *Canary Wines*, *Muſcadals*, and *Alicants* be ſold in Groſs at Sixteen pounds the Pipe, and at Twelve-pence the Quart by Retale; *Sacks* and *Mallagoes* at Thirteen pounds the Butt in Groſs, and Nine-pence the Quart by Retale. The beſt *Gaſcoign* and *French-Wines* at Eighteen pounds the Tun in Groſs, and Six-pence the Quart by Retale; and the *Rochel*-Wines, and other ſmall thin Wines, at Fifteen pounds the Tun in Groſs, and at Five-pence the Quart by Retale; and according to theſe Proportions for greater or leſſer quantities, either in Groſs or by Retale. Which Rates and Prices his Highneſs's Pleaſure is, ſhall be duly obſerved in all his Ports, and other places within this Realm where Wines are landed, and within Ten miles of thoſe Ports and Places.

‘And it is His *Majeſty's Pleaſure*, That in all Places where Wine by

Land-Carriage ſhall be conveyed more than Ten miles from the next Port, the ſeveral ſorts of Wines aforeſaid ſhall and may be ſold according to the Rates aforeſaid, allowing Four-pounds the Tun, and one penny for the Quart for the Carriage thereof upon Land every Thirty miles, and according to that proportion, and not at greater Rates; ſtrictly charging and commanding ſuch of his Subjects, and others whom it may concern, That none of them, during the time aforeſaid, preſume to ſell any of the ſaid Wines in Groſs, or by Retale, at higher Rates than by his Highneſs's *Proclamation* are appointed, under the Forfeitures and Penalties mentioned in the ſaid *Statute*, and other Laws and Statutes of this Realm ordained in that behalf, and ſuch further Pains and Penalties as by the Laws and Statutes of this Realm can or may be inflicted upon the wilful Contemners of his Majeſty's Royal Command and Proclamation; Requiring and commanding all *Mayors*, *Juſtices of the Peace*, *Bayliffs*, *Cuſtomers*, *Comptrollers*, and other Officers of Our Ports, and all others whom it may concern, diligently to attend the execution of this Our Pleaſure, and to give Information to the Lords and others of the Privy-Council, of the *Delinquents*, that they may be proceeded againſt, and receive Puniſhment according to their Demerits.

March 21. Commiſſion to the Lord *Preſident* & *Council* in the *North*.

A Commiſſion iſſued forth under the *Great Seal* of *England*, with certain Schedules of Inſtructions thereunto annexed, and directed to *Thomas* Lord Vicount *Wentworth*, and other the Commiſſioners therein named; whereby, among other things, Power and Authority is committed to them to hear and determine all Offences and Miſdemeanors, Suits, Debates, Controverſies and Demands, Cauſes, Things and Matters whatſoever therein contained, and within certain Precincts in thoſe *Northern* parts therein ſpecified.

Among other Matters in the ſaid *Inſtructions*, it is directed, That the ſaid *Preſident*, and others therein appointed, ſhall hear and determine, according to the Courſe of Proceedings in the *Star-Chamber*, divers Offences, Deceits and Falſities, whether the ſame be provided for by Act of Parliament, or not; ſo that the Fines impoſed be not leſs than by Act or Acts of Parliament are appointed.

The ſaid *Preſident*, and others therein appointed, have Power to Examine, Hear, and Determine, according to the Courſe of Proceedings in the Court of *Chancery*, all manner of Complaints for any Matter within the ſaid Precincts; as well concerning Lands, Tenements, and Hereditaments, either Free-hold, Cuſtomary, or Coppyhold, as Leaſes and other things therein mentioned; and to ſtay Proceedings in the Courts of Common-Law by Injunction, or otherwiſe, by all ways and means, as is uſed in the Courts of *Chancery*.

And that no Prohibition be granted at all, but in Caſes where the *Preſident* and *Council* ſhall exceed the Limits of the ſaid *Inſtructions*: And that if any Writ of *Habeas Corpus* be granted, the Party be not diſcharged till the Party perform the Decree and Order of the ſaid Council.

Afterwards, upon the 24*th* of *March* 1640, the ſaid Lord Vicount *Wentworth*, then Earl of *Strafford*, and Lord-Lieutenant of *Ireland*, being Impeached in Parliament, one Article was, his *procuring the ſaid Commiſſion to enlarge his Power, &c.* And the firſt thing given in Evidence of this Charge was the Commiſſion granted to the ſaid Earl, dated 21 *Martii* 8 *Car.* and the 19th *Inſtruction* authorizing him to hear and determine accordiug to the courſe of Proceedings in the *Star-Chamber*, and to impoſe Fines, *&c.* ſo as they be not leſs than by the Act of Parliament is provided. The 23*d Inſtruction* was alſo read, whereby Power is given by Injunction to ſtay Proceedings in any Court of Common Law: and the 28*th Inſtruction*, whereby Power is given to ſend the Serjeant at Arms, and attach in any part of the Realm: and the 29*th Inſtruction*, wherein it is expreſſed, That no Prohibition be granted in the Courts of *Weſtminſter* to ſtay Proceedings in the Court at *York*, but in Caſes where the Court of the *Preſident* ſhall exceed the King's *Inſtructions*; and if any *Habeas Corpus* ſhall be ſued forth for not performing the Order of that Court, the Party committed not to be diſcharged ſo long as ſuch Orders ſhall ſtand in force: and if any Fine be thereupon eſtreated, the *Treaſurer* and *Barons* of the *Exchequer* to diſcharge it. Then they deſcended to produce Teſtimony concerning the Earl ſending a Proceſs actually before thoſe Clauſes were granted, and procuring the Clauſes to be ſupplied when he found the Defect.

The firſt Witneſs did teſtify, That his Father was arreſted in *London* by a Serjeant at Arms in *Novemb.* 1632, and was kept eighteen weeks, and conceiving it to be out of the *Inſtructions*, did appeal to the *Council-Table*; That the Earl of *Strafford* being preſent, fell on his Knees, and beſought the King, That if his Inſtructions might not be ſo good as to bring in a Delinquent that had affronted the Court, if by ſtepping over the Water he ſhould go beyond the Precinct of it, he might leave that Service, and lay his Bones in his own Cottage.

Another Witneſs did alſo teſtify the ſaid Arreſt and Impriſonment.

As to the matter of *Prohibition*,

A Witneſs was produced in the Caſe between *Muſgrave* and *Vaux*, who ſaid, That notice being given that a *Prohibition* was procured by *Vaux*, and an *Affidavit* made that the ſame was ſerved; a Warrant was directed to the *Purſevant* to arreſt the Party that procured it; who being arreſted, and reſcued, another Warrant was directed for the bringing of the Reſcuers from *London*; and they were accordingly brought to *York*, and there impriſoned, and an Information was exhibited againſt them by Sir *George Ratcliff*, then the King's Attorney at *York*. This matter of Prohibition was referred to Mr. Juſtice *Hutton* and Sir *Robert Heath*, by the conſent of the Parties that were in Suit at *York*: but the Lord Preſident being acquainted with it, the Reference went not on that Term, but ſtayed till the Preſident's pleaſure was known. The ſaid Witneſs depoſeth, That the Lord Preſident did further ſay, That whoſoever brought a Prohibition there, he would lay him by the heels. And that as touching the Reference, his Lordſhip ſaid, It was a Cauſe that concerned the Juriſdiction of the Court of *York*, and no privat Man ſhall end it; he would try the Juriſdiction, and would go to *London* and acquaint the Judges with it, and if they remanded the Cauſe back again, ſo; if not, he would appeal to the King in it. That the Lord Preſident and Judges had ſeveral Meetings, but could not agree. And the Judges ſpeaking ſome things concerning the Prohibition granted to *Vaux*: the Lord Preſident replied, he ſhould not be in *England*, but he would have his body, or words to that purpoſe. Then a Counſellor at Law was produced, who teſtified that Judg *Hutton* acquainted him, that the Lord Preſident was angry with

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with him for granting Prohibitions; which the Judg ſpake with a great deal of Paſſion, to ſee things carried in that manner; and did further teſtify, That underſtanding the Lord *Preſident* was angry with him the *Deponent* for moving for Prohibitions, he went to wait upon his Lordſhip, who ſaid unto him, I have nothing to ſay to you, you are one that oppoſe me, but for the preſent I have eaſed you of the Office of *Juſtice of the Peace*, ſo you need not trouble your ſelf with that.

That afterwards his Lordſhip met the Deponent in *London*, who ſaid unto him, I command you not to depart the Town; and applying him ſelf afterwards to his Lordſhip to know his Pleaſure, and withal making great Friends, all that he could underſtand by others was, That he was one that did oppoſe his Lordſhip; and the Witneſs did conceive that the Fault that he had committed, was, for not paying the *Knighthood-mony* in *Yorkſhire*, or for moving for Prohibitions, which later did oppoſe the Authority and Power of the Court of *York*. And that after 12 or 14 days ſtay in Town, by mediation of a Friend, he got leave to go into the Country, and then he paied the *Knighthood-Mony*. And that after this, the Deponent durſt not adventure to move for a Prohibition, nor any that had to do with him in thoſe parts durſt retain him till of very late, for he knew very well the price of my Lord of *Strafford*'s Diſpleaſure: And he further depoſed, that he was ſent for by a *Purſevant* to attend his Lorſhip at *York*, who told him, There was an Accuſation againſt him, but they that laid it were not come to Town, and therefore he muſt attend, and that they were his Betters. That after eight days cuſtody in the *Purſevant*'s hands, he was brought to the *Council-Table*, and his Lordſhip ſitting at the upper end, commanded him to kneel as a Delinquent; and in his kneeling, his Lordſhip was offended, in that he ſtaied no longer in that poſture; and then he underſtood the Matter to be for ſpeaking ſome words at the Seſſions in Defence of his Client, about the Traverſing of an Indictment; the Queſtion being, *Whether a bare Indictment were Evidence to the Petty Jury?* He, the Deponent ſaid, It was no Evidence, and he deſired to appeal to the Judges. Whereupon his Lordſhip was pleaſed to ſay, That he would teach him to know, there were other Men for him to appeal unto, (*viz.*) the Preſident and the Council. Whereupon he was put out, and Directions ſent that he muſt find Sureties, and make publick Submiſſion at the Seſſions for ſaying theſe words; which he did accordingly. And all this he conceived originally grew, for that he did oppoſe the Juriſdiction of the Court of *York*, and not for any the Cauſes pretended.

The other Branches of this Article were waved.

To this he anſwereth.

Firſt; The Inſtructions granted 21 *Mar.* 8. *Car.* were not procured by him.

Secondly; The Commiſſion and Inſtructions to the *Preſident*, and Council of *York*, are of courſe renewed upon the death of any of the Council of the Fee in Ordinary. And Sir *Arthur Ingram* going out, and Sir *John Melton* ſucceeding, thoſe Inſtructions were thereupon renewed. And as to the execution of the ſaid Commiſſion, from the date thereof to this hour, the Defendent did never one Act, or ſtaied one minute as *Preſident* of the Council of *York*, the Commiſſion was granted 21 *Mar.* 8. *Car.* and he went towards *Ireland* in *July* following.

At the firſt Inſtitution of that Court, it had both a *Star-Chamber* and *Chancery* Power, as will appear by all the Inſtructions before that time; and if there be one Error in a Judg giving a Sentence, otherwiſe than a Man of better Underſtanding conceives reaſon for, there is no cauſe it ſhould be heightned to a *Treaſon* to take from him his Life, and Honour, and all he hath, meerly becauſe he was not ſo wiſe a Man as he might have bin, nor ſo underſtanding as another. If this be preſſed in Judges, he thinks few Judges would ſerve; and for his part, he confeſſeth, he had rather go to his Cottage, than be upon theſe Terms. The Sentence againſt Sir *Conyers Darcy* was juſt, and he complained not of it; and for the Sentence againſt Sir *John Bouchier*, the Defendent was not at all acquainted with it, being then in *Ireland*. But theſe two Matters are not inſiſted upon, yet it may be from hence obſerved, with what uncertainty Men may ſpeak, who do inform in ſuch Caſes. As to the firſt Witneſs, teſtifying his Father's Commitment at *London*, and Appeal to the Council, he ſaith, That was not in his Charge; and as to the Prohibition granted in the Caſe of *Vaux* againſt *Muſgrave*, he ſays, That alſo was out of his Charge, and he cannot ſay any thing to it but by way of Divination; and therefore he conceives that it cannot be able to convince any Man of *High Treaſon*, hardly of a *Treſpaſs*; and why the enlarging of a Juriſdiction ſhould be heightned to a Treaſon, he doth appeal to their Lordſhips Nobleneſs, Juſtice, and Honour, to conſider; for he thinks none are in that place of Judicature, but they will deſire to enlarge their Juriſdiction as far as in Reaſon and Juſtice they may; and it is a chaſt Ambition, if rightly placed, to have as much power as may be, that there may be power to do the more good in the place where a Man ſerves.

As to the Witneſs, who ſaid, He the Deponent commanded his ſtay in *London*, he hath nothing to ſay to him of exception, but that he ſpeaks to nothing in the Charge; the Defendent being charged with the Execution of the Commiſſion, 8, and 13, *Car.* and what the Deponent ſpeaks of, is precedent in time; beſides, his Depoſition is by hereſay from Mr. Juſtice *Hutton*.

Then he produced a Witneſs, who proved that he began his Journey into *Ireland* the 8*th* of *July*, 1633. and another Witneſs, That ſince the date of the new Commiſſion, he never ſat as Preſident of the North in any Cauſe whatſoever; and that he was in *Ireland* when the Commiſſion 13. *Car.* was renewed.

And ſo he concluded his Defence, ſaying, That he was charged only with procuring and executing that Commiſſion, both which he denies.

For Reply, the Committee deſired it might be obſerved, That one of the Witneſſes did ſpeak particularly of the occaſion of enlarging the Commiſſion upon the Arreſt of his Father; the Preſident falling upon his Knees, and deſiring his Majeſty to enlarge his Power, or that he might have leave to go home and lay his Bones in his own Cottage. And he grew ſo high a little before the renewing of the Commiſſion, that he ſaid, He would lay them by the Heels who brought the King's

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Writ. Whereupon the Council were ſo awed, that they durſt not demand Juſtice: So that the procuring a Renovation of this Commiſſion, ſuited moſt to his Deſign.

Seeing the Reader is now upon the Commiſſion and Inſtructions of the Lord Preſident and Council in the North, take the Opinion and Judgment of Mr. *Edward Hide*, a Member of the *Houſe of Commons*, in a Speech made by him to the *Houſe of Lords* concerning this Court, *Anno* 1640. which we the rather mention, becauſe he was one that ſhewed his Loyalty to the King, by being with him at *Oxford*, and other places in time of War; whoſe Expreſſions may make deep Impreſſions upon many, he being afterwards made by the King, Lord Chancellor of *England*.

My Lords,

'I Am commanded (ſaid he) by the Knights, Citizens, and Burgeſſes of the *Houſe of Commons*, to preſent to your Lordſhips a great crying Grievance; which though it be complained of in the preſent Preſſures but by the Northern Parts, yet by the Logick and Conſequence of it, it is the Grievance of the whole Kingdom. The Court of the Preſidents, and Council of the North, or as it is more uſually called, the Court of *York*, which by the Spirit and Ambition of the Miniſters, truſted there, or by the natural Inclination of Courts to enlarge their own Power and Juriſdiction, hath ſo prodigiouſly broken down the Banks of the firſt Channel in which it ran, as hath almoſt overwhelmed the Country, under the Sea of Arbitrary Power, and involved the People in a Labyrinth of Diſtemper, Oppreſſion, and Poverty.

'To remember your Lordſhips of the Foundation and Erecting this Court, and of the Progreſs and Growth of it, will not be unacceptable.

'Your Lordſhips well know, That upon the ſuppreſſion of all Religious Houſes to ſuch a value, in the 27*th* Year of *Hen.* 8. from that time to the 30*th* Year of that King's Reign, many (not fewer than ſix Inſurrections and Rebellions were made in the Northern Parts, under pretence of that Quarrel, moſt of them under the command of ſome eminent Perſon of that Country; the which being quieted before the end of the 30*th* Year, that Great King well knowing his own Mind, and what he meant to do with the great Houſes of Religion; in the Year following, for prevention of any Inconvenience that might enſue to him upon ſuch Diſtemper, in the 31*th* Year of his Reign, granted a Commiſſion to the Biſhop of *Landaff*, the firſt Preſident, and others, for the quiet Government of the County of *York*, *Northumberland*, *Cumberland*, and *Weſtmorland*, the Biſhoprick of *Durham*, the County of the Cities of *York*, *Kingſton* upon *Hull*, and *Newcaſtle* upon *Tine*. But, my Lords, this Commiſſion was no other than a Commiſſion of *Oyer* and *Terminer*, only it had a Clauſe at the end of it for the hearing of all Cauſes, Real and Perſonal. *Quando ambæ partes, vel altera pars, gravata paupertate fuerit. Quod ita ut quomodo jus ſuum ſecundum Legem Regni noſtri aliter perſequi non poſſit.* Which Clauſe, how illegal ſoever, (for that it is illegal and void in Law, little doubt can be made) yet whether they exerciſed 'that part of the Commiſſion at all, or ſo ſparingly exerciſed it, that poor People found eaſe and benefit by it, I know not, for at that time I find no complaint againſt that Court. And in the firſt Year of King *James*, a Commiſſion was granted to the Lord *Sheffield*, which varied not from the former, only it had reference to Inſtructions which ſhould be ſent, but we find none ſent. In *June*, in the ſeventh Year of the Reign of King *James*, a new Commiſſion was granted to the ſaid Lord *Sheffield*, very differing from all that went before; it being left out, That they ſhould enquire, *Per Sacramentum bonorum & legalium hominum*, and to hear and determine, *ſecundum Leges Angliæ*, relation being had only to the Inſtructions, which were the firſt Inſtructions which we can find were ſent thither.

'I ſhall not trouble your Lordſhips with theſe, or any other Inſtructions, but deſcend to the preſent Inſtructions and Commiſſions under which that part of the Kingdom groans and languiſheth, ſince the Lord *Strafford* came to that Government, which was in *December*, 4. *Car.* And ſince the Commiſſion hath bin three ſeveral times renewed, in the 5*th* Year in *March*, in the 8*th* in *November*, in the 13*th* Year of his Majeſty's Reign. Into that Commiſſion of the 8*th* and 13*th*, a new Clauſe was inſerted for the granting, ſequeſtring, and eſtabliſhing Poſſeſſions, according to Inſtructions crowded in a maſs of new exorbitant and intolerable Power.

'Though our Complaint be againſt this Commiſſion it ſelf, and againſt the whole Body of thoſe Inſtructions, I ſhall not trouble your Lordſhips with the 9*th* Inſtruction, though it be but ſhort; which introduceth that *Miſeram ſervitutem, ubi jus eſt vagum & incognitum*, by requiring an Obedience to ſuch Ordinances and Determinations, as be or ſhall be made by the Council-Table, or High-Commiſſion Court. A Grievance, my Lords, howſoever, *Conſuetudo & peccantum claritas nobilitaverit hanc culpam*, of ſo trancendent a Nature, that your Lordſhips noble Juſtice will provide a Remedy for it, with no leſs care, than you would reſcue the Life and Blood of the Common-Wealth.

'Read the 19, 22, 23, 24, 29, and 30, I will not trouble your Lordſhips with reading more, there being among them in the whole fifty eight Inſtructions, ſcarce one that is not againſt or beſides the Law.

'Whether his Majeſty may cantonize out a part of his Kingdom to be tried by Commiſſion, though according to the Rules of Law, ſince the whole Kingdom is under the Laws and Government of the Courts eſtabliſhed at *Weſtminſter*; And by this reaſon the ſeveral parts of the Kingdom may be deprived of that Priviledg, will not be now the Queſtion.

'His Majeſty cannot by Commiſſion erect a new Court of Chancery, or a Proceeding according to the Rules of the *Star-Chamber*, is moſt clear to all who have read *Magna Charta*; which allowed no Proceedings, *Niſi per legale Judicium Parium & per Legem Terræ*; for our Court of *Chancery* here, by long uſage and preſcription, is grown to be, as it were, *Lex Terræ*. But, my Lords, the 30*th* Inſtruction goes further, and erects ſuch an Empire, ſuch a Dominion, as ſhall be liable to no Controul.

'The Courts of *Weſtminſter*, my Lords, have ſuperintendences over all Inferior Courts, to regulate their Juriſdictions if they ‘exceed their Limits, as to hold Plea of greater value, or the like.

‘In the Exerciſe of Juriſdiction, the Judges are ſworn to grant and ſend Prohibitions: But to ſtop the granting of theſe Prohibitions, or to neglect them when they are granted, is the greateſt and boldeſt ſcorn of the Law, and the Law-Makers, that can be imagined.

‘And whoſoever gave directions for theſe ſtout Inſtructions, might have remembred, that no longer ſince then *Michaelmaſs*, in the ſeventh Year of *Eliz. Rot.* 31. an Attachment was granted againſt the Arch-Biſhop of *York*, then Preſident of that Council, for forbidding the Goaler of *York* to deliver one *Lambert* his Priſoner, who was ſent for by a *Habeas Corpus* from the *King's Bench*.

‘And can ſuch a Court as this, my Lords, deſerve to live? What a compendious abridgment hath *York* gotten of all the Courts in *Weſtminſter-Hall*? Whatſoever falls within the Cognizance or Juriſdiction of either Courts here, is compleatly determinable within that one Court at *York*, beſides the Power it hath with the Eccleſiaſtical and High-Commiſſion Courts.

‘What have the good Northern People done, that they only muſt be disfranchiſed of all their Priviledges by *Magna Charta*, and the *Petition of Right*? For to what purpoſe ſerve theſe Statutes, if they may be Fined and Impriſoned without Law, according to the Diſcretion of the Commiſſioners? What have they done that they (that they alone) of all the People of this happy Iſland muſt be diſinherited of their Birth-Right, of their Inheritance? For Prohibitions, Writs of *Habeas Corpus*, Writs of *Error*, are the Birth-right, the Inheritance of the Subjects.

‘Your Lordſhips remember the Directions I mention, that by *Magna Charta* all Proceedings ſhall be *per legale Judicium Parium, & per Legem Terræ*.

‘Now theſe Juriſdictions tell you, you ſhall proceed according to your diſcretion, *ſecundum ſanas Diſcretiones*, that is, you ſhall do what you pleaſe; only that we may not ſuſpect this Diſcretion will be gentler and kinder to us than the Law; ſpecial proviſion is made in the Inſtructions, That no Fine, no Puniſhment ſhall be leſs than by the Law is appointed, by no means, but as much greater as your Diſcretion ſhall think fit. And indeed in this Improvement, we find Arbitrary Courts are very pregnant; if the Law require my good Behaviour, this Diſcretion makes me cloſe Priſoner; if the Law ſets me upon the Pillory, this Diſcretion appoints me to leave my Ears there. To proceed according to Diſcretion, is to proceed according to Law, which is *ſumma Diſcretio*, but not according to their private Conceit or Affection: For *Talis Diſcretio* (ſaith the Law) *Diſcretionem Confundit*: And ſuch a Confuſion hath this Diſcretion in theſe Inſtructions produced, as if Diſcretion were only to act with Rage and Fury. No Inconvenience, no Miſchief, no Diſgrace, that the malice, or inſolence, or curioſity of theſe Commiſſioners had a mind to bring upon that People; but through the Latitude and Power of this Diſcretion the poor People hath felt this Diſcretion hath bin the Quickſand which hath ſwallowed up their Property, their Liberty: I beſeech your Lordſhips reſcue them from this Diſcretion.

‘Truly, my Lords, theſe vexed worn-People of the North, are not Suitors to your Lordſhips to regulate this Court, or to reform 'the Judges of it, but for extirpating theſe Judges, and the utter 'aboliſhing this Court; they are of *Cato's* mind, who would not ſubmit to *Cæſar* for his life, ſaying, He would not be beholden to a Tyrant for injuſtice; for it was injuſtice in him to take upon him to ſave 'a Mans life, over whom he had no power.

And afterwards the King gave his conſent, that this Court be abſolutely taken away by Act of Parliament.

A Plea and Demurrer over-ruled, and an Anſwer expunged in Star-Chamber all but four words and ten laſt lines.

At the latter end of the month of *March* this Year, an Information was prefered in the Court of *Star-Chamber* by *William Noy*, his Majeſty's then Attorny General, againſt *John Overman* and fifteen other *Soap-makers* Defendents, charging them with ſeveral Offences, contrary to diverſe *Letters Patents* and *Proclamations*, touching the making and uttering Soap, and uſing the Trade of Soap-makers, and other Offences in the ſaid Information mentioned. Whereunto the Defendents did Plead and Demur as to part, and anſwer to the other part of the ſaid Information: And the ſaid Plea and Demurrer being over-ruled, for that the Particulars therein inſiſted upon, would appear more fully after Anſwer and Proof: Therefore the Defendents were ordered to anſwer without prejudice, and were to be admitted to ſuch Exceptions to the ſaid Information, and advantages of the matter of the Plea and Demurrer upon the Hearing, as ſhall be material; and accordingly the Defendents did put in their Anſwer, and did ſet forth ſeveral Acts of *Parliament*, *Letters-Patents*, *Charters*, *Cuſtoms*, and *Acts* of Common Council of the City of *London*, and other Matters material conducing to their Defence, and in concluſion pleaded *not guilty*.

That Sir *Robert Berkley*, then being one of the Juſtices of the Court of *Kings Bench*, the 30*th* of *March*, in the eight Year of his Majeſty's then Reign, 1632, upon an Order of Reference to him and others, by the ſaid Court of *Star-Chamber*, to conſider of the impertinency of the ſaid Anſwers, did certifie the ſaid Court of *Star-Chamber*, That the whole Anſwers, excepting four words, and ten laſt lines, ſhould be expunged, leaving thereby no more ſubſtance of the ſaid Anſwers than the Plea of, *Not Guilty*.

And after upon a Reference to him and others, by Order of the ſaid Court of the impertinency of the Interrogatories and Depoſitions of Witneſſes taken on the Defendents part; in the ſame Cauſe the ſaid Sir *R.B.* the 2*d* of *May*, in the 8*th* Year of his then Majeſty's Reign, certified that 39 of the ſaid Interrogatories, and the Depoſitions upon them taken, ſhould be ſuppreſſed, and were expunged and ſuppreſſed according to the ſaid Certificate.

Both which ſaid Certificates were ſaid to be contrary to Law and Juſtice, and contrary to his the ſaid *R. B's* own knowledg, and contrary to the ſaid former Order, whereby the advantages were ſaved to the Defendents as aforeſaid; and by reaſon thereof the ſaid *John Overman*, and the ſaid other fifteen Defendents, were Sentenced in the ſaid Court of *Star-Chamber*, to be committed to the *Fleet*, and diſabled from uſing their Trade of *Soap-makers*, and one of them Fined in the ſum of 1500 *l.* two of them in 1000 *l.* apiece, four of them in a thouſand Marks apiece; which Fines were eſtreated into the *Exchequer* without any mitigation.

And the ſaid Defendents, according to the ſaid Sentence, were Impriſoned, and deprived of their Trade and Livelihood, tending to the

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the utter ruin of the ſaid Defendents, and to the overthrow of *Free Trade*, and contrary to the *Liberty of Subjects*.

The ſaid Judge being afterwards Impeached by the Houſe of Commons, in the *Lords Houſe*, for this, and for his Opinion in the caſe of Shipmony, and other matters laid to his charge; ſubmitted to a Fine of 10000 *l.* ſo not ſtanding to a Tryal upon the Impeachment, he made no defence, which if he had done, we ſhould here have done him right in mentioning the ſame.

Let us return to the Affairs in *Germany*, to be informed what Progreſs hath been made in the *Embaſsy* to the King of *Sweden*, for the advantage of the Prince *Elector Palatine*.

In *July* the *Ambaſſador* had his laſt Audience.

Towards the middle of *July* the Ambaſſador had his laſt Audience of the King of *Sweden*, about the reſtauration of the *Palſgrave* to his Dominions in the *Palatinate*, at which time the King of *Sweden* diſcourſed of Propoſals to this effect, (if the Copy I go by be right.)

1. *That the* Palſgrave *ſhould hold his Country as a Donative of the King of* Sweden.

2. *That he ſhould make no Martial Levies without the* Swedes *conſent.*

3. *That during this War he ſhould furniſh the* Swedes *with ſo many thouſand Men upon his own Pay.*

4. *That two of his chiefeſt Towns ſhould ſtand Cautionaries for the performing of Covenants.*

5. *That he ſhould make no League nor Article with any other Prince without the* Swedes *conſent.*

The *Ambaſſador*'s Anſwer to the King of *Sweden* concerning his unreaſonable Demands as to the Prince Elector *Palatin*

The Ambaſſador being moved at theſe Propoſals, as too hard and diſhonourable for the *Prince Elector Palatine* to accept of, uttered ſome words to the King of *Sweden* to this purpoſe.

That he hoped the great Succeſs which that King had in Germany*: and lately at the Battle at* Lipſwick, *did not heighten him in making theſe Demands, ſo as to forget the grounds of his Declaration, to reſtore the Liberty of* Germany, *or to forget his Maſter the King of* Great Britain, *who had ſent him the Aſſiſtance of ſix thouſand Men under the conduct of the Marqueſs of* Hamilton, *and the great Charge the King his Maſter was at in the raiſing, arming, tranſporting, and maintaining of thoſe Men, without any Conditions of Retribution from that King, and wherein his Maſter had expended above an hundred thouſand pounds.*

The King of *Sweden* huff'd at this Diſcourſe, yet at this time conquered the greatneſs of his Paſſion, but fell a quarrelling with the *Ambaſſador*, as if he had prevaricated from his Inſtructions, and that by his diſcourſe on ſome Points he ſeem'd to be *Hiſpanized*, as if his Deſign tended more in favour of *Spain* than *Germany*. This occaſioned a ſmart Reply from the *Ambaſſador* to that King, who when he heard it, fell into a great Fury, ſtamping up and down in a Rage and Diſcompoſure of Mind, and ſo they parted.

But afterwards, on *July* 19, that King ſent his Secretary to the *Ambaſſador*,

baſſador, who told him the King his Maſter could not agree to the Conditions propounded by him. The King of *Sweden* urging a Defenſive League, and for a limited time: But the *Ambaſſador* propounded a League only of Aſſiſtance, and the time indefinite and arbitrary.

Of theſe Proceedings the Ambaſſador gave an Account to Secretary *Cook*, to communicate to the King his Maſter, the King of *Sweden*'s abrupt breaking off this Treaty in this manner, as is expreſſed in the Letter to Mr. Secretary *Cook*.

Sent by Mounſieur *Curtius*, together with a Diſpatch bearing date the 9th of *Auguſt*.

'That this King was not ſo prompt *in breaking off the Treaty*, and 'offering me his Recreditive, as he is *now ſlow* in performing the 'ſame, and giving me no Anſwer in writing to my *Memorial*. I have 'often preſſed my *Departure*, but am ſtill held up with *good words* and 'Excuſes; and finding he is not willing I ſhould yet go from his Camp, 'in that he conceives it may be prejudicial to his Affairs, having often 'prayed me to ſtay. I have ſollicited for a *Paſs* for my Secretary to go for '*England*, which he promiſed me at firſt, but *delayeth* it from day to 'day, and ſo hath kept him up there *ten days*. By what I hear, it ſhould 'ſeem he hath bin *too raſh* in breaking off the *Treaty*, and would fain ſet 'it on foot again; for afar off (not directly) ſo much hath been intimated unto me; and ſome of this King's Miniſters have been ſpeaking 'of *new Articles*, but I not hearkning thereunto, hear no more of it, 'being reſolved whatſoever future Overture ſhall be made unto me, 'not to entertain any, but civilly to excuſe the ſame, until I receive 'his Majeſty's Pleaſure unto this Diſpatch; and I do intend to tranſport my ſelf from this King's Camp towards *Strasburg* as ſoon as I can 'poſſibly diſingage my ſelf from him, and there to make my Reſidence, 'judging it to be the fitteſt place; for the Armies cannot long ſtay in 'theſe parts, and I know not where they can live, but in the Land of '*Wirtenburgh* and *Alſace*, all other Countries being already ſpoiled, ſo 'as I ſhall be near this King; if there ſhould be any occaſion for my 'return towards him if recalled. I am upon the *Rhine*, and may return 'either through *France* or the *Low Countries* as his Majeſty ſhall direct.

'Both Armies being faſt in their Works, keep themſelves within their 'Retrenchments, without attempting any thing one upon the other, 'but in little Skirmiſhes, ſometimes upon the Forragers, ſometimes 'upon the Guards. But in the end he ordered Col. *Dubartle* to go and 'Petard the Town of *FredStare*, where there was a Gariſon, and burn 'the ſame, it being a Magazine of Corn for the Enemy, and the Poſt 'between *Regenberg* and their Camp. At break of day, being arrived, 'he put two Petars to the Ports, but they failing, he put Ladders to 'the Walls, ſcaled them, and ſo entred the Town. He found few Souldiers there, thoſe that were, were in their Beds; ſo as finding no reſiſtance, he ſet fire on the Town in ſeven or eight ſeveral places, burnt 'their Magazines, wherein were great quantities of Corn and Meal, 'and ſo retired.

'The ſame morning, being the 30*th* inſtant, this King had Advertiſement that certain Troops were marched out of the Enemies Camp; 'he apprehending their intent was to cut off *Dubartle*'s Retreat, marches 'with a Party of 300 Muſquetiers, and 4000 Horſe, to ſecure the ſame; 'upon the way he underſtood that Serjeant Major General *Sparre* was 'near thereabouts with thirteen Companies of *Croats*, and 500 Foot; 'the King thereupon advances with ſome Troops, *Sparre* retires with the

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'the Infantry and ſome Troops of his Horſe, and under ſavour thereof gives a *brave Salvo* with his Muſquetiers upon four Troops of Horſe led on by Col. *Strife*, and upon the King's Foot, where was killed on the King's ſide Col. *Riſe* who commanded the Foot, a Gentleman of the King's Chamber, one of his Pages, and divers of his Muſquetiers. On the Enemies ſide, it is eſteemed that there were two hundered left dead upon the place, and as many taken Priſoners, among which there was Serjeant Major General *Sparre*, Leiut. Col. *Gorden*, & Capt. *Leſlie* Scotſmen, two Leiutenants and one Enſign, all which were that night brought to the King's Camp, with one Cornet and two Colonels. The King hath of late propoſed to the Deputies of *Francfort*, this Town, *Ulme*, *Strasburg*, to which he would alſo have joined the Country of *Wirtenberg*, to take into conſideration the preſent ſtate of the War, that amongſt themſelves they would think of raiſing Contributions, the ways and means how to pay his Armies which he hath declared unto them (conſidering the preſent ſtrength of the Enemy) muſt not be leſs than three Armies, each one conſiſting of 27000 Foot and 4000 Horſe. How welcom this Propoſition is to them, your Honour may well judg, for the Deputy of *Straſburgh*, excuſing that Town, in regard of their *Neutrality* with other Princes, and Situation, which ſhould they not keep, their Country would be burnt and ſpoiled. This *King* replied publickly in the face of the whole Court, that they had proceeded ſo coldly in the Cauſe of their Religion and Liberty, that they deſerved not only their Country, but their Town to be burnt and ſpoiled.

'This King expects within a few days an Ambaſſador from the French King, it is thought it is upon the old ground of *Neutrality* for *Bavaria*, and the Catholic League, but my Opinion is, *Bavaria* will not upon any Terms fall off from his new Alliances with the Houſe of *Auſtria*, though I underſtand he is tampering and treating underhand with the *Evangelics*, giving them aſſurance of his Affection towards them, and his Reſolution to ſtand for the Preſervation of the Liberty of *Germany*, which is the only Reaſon that induceth me to apprehend, that this Embaſſie from *France* may be to draw the *Evangelics* and that Duke to a better underſtanding, and upon the old ground of removing the Empire from the Houſe of *Auſtria*, which if it be, your Honour may be aſſured the *States* have their parts therein alſo.

'The Elector of *Saxe* hath ſent, or permitted four Regiments of Horſe and Foot, to join themſelves to the Army of *William* Duke of *Saxe-Wiſmar*, they are joined to him, and are at *Sweinfurt*. The Chancellor with his Army at *Wortzberg*, and the Landgrave of *Heſſe* joined to him. This King preſſes me much to ſtay with him until his Armies be joined; which I cannot well refuſe, though I deſire much to be gone from hence; for Men die faſt both in the Town and Camp: I cannot tell what to make of the Buſineſs between this King and the Elector of *Saxe*; for notwithſtanding he is marched into *Sileſia*, as the Letters from *Lipſick* ſay this day, and the laſt Troops are joined, *&c.* This King told *Sparre* upon the taking of him Priſoner, that he had been much imploied between *Fridland* and *Sax*; that he knew that which imported him both in his Honour and Safety, that if he would not diſcover unto him truly all things, he would piſtol him upon the place. Unto which he made him this Anſwer, That he 'would diſcover as much as he could do with his Honour.

'The third Inſtant *Camerarius* brought me the Recreditive from this King, the which I have herewith ſent your Honour. It is not abſolutely in the manner he told me it would be, when he brought me this King's Verbal Reſolutions concerning the Treaty, in Anſwer to my laſt Memorial. It is uſual with this King to repent himſelf when the Blow is given; for he hath often told me, ſince the Occaſion at *Munchen*, ſpeaking with regret of that Proceeding, That he would give all he had to be Maſter of his Paſſions; but that when he begins but to be moved, he hath ſomething riſes in his Brain, that makes him forget what he ſaith or doth; that this he finds in himſelf, and the Inconveniencies that grow thereof, as ſoon as he is poſed again; but yet he cannot get it maſtered, though he hath often deſigned the ſame; and therefore he hopes God and all the World will forgive him.

'*Camerarius* told me farther in this King's Name, That he deſired me to reſide with him, for that if any overture of Peace ſhould be ſet on foot between him and his Enemies, he had rather employ his Majeſty's Ambaſſador than any, and me in particular. This King hath that imperfection, that for the preſent end he can put himſelf into any ſhape. This Propoſition I knew not well how to refuſe, ſince his Recreditive is not abſolute, but mixt; and that I know not upon what terms ſtands his Majeſty's other Treaties of Reſtitution, my ſelf judging it neceſſary for his Majeſty's Service, to keep this King in Appetite, and not to be looſe of him, until I receive anſwer by this Bearer to this Diſpatch; and therefore I accepted thereof with all civility and reſpect, having regard to your Honours Orders, which I received by the Diſpatch which Sir *Jacob Aſhley* brought; though I am ſtill of Opinion, That this King intends not Peace but in caſe of neceſſity; but that he ſeeing that the reſiding of his Majeſty's Ambaſſador by him in this Conjuncture, is a countenancing of his Affairs; ſo his going from him conſequently will be a diſcountenancing of them; and that this King will never part with what he holds in the *Palatinate*, though it may be counſellable, if a General Treaty ſhould enſue, to keep fair with him that he do no hurt; and ſo from them that have had their hands in oppreſſing of that unfortunate Prince, to endeavour a Reſtitution, whilſt there any hope from him or his.

'There was two days ſince taken Priſoner one Capt. *Leſlie*, who ſerves the Emperor in *Fridland*'s Army; he tells me, That *Saxe* is fallen off from the Agreement made between him and *Fridland*; that there hath bin ſent by *Fridland* divers Regiments out of his Army to join with *Don Baltazar*, who commands the Army in *Bohemia*, with order to fall into the *Hereditary Countries* of the Elector of *Saxe*: He ſaith boaſtingly, That *Fridland* and *Bavaria*'s Armies lying about us here, are 80000 Men; that they expect out of *Bohemia*, *Auſtria*, and the other *Hereditary Countries* of the Emperor 30000 more that are now leavying; but withal privately confeſſeth, That in their Army there is great want of Bread, and that if a Blow ſhould be given to the Imperialiſts, this King having poſſeſſed himſelf of the Rivers and Paſſes, *Vienna* will run a hazard, for that they have upon this occaſion of *Fridland*'s Expedition, put up their late Effort; ſo as it is probable, whoſoever God will give the maſtery unto in 'this preſent Occaſion (if it comes to Blows) will have the Affairs of *Germany* in his power; and ſhould this King prevail, it will cauſe great Revolutions, which before this Bearer can return unto me, apparently may be more clearly ſeen into.

'Since *Leſlie* was with me, one brought me a Letter written by the Elector of *Saxe* to the Marqueſs of *Cullinback*, wherein he adviſeth him to a Peace, for that the Empire cannot longer ſuffer War without total ſubverſion: So as of that Duke's Proceeding, I know not what to judg: This *Cullinback* is of the Houſe of *Brandenburgh*, and at preſent with this King. I have long ſince written for Blanks, to which you have hitherto made no Anſwer; I conceive them to be of uſe, eſpecially if the Affairs tend to Accommodation. *Fridland* ſpoke with much affection of his Majeſty, and caſt out words as if he would be a Friend (if he were ſought unto in the reſtitution of the *Palatinate*) as Affairs may be. His Majeſty may have cauſe to make uſe of him. I purpoſe to ſee him; if the Blanks I have ſo long ſince written for, were by me, I could the better introduce my ſelf by one of them. The Jealouſies remain ſtill between *Fridland* and *Bavaria*; And if the *French* ſhall again engage themſelves with that Duke of *Fridland*, it may be of uſe.

Norremburgh, 19 *Aug.* 1632.

Your Honours, &c.

The beginning of this Month of *Auguſt*, his Majeſty of *England* writ this Letter to the Marqueſs of *Hamilton*.

The King's Letter to M. *Hamilton* to make an excuſe and to come for *England*.

JAMES,

I Have received three Letters from you by James Leſley, *about the* 25th *of* July, *all which I aſſure you have given me very good ſatisfaction, as well for your right underſtanding of Affairs in general, as to give me a light how to direct you in particular, which at this time is the only ſubject of mine. One of two you muſt chuſe, either to ſtay, or come away: For the firſt, it were very honourable to do (in the times of Action) if you had an Emploiment; but neither having, or likely to have any hereafter, it were dulneſs, not patience, to ſtay any longer; yet it is fit to come off handſomly, neither ſhewing impatience nor diſcontentment (if may be); although I think you have cauſe for both: therefore I have commanded* Henry Vane *to propoſe a new Emploiment for you; which though I think it will not take effect, yet it will ſhew there is no way unſought for to find you out an Emploiment with the King of* Sweden; *it is, that you may be ſent into the* Palatinate, *to aſſiſt the* French *with ſo many Men as my Contribution will maintain; which if it may be done, they promiſe me to put the* Lower Palatinate *in my hands. This, though I do not hold as Goſpel, yet if this Deſign might be put in practice, it might certainly prove uſeful to my Affairs: This being denied, (as I think it will) you have no more to do, but to ſeek a fair Excuſe to come hence, which will be beſt in my Opinion, upon the Concluſion of the Treaty between* Sweden *and Me: Or if any Rubs ariſe, that you might be ſent to clear it with me.*

So that upon the whole Matter my Judgment is, That if you cannot ſerve

ſerve me in the Palatinate, *(as I have already ſaid) the beſt way is, That you take the firſt civil excuſe to come home to*

8 Caroli.

Oatlands, Aug. 1.
1632.

Your loving Couſin, and

faithful Friend,

CHARLES R.

POSTSCRIPT.

David Ramſey *will (as I imagin) meet with you before you come hither, which if he do, I hope you will remember what I have ſaid concerning him already.*

The 24*th* of this Month, the Ambaſſador writ another Letter to Mr. Secretary *Cook.*

Norrenburgh, Auguſt 24.

A further Account by Sir *Henry Vane* of his Embaſſy.

'THe 12*th* of this preſent, I diſpatched my Secretary *Curtius* unto 'your Honour, by the way of *Hamburgh*, the only Paſs was 'then open; God grant he arrive ſafe; for two days after his departure, the Imperialiſts inveſted the ſame; He brings you the knowledg of the Affairs, and particularly how this King hath broken the 'Treaty. The 18*th* of this preſent, the King's Forces, under the 'Command of the Dukes of *Saxe, Wimar*, his Chancellor *Baneire*, 'and all his other Generals, joined themſelves to the King, a Dutch 'mile and a half from this Town, the Imperialiſts not ſo much as making an offer to hinder the ſame.

'Thoſe Armies make in all 13000 Foot & 8000 Horſe; this day they 'advanced within a Dutch mile and leſs of this Town, and are encamped between it and *Furth*, where I ſaw them in Battale; to the 'Eye they ſeem to be good Men: This King ſpeaks, that to morrow 'he will encamp them near, approach the Imperialiſts Camp, and cannonade them out of their Trenches; but that is ſooner ſaid than 'done, and will be difficult to effect, though ſomething will be done 'within theſe few days, the iſſue whereof I purpoſe to attend; and 'yet I am of Opinion, that neither Party will come to a formal Battel, but in caſe of a remarkable advantage.

'The King of *Bohemia*, notwithſtanding the breaking off the Treaty, ſeems to me to have more hope than ever, and to believe, that 'the King of *Sweden* will reſtore him his Country, (God grant he be 'not deceived) unleſs it be in ſuch a manner, that it may not be peradventure worthy of his acceptation; but he believing the ſame, I 'conceive it not to be my Part to undeceive him; and upon this occaſion, I ſhall propoſe unto your Honour, what way in my Opinion 'will be beſt for his Majeſty to take in the Negotiation of the *Palatine*'s Intereſt, making judgment of the Affairs as now they are; for his 'Majeſty to continue an Ambaſſador longer here, I aſſure my ſelf his 'Majeſty ſhill not think fit. To deſert him or his Affairs abſolutely, 'I know his Majeſty will never do it: Neceſſary and requiſite it is to 'have an Agent reſident with this King, to have an eye upon the

‘Affairs, and leave the King of *Bohemia* to treat for himſelf, ſince he hath ſo confident a Faith, that by him he ſhall have his Countries reſtored; for he hath told Marqueſs *Hamilton* and my ſelf, within theſe few days, That he doubts not but to keep his Winter Quarters in *Heydelburgh*. And in this way his Majeſty may contribute to him of his Bounty towards ſuch an Accord, (if he ſhall approve thereof).

The King of *Great Britain* being by this time fully informed by his Ambaſſadors, and by the Marqueſs, of the Tranſaction of Affairs with the King of *Sweden*, and the little hopes of ſucceſs, wrote this enſuing Letter to the King of *Sweden*.

CHARLES, &c. To the moſt Serene and Puiſſant Prince, our Brother, Couſin, and moſt dear Friend, *Guſtavus Adolphus*, &c. Health and proſperous Succeſs.

The King of *Great Britain* his Letter to the King of *Sweden*, recalling his Ambaſſador.

Most Serene Prince, Brother, Couſin, and moſt dear Kinſman; We have very ſatisfactorily underſtood by our Letters, *that you embrace Our Friendſhip with ſingular fervency; and We alſo in like manner have not only, with the moſt imaginable Candor and Conſtancy made uſe of, but earneſtly catch'd at all Opportunities; not ſolely for the promoting of the Common Cauſe, but principally to maintain and adorn your Dignity and Welfare by all poſſible means: Nor do We queſtion but that your Serenity is ſufficiently convinced of this Matter, and that not ſo much by the frequency of Our Letters, as by the good Offices which we have decreed, rather to accumulate upon, than repeat. Yet this upon your Account is not to be paſſed over in ſilence, That We have ſent, as it were, out of our Boſom, the* Marqueſs of Hamilton, *Our intimate Kinſman, a famous Pledg of Our Love, with an intire Regiment, at Our own Charges, to the remote Parts of* Germany, *that he might devote himſelf to your Service; by the Report of which Supplies, not only your Enemies, who are variouſly diſtracted one among another, but the Princes alſo of your Aſſociates, and Burgers, or Freemen, are kept and confirm'd in their Fidelity.*

At length this laſt Embaſſy of Ratifying a League with you, which is thus ordered; that firſt of all, We ſhould Act and Convene about an Auxiliary League for the recovery of Our Brother's Paternal Inheritance; and afterward, if need requires, of a Social One for the common Good and Safety; and this Method is moſt exactly preſcribed in Our Letters of Credence, and Inſtructions to Our Ambaſſador Henry Vane Knight, *one of Our Privy-Counſellors, and Chief Officer in Our Court, which he hath faithfully obſerved; nor did that Form which he received from Us ſignify any more, than that he ſhould more fully explain this Our Opinion, That what ſeemed convenient in your Judgment, might be at laſt communicated, without expence of Time, Wherein your Serenity, as well as all good Men, have had ſufficient experience beyond all Controverſy: That We never made any Alteration, either as to the Nature of the League, nor concerning the Power of Our Ambaſſador; nor ever revoked any thing about which he once Convened; nor that We ever proceeded at any time dubiouſly or ſcrupulouſly, but ever conſtantly maintained and fulfilled thoſe things which became a moſt Juſt Prince, moſt ſtudious of your Welfare, a great lover* *of our Brother, and finally the moſt Religious Propugnator of the Publick Good. But becauſe it does not ſeems convenient in your Opinion to obſerve the way We have laid down, We leave it to your Prudence, and ſo at this preſent recalling Our Ambaſſador to other Offices, We wiſh you Health, and pray for your Felicity.*

Your Serenities Good Brother and Couſin,

CHARLES *R.*

Upon the Ambaſſador's receit of this Letter from his Maſter to the King of *Sweden*, requiring his Ambaſſador's Return, the Ambaſſador thought fit to write this enſuing Letter to the *King*, to excuſe his not coming in Perſon to take his Leave.

Sir Hen. Vane, Ambaſſador, writes to the K. of Sweden.

SIR,

THe King having thought fit to call me home, and withal commanded me to convey this Letter to your Majeſty, which is in anſwer to that you were pleas'd to write by my Secretary Curtius. *It is not without a moſt ſenſible regret, that I am neceſſitated by expreſs Order to undertake my Voiage forthwith, and hereby be depriv'd of the opportunity to kiſs your Majeſty's hands again, and deliver you the ſaid Letter in perſon; your Majeſty ſhall receive it, if you pleaſe, from the hands of the ſaid* Curtius, *who being appointed by the King my Maſter to reſide near your Majeſty, to manage his Affairs; I beſeech your Majeſty to believe, that tho the Commands of my King force me far from your Perſon, yet I ſhall ever be ready in the Deſign I have, to render you my moſt humble Service upon all occaſions, and to preſerve the Quality of,*

Your Majeſty's moſt humble and
moſt obedient Servant

Strasburg *the* 31 *of* Octob.
1632.

H. Vane.

The Ambaſſador wrote a Letter alſo to the King of *Bohemia*, giving him notice, that his Maſter had recalled him home.

SIR,

BY *the return of my Secretary* Curtius, *I have received Order from the King to return to him with all diligence, and for the preſent to leave* Germany. *If this Revocation obſtruct my continuance in your Majeſty's Service in theſe Parts; yet I am confident that I ſhall ſtill be Maſter of greater opportunities to employ my ſelf at Court; where probably, I may be more capable of procuring your Majeſty's deſires, then I have bin hitherto; being near a Maſter who has a greater deſire then ever not to abandon his former Reſolutions to your advantage. Your Majeſty may give an infallible conjecture thereof; that notwithſtanding my being called home, he hath thought good to eſtabliſh my ſaid Secretary for the continuation of his Affairs with the King of* Sweden; *and to the end that your Majeſty might have a more ample Information; I have ordered him to go directly to* Mentz, *to give you an account of the Tranſactions, that have paſſed here in* England, *and to preſent my moſt humble excuſe to you, that upon my poſitive directions which oblige me with all diligence to accelerate my return, I have diſpenſed with the going ſo far out of my way, reſolving to take a ſhorter Cut through* France, *and to ſail to* England *from* Calais. *In the interim, if your Majeſty imagin, that it may conduce to your Service, to lay any Commands upon me* *before I arrive in* England, *I have ſent with the ſaid* Curtius *a* Courier, *who will overtake me in the way, and will bring me your Majeſty's abſolute Reſolutions. I do daily reſolve with all the power I have to put them in execution, it being my deſign of perſiſting in the real reſolution, of remaining,*

Sir,

Your Majeſty's moſt humble and moſt obedient Servant,

Starſburgh 31 Octob.
1632.

H. Vane.

The Ambaſſador at his departure left theſe Inſtructions for Mr. *Curtius* his Majeſty's Agent with the King of *Sweden*, according unto which he was to govern himſelf with that King and the King of *Bohemia*.

The Ambaſſadors Inſtructions to Mr. *Curtius*.

1. The King of *Sweden* being now by the event of War in the Elector of *Saxes* Countries, or thereabouts, you are from hence to go to *Mentz* (it not being out of your way to the ſaid King) there to attend his Majeſty of *Bohemia*, and to give him all aſſurance of the continuation of his Majeſty's love and affection towards him and his, howſoever the Treaty ſo long agitated betwixt the two Kings hath bin thought fit by the King of *Sweden* to be remitted till a more convenient time.

2. If you ſhall find that the King of *Bohemia* ſhall further preſs you upon particulars concerning the Treaty, you are to let him know, that the Collonels *Pebely* and *Kelbe* having been deputed from his Majeſty to my Lord Ambaſſador the day before his coming from *Nuremberg* to confer with his Lordſhip upon that King's Affairs, which Conference, it was thought fit and neceſſary by them, that a motion ſhould be made by his Lordſhip to the King of *Great Britain*, not to begin any further Treaty with the King of *Sweden*, or permit him to make any more Levies in his Dominions, until he ſhould firſt conſent and reſtore to him what he poſſeſſed of his in the *Palatinate*. His Lordſhip after ſome Conference with the ſaid Deputies upon that Affair condeſcended to that motion, ſo he might be aſſured before his departure, that it was their Maſter's pleaſure to ſend unto his Reſident in *England* to ſecond the ſame. Hereupon the ſaid Deputies returned accordingly and declared unto his Lordſhip, that as ſoon as his Majeſty ſhould arrive at *Francfort*, he would diſpatch an expreſs into *England* with Orders to Sir *Francis Netherſole* to move it alſo; you are to ſignifie unto that King that upon your departure from thence, the ſaid Expreſs was not yet arrived.

3. And becauſe new overtures of Treaty are made unto that King by the King of *Swedens* Miniſters, you are to enquire particularly what thoſe are, and how they are entertained by his Majeſty.

4. You are likewiſe to inform your ſelf how far the *French* King hath an eye upon the Proceedings of the King of *Sweden* with the Town of *Strasburg* what they do now in the *Palatinate*, and what the French may contribute thereunto, and in particular concerning *Frankendal* what deſigns, or aims either of the ſaid Princes have upon that Town, and whether the *Spaniards* might not be induced to conſign the ſame into his Majeſty of *Great Britain*'s or the King of *Bohemia*'s hand.

5. Laſtly, That you uſe all poſſible induſtry to diſcover thoſe who

for the time paſt have endeavoured, or for the future ſhall endeavour either by Letters or otherwiſe to do ill Offices, or work miſunderſtandings between the two Kings of *Great Britain* and *Sweden*, with whom it is moſt neceſſary for the good of the Publick, there ſhould be a ſtrict and perfect Intelligence.

The King of *Bohemia* having great confidence in the King of *Sweden*'s Aſſiſtance, for his Reſtauration, writes his mind frankly to the Ambaſſador from *Lec Hauſen* near *Auſpurg* to this effect.

The King of *Bohemia* his Letter to the Ambaſſador.

I *Received your Letter after I had paſſed the River* Lech. *I do not queſtion but you have already underſtood the Paſſages here, that* Tilly *and* Altrin *have been wounded; The Duke of* Bavaria *has abandoned* Newburgh, *and retired to* Ingoldſtadt. *I will now give you an Account of the Surrender of* Auſpurgh; *The Gariſon quitted the place this Afternoon, being 3500 ſtrong, and the King's Forces are entred; himſelf hath taken a Survey of the Town without the Walls, and to morrow will make his Entrance. So all things ſucceed according to deſire. I am very glad of the hopes you give me that I ſhall be ſo happy as to ſee you. I preſume the ſeaſon will keep you here at* Frankfurt *a long time. For my own part I have no cauſe to complain; for the King is ſtill of a very good humour, and continues the teſtimony of his great affection for me and my Concerns. I do not preſs him to any thing as yet, I hope all will go well; I ſhall not ſwell this Letter to any greater bulk, but only to aſſure you that I ſhall ever remain*

From Lec-Hauſen
near Auſpurg.

Your moſt affectionate
Friend,

Frederic.

Marqueſs *Hamilton*'s Army reduced to two Regiments,

Duke *William* of *Saxon Weymour*, Leivtenant General to the King of *Sweden*, was ſent to by that King to take the *Engliſh* and *Scotiſh* Forces of the Marqueſs of *Hamilton*'s Army under his Conduct, who were by that Duke reduced to two Regiments; the firſt was that of the Engliſh, over whom was *William Balladine*, a Scotiſh Gentleman, made Colonel, and *Terwhit* Lieut. Colonel.

Who are ordered to march to relieve the King before *Noremberg*.

Of the Scotiſh Regiment *Alex. Hamilton* was made Colonel. Here lay both the Regiments until they were drawn out by order from Duke *William* to go with him to diſingage the King before *Norembergh*, where they peiced in with two Regiments of Foot more, the blew Regiment whereof *Roſs* was Colonel, and the Green Regiment was led by Col. *Warder*, to whom were joined a Regiment of Horſe and four Companies of Foot, thence they go to *Lutzen* in *Miſnia* (where a Battle was afterwards fought) of which more in its proper time.

The King of *England* had kind thoughts for Sir *Jacob Aſhley*.

The King of *England* having notice of this Reducement of his Army, intimated to the Marqueſs the high Eſteem he had of the worth of Sir *Jacob Aſhly*. And writ to him, that he could have wiſhed that the Engliſh Regiment that was reduced had been conferred on Sir *Jacob Aſhley*, but the King of *Sweden* was otherwiſe inclined.

If it were not troubleſom to the *Reader*, we would willingly give him (before we totally leave *Germany*, and though the Ambaſſador is come away) a brief Account of ſome Military Engagement by the *Swedes*

Swede's Army, wherein the *Engliſh* and *Scots* were concerned in the Action.

The taking of *Crutzenack* by Aſſault, the Kings of *Sweden* and *Bohemia* preſent.

The King of *Sweden*, upon his March out of *Bavaria*, in the beginning of *February* (*Old Stile*) 1632, had a deſign to reduce the Strong Caſtle of *Crutzenack*, and came in Perſon, and the King of *Bohemia* with him, to ſee the ſame performed, and gave particular Directions for the Approaches, it being a place of conſiderable Strength, and where he met with conſiderable Reſiſtance from the Gariſon of the *Spaniards* there; however after having ſprung a Mine, and given three Aſſaults, which were performed by the *Engliſh* and *French* Voluntiers in his Army, the Place was carried by them, though not without ſundry being killed, and almoſt all of them wounded in the Aſſaults: At laſt they obliged the Governor of the Caſtle to demand Quarter, and the Capitulation was made by the then *William* Lord *Craven*, and Col. *Boulin* Quarter-maſter General of the King of *Sweden*'s Army. The Conditions were to march away with their Arms within three hours, under a *Swediſh* Convoy. A *French* Marqueſs, Col. *Talbot*, of the Houſe of *Shrewsbury*, and Capt. *Douglaſs*, ſlain; The Lord *Craven*, Leiut.Col.*Winde*, Sir *Francis Fane*, of the Houſe of *Weſtmerland*, Mr. *Robert Marſham*, were all wounded.

The King of *Sweden* and *Bohemia* were preſent when the Aſſaults were made; and though this place was ſo taken by Aſſault, yet it is remarkable that none were put to the Sword after they were Maſters of it; the which was acknowledged by the Governor of the Caſtle, as a great clemency in the King of *Sweden*, and of thoſe *Engliſh* and *French* Voluntiers who gave them ſo frankly their Lives. When the Lord *Craven* came afterwards into the King of *Sweden*'s Preſence, the King told him, *He adventured ſo deſperately, he bid his younger Brother fair play for his Eſtate.*

After the taking of the Caſtle, the King of *Sweden* deſigned for *Frankendale*; but *Tilly*, Lieutenant General to the Duke of *Bavaria*, having contrary to the Truce agreed upon (through the Interceſſion of the *French* King's Miniſters) between the King of *Sweden* and the Elector of *Bavaria*, appointed to beat up the Quarters of *Guſtavus Horn* (the King of *Sweden*'s Field Marſhal) at *Bambourgh* in *Franconia*, the King changed that Reſolution, being highly diſpleaſed with *Tilly* for breach of Faith, and cauſed his Army to march directly towards *Bavaria*, where in his way he met with great Difficulties, both to gain the Paſſage over the *Danube*, more eſpecially over the *Lech*; yet was performed by him with extraordinary Prudence, Expedition, and Succeſs: for having viewed the latter, and finding an advantage of the Ground, whereby to facilitate his making a Bridg over the River, under the favour of his Cannon, he mounted in one Nights time near 120 Pieces of Battery, with which he did cruelly annoy *Tilly*'s Army, which was incamped and intrenched under a Wood on the other ſide of the River, where General *Tilly* received a ſhot in his Knee by a Cannon Bullet, and General *Altringer* was hurt in the Head; ſo the Army quitted the Poſt, and the King, without any loſs, gained that important Paſſage into *Bavaria*; and *Tilly* was carried in a Horſe-Litter to *Ingoldſtadt*, where he languiſhed, and died ſhortly after; for whoſe Death there was great ſorrow among the *Catholick Confederate Germans* and *Spaniards*.

Which advantage of the Paſſage was purſued by the King after his Army was refreſhed, till by the News of the Enemies approaching to *Ulm* to beſiege it, he broke up towards the Relief of that Place, but the Siege not going forward, he ſetled his Quarters near *Noremburgh*, where *Walleſtein* with the Imperial Army poſted himſelf likewiſe to bar the King's Paſſage forwards into *Bohemia*.

A further Account of the Paſſages at the Lech, *is given thus by another hand.*

The King of *Sweden* paſſeth the River *Lech*, playing hard upon *Tilly* with his Cannon.

The Enterprize was dangerous, and altogether impoſſible, as ſome conjectur'd, fearing the deſtruction of the Army might enſue thereupon. But the King's Courage and Reſolution ſurmounted all things, and made that Paſſage as acceſſible to him as others. The King of *Sweden* underſtanding the Serpentine Windings of the *Lech*, which form'd it ſelf at every turning into the figure of a half Moon, immediately he took up a Reſolution to prevail, for he intrenched himſelf, and raiſed three Batteries, which was contrived and executed without delay, in one Nights time.

As ſoon as the Batteries were made upon the Banks of the River, they went to work with 72 Cannon-pieces, which plaid upon ſix Regiments of *Tilly*'s Army, lodged in the Forreſt oppoſite to them. The *Swedes* plaied with the Cannon very ſeverely, without intermiſſion; the Bullets flying into the Wood, made a moſt dreadful noiſe among the Trees and Men: Theſe Cannon-ſhot did not only blind the *Bavarians*, but promoted the making a Bridg of Boats on the River near *Oberndorf*, by reaſon of the Smoke. As ſoon as it was raiſed, the King of *Sweden* commands ſome of his Companies to paſs and intrench on the other ſide of the River; which was done before the Enemy could well perceive it. Col. *Vangler* had the Honour, and Lieut. Col. *Ferbaſe* to paſs firſt, at the head of 300 commanded Men; the King being extreamly ſatisfied with the Action, in making a Paſs over the River.

The Imperialiſts vainly attempt to hinder the *Swede's* Paſſage.

As ſoon as *Tilly* had notice of it, he ordered four Pieces of Cannon to beat down the Bridg, and the Defences of the Terrace-Work. Before it could be made uſe of, He commanded ſeveral Regiments to attaque them, but the *Swedes* did incredible things till they were reinforced; which coming very ſeaſonably, after three obſtinate Aſſaults on both ſides, the *Bavarians* were forced to leave them in poſſeſſion, both of the Bridg and Half-moon.

The King of *Sweden* advanced his Troops with all poſſible diligence to paſs the River in Perſon, but the *Bavarians* did not ſtay till his arrival, for they diſlodged in the Night with great confuſion, and withdrew themſelves, part to *Newburgh*, and part of them to *Ingoldſtadt*.

Tilly wounded in the Knee with a Cannon Bullet.

Carried wounded to *Ingoldſtadt*.

Tilly was wounded in this Combat, and the *Bavarians* hereupon began to loſe their Courage; he was ſtruck with a Bullet of three pounds weight above the Knee, after it had made ſeveral rebounds; they had much ado to carry him off, for they were conſtrained to halt ſeveral times in the Retreat, and look after his Horſe-Litter; and whether it was the jogging thereof that incommoded him, the loſs of Blood, and the pain that he endured, the one and the other, made him fall into ſuch *Syncopes* and ſwooning Fits, that they often took him for

He dies at *Ingoldſtadt.*

dead, before they could carry him to *Ingoldſtadt*, where they thought to ſet his Knee, but all in vain; for after they had taken out of his Thigh four broken Bones, with unutterable torment to him, his Weakneſs, Age, and Grief, together with his Vexation and Melancholy brought him to his Grave.

His loſs was very much regretted by his own Party, and had bin more, but for his misfortune at the Battel of *Lipſick*, and ſince that which beſel him after his Conqueſts. Many then remember the words of the Adminiſtrator ſpoken after the ſlaughter of *Magdenburgh*; *That Blood could not be expiated but by Blood*; *and that the Actions of Murderers were very ominous to the Souldery, ſooner or later.* In fine; except ſome of thoſe Miſadventures mentioned, *Tilly*'s Reputation was unſpotted, and his Courage, Valour, Experience, his Credit with Men of War, his Conduct, and his ſignaliz'd Services to his own Party for many Years, might juſtly challenge, on his behalf, the Title of one of the Greateſt Commanders of the Age. He obliged the Souldiers to cheriſh his Memory by a Legacy of 60000 Rixdollers, which he bequeathed to the *Veteran Regiments* that had ſerv'd under him.

His Legacy to the Souldiers.

The King of *Sweden* in great danger at *Ingoldſtadt*:

The King of *Sweden* having gained the Paſs over the *Lech*, marches into *Bavaria*, deſtroyed eighty great Towns, Caſtles, and Villages, *Ingoldſtadt* only excepted.

The King of *Sweden* advanced ſomewhat too near, to ſatiſfy himſelf of the ſcituation of *Ingoldſtadt*, according to his uſual cuſtom, mounted upon a Gray Horſe: The Engineers of *Ingoldſtadt* conceiving ſome Perſon extraordinary in that Equipage, ſo level'd the Shot, that a Bullet took his Horſe in the Crupper, and covered him with Blood and Duſt. All his Retinue were in an unexpreſſible Terror, but they were ſoon changed into matchleſs Joys, when they underſtood their Head was ſafe, and their King ready to mount another Horſe, without any other Tranſport, and returned God thanks for his Preſervation.

All the Camp bore a part in this Aſtoniſhment and Joy, and ſupplicated the King carefully to manage the Lives of ſo many Millions of Souls as depended (under God) on his Conduct, ſince his Courage would not permit him to manage his own.

The King of *Sweden*'s Anſwer to the Recommendation of his Army to manage his Life more warily.

The King replied; *That the Bullet that ſaluted him ſo near that day, did put him in mind that he was Mortal, and ſubject to the ſame Accident as the meaneſt of his Souldiers, and to that general Law, which no Crowns, Victories, nor Armies can avoid. That it remained only for him to reſign himſelf to God's Providence, and that his Comrades who had their Arms in hand with him, ſhould firmly believe, that the Juſtice of the Cauſe, for which they expoſed themſelves to the hazard of Arms, had other dependency than his Life only. That the* German *Liberty would not want Maintainers, nor theſe Perſons here Succeſs, as long as they kept themſelves in God's Way.*

After the Death of *Tilly*, the Emperor was in great diſtraction how to preſerve the Empire, half of it being already ſubdued by the *Swede*; and the Duke of *Saxony* in a manner Maſter of *Bohemia*. The *Landgrave* of *Heſs* caſt himſelf on the *Swede's* ſide; and the danger to the Empire ſeemed ſo great, as it ſtagger'd the Duke of *Bavaria*, his Country being now almoſt ruined, whether to ſtand any longer to the Houſe of *Auſtria.*

The Emperor after many Conſultations, and the extremity of the Affairs of *Germany* requiring it, obliged him to have recourſe to *Walleſtein*, whom he had formerly caſheer'd at the Diet at *Ratisbon*, as the only Perſon that ſeemed capable to ſave the *Empire* from Ruin; And the Duke of *Bavaria*, who had contributed much to the laying of *Wallenſtein* aſide from his Command, (and whom he perfectly hated) yet, ſeeing the Danger of his own Country, wherein the *Swede* had made great devaſtation, he ſeemingly complied with the Emperor to make *Wallenſtein Generaliſſimo*. And now was the Emperor put to great Difficulties how to gain *Wallenſtein* to accept of that Command; whereupon he privately permitted his Relations and Kindred to go unto him to ſound his Inclinations, and to tell him what an Honour it would be to him once more to be *Generaliſſimo* of the Empire, and ſo to ſpread his Fame throughout the World: But *Wallenſtein* well perceived the Artifice. He now ſaw the Buſineſs brought under his hands to effect the ſecret Deſign which he had in his Thoughts; ſo he anſwered his near Relations very ſparingly and modeſtly, that he was grown old, and deſired to remain Quiet, and not to be robbed of his Repoſe; and did much deplore the Misfortune of his Soveraign, the Emperor, as if he had bin deeply affected for him, having at that time Revenge in his Heart againſt the Emperor, for the ſaid Affront put upon him.

But at laſt ſeeing himſelf inceſſantly preſſed, he gave fained words, promiſing his Service but for four Months only, in which time he would undertake to raiſe an Army of 30000 Men; but declared, He would be Sole and Abſolute during that time, meaning not to be commanded by the King of *Hungary*, *Ferdinando* the Emperor's Son. For *Wallenſtein* retained privately in his Thoughts to uſurp the Kingdom of *Bohemia*, and to Act ſo for future, as to make himſelf King thereof.

His Acceptance of this Command gave Reputation to the Affairs of the Emperor; he gave out Commiſſions to levy 60 Regiments, and in two Months time raiſed an Army of 30000 Men, having ſome ſupply of Monies from the Emperor, and the Princes, and great Courtiers about the Emperor, who did contribute much towards that Service. His Army was no ſooner ready, but he ſent to *Vienna*, that the Emperor would ſend a General to command them; in the mean time he put in Emploiment the divers Colonels and Captains, and other Officers, whom he had retained ſince the time that he was diſmiſſed his Command; and his Kinſmen and Confidents had the greateſt command under him. At which the Miniſters of *Spain* and *Bavaria* were ſtartled, and feared he ſhould continue in Command, apprehending he had a Deſign of his own to revenge Injuries, and therefore would have had the Emperor to make *Ferdinando* King of *Hungary*, his Son to be *Generaliſſimo*; but the Conditions of Affairs was ſuch in the Empire, as they muſt caſt themſelves upon *Wallenſtein*, and upon his own Terms.

And by the beginning of *April*, he marched with his Army towards *Bohemia* to recover the City of *Prague* from the Duke of *Saxony*, wherein the Duke had 7000 Soldiers; and Summons being given, the Duke refuſed; *Wallenſtein* makes a Breach with his Cannon, and

An.1632. Commands the leſſer City to be Stormed, but the *Saxons* beat them off many times; but *Walleſtein* reſolving not to ſpare Mans Fleſh, makes his Horſe drive the Foot on again, and ſo overlays the *Saxons* with numbers and frequent attempts by Arms, that he by force enters this leſſer City, which preſently brought the other City to Compoſition, to go out with their Lives and Baggage, only with Swords by their ſides, and leaving their Colours, and other Arms behind them. Hereupon *Walleſtein* ſends the Colours he had taken to *Vienna*, and the Emperor creates him Duke of great *Glogau* in *Sileſia*.

And *Walleſtein* acted very ſucceſsfully in *Bohemia*, ſo that in the month of *June* he took *Egra* a ſtrong Gariſon Town, and other places. About the 17*th* of *June*, *Walleſtein* and *Bavaria* join all their Forces againſt the King of *Sweden*, reſolving to viſit him at *Noremburgh*, where the King had intrenched himſelf, being too weak at that time to Encounter *Walleſtein* and *Bavaria*, and *Walleſtein* makes his Head-Quarters betwixt *Noremburgh* and *Furt*, where *July* the 4*th* he ſate down and intrenches himſelf, having the faſtneſs of the Woods, and the tops of the Hills, and the advantage of being between the two Rivers *Rednitz* and *Pegnitz*. Thus did *Walleſtein* put his Army betwixt the King's Camp, and the Country of *Franconia*, whence his Forces and Victuals were to come, yet the King alſo had the help of the Town of *Noremburgh* to ſupply the Army with Proviſions.

On the 18*th* of *Auguſt* the King had drawn together thoſe Forces, which he had ſent abroad under the Commands of *Oxenſtern*, the two Dukes of *Weymar*, the Landgrave of *Heſſein* and *Bannier*, and on the 21*ſt* of *Auguſt* the King took a veiw of the whole Army drawn up into Battalia before *Walleſtein*'s Trenches, and ſtood in that poſture all day to make a Brave upon him, the King's Army conſiſting of 26000 Marching Men in Field & Battalia,and at this time in good health and luſty: but notwithſtanding this Bravado, *Walleſtein* would not budg a foot out of his Quarters, thereupon the King caſt up three great Batteries, and from thence played inceſſently into *Wallenſteins* Quarters, he thundring the like into the *Swedes* Quarters. But the next day, (*Auguſt* 22.) the King perceiving the *Walleſteiners* wiſely withdrawing themſelves out of the Beat and Raking of the Swediſh Ordnance, the King diſmounted his Cannon, and removed to poſſeſs himſelf of a certain Hill, which commanded *Walleſtein*'s Leaguer, hoping to beat him out of his Quarters, and to force him to fight. Which *Walleſtein* perceiving, retired himſelf into the Foreſt called *Altemburgh*, where he made uſe of an old Fortreſs, and ſtrongly intrenches himſelf, and barracado'd up all the ways, by cutting down round him the Trees. The Hill was very high and ſteep, craggy and buſhy.

But, notwithſtanding all Diſcouragements, the King having got all his Army together, reſolved to force *Walleſtein* out of his Trenches by Aſſault, which many of his own Commanders, as well as Scotiſh Officers, would have perſuaded the King againſt making an Attempt upon him on ſo great Diſadvantage. But the King underſtanding the Emperor had ſent to *Walleſtein* to avoid fighting, to weary out the *Swede* by delays, was the rather reſolved to attaque him in his Trenches, the King of *Bohemia* and Marqueſs *Hamilton* being at this time with the King of *Sweden*, were Eye-witneſſes of what followed preſently after in a ſharp Encounter.

On the *Noremburg* ſide of his Trenches the King caſt up three great Batteries, and from thence played inceſſantly into *Walleſtein*'s Quarters, he thundering as furiouſly upon the *Swede* again. General *Bannier* at that time was ſhot in the left Arm above the Elbow.

The King cauſed ſome greater pieces of Ordnance to be mounted upon his Batteries, and ſeeing then they did no hurt to the Enemy, for *Walleſtein*'s Men drew out of the reach of the Swediſh Ordnance; Hereupon the King cauſed his Ordnance to be diſmounted, and drew the *Noremburgers* out of their Trenches, and that day paſſed moſt part of his Army over the River *Rednitz*, a little above *Furts*, where the *Engliſh* and *Scots* were placed to ſecure the Paſs.

Auguſt 24.

Walleſtein perceiving the King's intention to poſſeſs himſelf of a certain Hill which would greatly advantage the King to beat up his Quarters, thereupon retired into the Foreſt called *Altemburgh*, and ſtrongly intrencht himſelf, and barracaded up all the Ways, cutting down all the Trees round about, having a high Hill, and very ſteep for his advantage; nevertheleſs the King reſolved to fall upon him in his Trenches.

Walleſtein intrenches at *Altembergh*.

The Aſſault.

The King himſelf led the Van-Guard of the left Wing, Duke *William* of *Saxon Weymer* had the honour of the Battel to cloſe up the King's right hand, and Duke *Barnard* with the *Landgrave* of *Heſſen*, brought up the Rear; ſome of theſe Troops were ſent to fall upon the ruinous old Caſtle of *Altembergh* on the Hill, the winning and defending of which old Caſtle ſpent ten hours time; on both ſides many a brave Gentleman there loſt his life, many wounded, and many taken Priſoners. Then the King himſelf led on his Men cloſe to the Enemies Works and Batteries, but *Wallenſtein* made a ſtout reſiſtance, having the advantage of the higher Ground, Trenches and Batteries, maintained the Fight with extremity of confidence; the Cannons and Muſquets firing all day long, both ſides were deſperate in maintaining the Fight with Terror, Fury and Obſtinancy, Regiment attaquing Regiment, until the greater part of the Foot on both ſides were throughly ingaged in the Medly. Moſt of the *Swedes* being come down from the Caſtle to the Plain, there began another Encounter, the Enemies Curiaſſiers iſſuing out upon the *Swedes* Muſquetiers, did ſo much overlay them, that they forced them to give ground, and many brave Commanders of the *Swedes* there taken and ſlain.

The King leads on his Men.

A deſperate Fight.

The night beginning now to approach, put an end to the Skirmiſh, and both ſides began to fall off from one another, having loſt their Sight rather than their Courage. Thus was there a drawn Battel. The *Swedes* indeed loſt their Hopes, and the *Imperialiſts* kept their Ground; the King did now (when too late) call to mind that many of his own, as well as *Scots* Officers, perſuaded him againſt this ſo raſh Attempt.

The night parts them.

A drawn Battel.

Now it was high time for the King of *Sweden* to ſound a Retreat; and much better had it been (ſaith one Hiſtorian) that a Charge had never bin ſounded: it was almoſt an impoſſible thing to get up the Mountain and attaque that old Caſtle without huge Diſadvantages.

Better never begun.

In this late Action on the King's ſide were ſlain the Count *Erſpac*, Maj. Gen. *Boetius*, and divers of the *Engliſh* and *Scots*; And now the King perceiving that *Walleſtein* was reſolved to tire him out with expectation of a Battel, and that he would upon no other Terms accept of the Encounter, judged it his beſt courſe to leave the ſullen General in the faſtneſs of his Trenches, ſeeing he would not be drawn to a

Commanders ſlain.

Feild Fight. So the King reſolved to enter into Action by way of diverſion, having ſecured *Noremberg*, a place which had been good to, and tender of his Army, by leaving *Kniphauſen* with ſufficient Forces to defend the place againſt *Wallenſtein*; ſo the King reſolves to fall into *Bavaria* amongſt ſome of the Catholick Leaguers Lands, and to force out *Walleſtein* by that diverſion: And on the 8*th* of *September* the King diſlodges, and *Walleſtein* diſlodges likewiſe.

Afterwards there happened many Encounters between Parties of both Armies, which we forbear to mention, leſt it weary the Reader, therefore accept a breif account of the King's return to *Noremburg*, and of the Battel at *Lutzen*, *Novem.6.* 1632. where the King of *Sweden* was Slain, referring to a more large account in the *Appendix*.

The King at *Naumburgh*.

On *Thurſday November* the 1*ſt* the King of *Sweden* arrived at *Naumburgh*, and the ſame day went out upon a Party for diſcovering the Enemy; after him, that afternoon went out theſe three Engliſh Gentlemen, L. Col. *Francis Terwhit*, Serj. Maj. *John Paulet*, and Capt. *Edward Fielding*. Theſe three taking the right hand way, the King being gone on the left, fell into an Ambuſh of the *Crabats*. The firſt and the laſt were taken Priſoners, and were carried into the Imperial Leguer, and kept under a Gaurd in the rear of the Army all the day of the great Battle at *Lutzen*. *Walleſtein* marched to *Lutzen*, where, and in the Towns thereabouts, his whole Army Quartered.

Two *Engliſh* Commanders taken priſoners, Detained till the Battel was over.

The King thereupon parted out of *Naumburgh*, and doubled his March, yet it was night before the Army could get within two Engliſh miles of *Lutzen*. The King had an ill Paſs to get over within two miles of *Lutzen*, and the King had another Paſs right againſt that which the *Imperialiſts* had poſſeſſed: he from thence let fly ſome Pieces of Ordnance among them, to let them know he challenges them to Fight, but they not liking the place, marched off in the night.

The King challenges the Imperialiſts to fight.

The *Imperial* Army was in a terrible Hubbub at the King's ſudden coming and getting over the Paſs, and *Walleſtein* began to think of places more advantagious to engage in Battel. He mounted his Ordnance upon the Windmill Hills, and then began to caſt up a Trench of Earth about them, working all night, and to make the Hedges and Ditches to ſerve for Breaſtworks to lodge his Muſquetiers in.

The Day of Battel.

A great Miſt.

The Word.

Tueſday, the fatal ſixth of *November* began to draw near, the Drums beat a March towards the Enemy, but the morning proved ſo miſty, that it was impoſſible to ſee which way to march; but about eight of the clock the Miſt brake up; the King having made a Speech at the Head of his own Forces, and to the *German* Troops, gave the Word to the Souldiers, which was **God with Us**; *Walleſtein*'s Word was the ſame which *Tilly* had, *Jeſu Maria*; the King advanced about nine of the clock and ſhot off his warning Peice. The King's Army having all the way a full view of the Imperial Army, by which they perceived *Walleſtein* had much overpowered them in numbers, having a mighty long Front much above an Engliſh mile, from one Wing-end to another, which might well be, for *Walleſtein*'s Diſcipline was to march ten deep in File, and not many in Reſerves. The Armies being come within Cannon-ſhot, the great Ordnance began to play terribly on both ſides, till they joined Battel, and came to a cloſe Fight, wherein the King of *Sweden* was ſlain; or rather in a Party of Horſe with which he went before the Fight to diſcover the Poſture of the Enemy before the Miſt brake up, and was ſurpriſed by the Curiaſiers, and the *King* and the King and his Party cut off; yet the Victory was obtained over *Wallenſtein* and his whole Army. As for the Particulars and Circumſtances attending this Battel, ſee more at large in the *Appendix*.

The Death of three Kings.

This Year was remarkable for the Death of three Kings; *Sigiſmond* King of *Poland*, who died the *29th* of *April*; *Guſtavus Adolphus* King of *Sweden*, who was ſlain on the Bed of Honour, *November* the *6th*; and *Frederick* King of *Bohemia*, who died of the Infection the *19th* of *November*.

Wallenſtein's Ambition and Revenge.

Wallenſtein Duke of *Fridland*, and the Emperor's *Generaliſſimo*, and a Prince of the Empire, was near his End; which gives us occaſion to ſpeak ſomething of that great Commander, by former Succeſſes over the *Danes* and *Saxons*; who having collected his Forces at *Egra* in *Bohemia*, and paid them three Months Pay in Mony, took the Oaths of Officers and Souldiers to himſelf, without naming the Emperor at all. And now his Revenge for being caſhiered at the Diet at *Ratiſbon*, breaks out, and the Diſcovery is made, That he was to join with the *Swede*, and ſhare all between them, and *Wallenſtein* to be made King of *Bohemia*.

The Emperor ſeeing the Danger he was in, makes ſure of the Garriſon of *Prague*, the Capital City of *Bohemia*, by a round Sum of Money.

Wallenſtein murdered.

Two of the Emperor's Colonels, *Gordon* and *Leſlie*, Scots, and *Butler* an Iriſh Officer, being faithful to the Emperor, and abhorring the Deſign of *Wallenſtein* to betray his Maſter, conſpire *Wallenſtein's* Death: and *Butler* comes firſt to him in his Bed-Chamber at *Egra*, as he was dreſſed for his Bed, cried out unto him, *Thou Traitor to the Emperor and Empire*, and ran him through the Body with his Partiſan ſtark dead, and threw him out of the Window (as ſome write) and thus ended that Ambitious and Revengeful Man.

Wallenſtine's Character.

This Character is given of him, That he was the Son of a Baron in *Bohemia*, and not raiſed from the Plough, as ſome would have it; for a Baron in *Bohemia* is one of the greateſt Lords in that Kingdom, in which there are neither Dukes nor Marqueſſes. The Barons being ſo jealous of their Dignity, that if a Stranger Duke would be naturalized *Bohemian*, they would oblige him to quit his Title, and to content himſelf with theirs.

His Father brought him up in the Proteſtant Religion, and would have had him apply himſelf to Letters; but his turbulent Spirit inclined not that way, which induced his Parents to ſend him to Court ſooner than they intended. So they preſented him Page to the Marqueſs of *Burgh*, Son to the Arch-Duke *Ferdinand* of *Inſpurg*; whilſt he remained there, falling from a high Window, without hurting himſelf, he turned Roman Catholick; fancying, that after this happy Eſcape, he was reſerved for ſomething extraordinary; ſo he quit his Maſter, and travelled through *Germany*, into *England*, *France*, *Italy*, and other parts; and having much improved himſelf, returned into *Germany*.

The Troubles of *Bohemia* following, and the Nobility of that Kingdom confederating againſt the Emperor, *Wallenſtine* was employed by the Emperor, he defeated 6000 *Hungarians* with fifteen Troops of

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of Horſe, which purchaſed him very extream Fame, and very extream Envy.

In this high Emploiment he added much to his Reputation, in taking the Town and Dioceſs of *Halberſtadt*; conquered *Hall* and its Biſhoprick; waſted the Territories of *Magdenburgh*, entred into thoſe of *Anhalt*, fortified *Deſſan*, defeated *Mansfield*, and with him 4000 *Flemmings*, the chief Force of the *Daniſh* Army. After that, perceiving that *Mansfield* and *Weymour*, with their Forces, bent towards *Hungary* by way of *Sileſia*, to give Life to the Rebellion, and join with *Bethlem Gabor*; he purſued *Bethlem* and *Mansfield*, and finding them at the Siege of *Novegrade*, vanquiſhed them, cut in pieces the Janiſaries that were come to the Succour of *Tranſilvania*, and drove *Mansfield* out of *Germany*, who had bin its Terror for ſo many Years; returning into *Sileſia*, where he found *Weimour* dead, he obliging half his Troops to ſurrender themſelves, and overcame the reſt; took in all the Revolted Towns, and after he had pacified the Hereditary Provinces, led his Victorious Army, ſtrengthened by that of *Tilly*, againſt the King of *Denmark*.

With theſe great Forces, he defies the Marqueſs of *Urluch*, conquers the Archbiſhoprick of *Bream* and *Holſace*; filled his Troops out of the new Levies that *Charles* of *Lawenburgh* had raiſed for the Enemy; rendred himſelf Maſter of all that lies between the Ocean and the *Baltick*-Sea, leaving the King of *Denmark* nothing but *Glucſtadt*, and that little corner of Land which is ſeparated from the reſt of his Dominions. *Wallenſtein* drove the King of *Denmark* out of *Pomerania*, into which Province he had made a Deſcent and Progreſs, forcing him to remount his Ships, where yet perhaps he had not found his ſafety, if *Wallenſtein* had had Sea-Forces; inſomuch as from that time to the Peace of *Lubeck*, the *Dane* never enterprized any thing, contenting himſelf to ſuccour thoſe of the *Sound*, who were only able to ſtop the torrent of the Imperial Arms, which ſo many Nations had in vain oppoſed.

In this flouriſhing Eſtate of the Empire, leaves *Tilly* Lieutenant General to the Duke of *Bavaria* in *Frize*, to take up his Winter-Quarters; but in effect it was, that the Emperor might not have any longer the Duke of *Bavaria* for Companion, and that himſelf might remain without Competitor, ſole Director of all things.

Ferdinando the Emperor conferred on *Wallenſtein* the Dukedome of *Mecklenburgh*, who became Maſter of that Eſtate and Title. He ſecures himſelf of all the Ports in the *Baltick*-Sea except the *Sound*, to which he lays violent Siege.

And now he might quietly have enjoyed the Glory of his great and faithful Services, if his Ambition (that was always above his Fortune) had not tranſported him; he was ſtiled *Highneſs*, Eating alone, ſtamping Mony, ſoliciting Audiences, affecting to reſemble Kings; which corrupted the ſolidity of Vertue, and he was brought to an untimely end.

2000 Engliſh ſent to the aſſiſtance of the *Muſcovites*.

The Emperor of *Muſcovia* having a deſign to regain a great Town out of the King of *Poland*'s Poſſeſſion, called *Smolenskoe*, being a ſtrong Place, lying in the Borders of *Poland*, formerly taken by *Sigiſmond* King of *Poland* from the *Muſcovite*; he applied himſelf to the King of *Great Britain* for leave to raiſe 2000 Engliſh Men; to which the King gave conſent, and recommended Colonel *Thomas Sanderſon* to command the Men that ſhould be raiſed. And having got a double Regiment together, he tranſported them by the *North Cape*, and landed them at *Arch-Angel*, being the North Part and Port to *Muſco.*

After they landed there, the *6th* of *Auguſt* this Year, they were nobly received and treated, and had large pay allowed unto them.

Well received and treated.

The *Muſcovites* preſently march with a great Hoſte, and lay in Siege to *Smolenskoe.*

The *Pole* marches alſo with a Potent Army to raiſe the Siege, and entrenching himſelf with all the Advantages that might be, to ſecure his Army againſt the Aſſault of the *Muſcovite*, and yet ſo ordered his Trenches, that he might by degrees ſend out ſtrong Parties to cut off Proviſions from going to the Camp of the *Muſcovite.*

The General for the *Muſcovites*, had a Deſign with 3000 Foot and Horſe, to fall upon the *Pole* in their Trenches, being weakned at that time by drawing off their Horſe to prevent the *Muſcovite* from being relieved by Proviſions. And having deſigned Colonel *Sanderſon* to command the Men, appointed him to attaque the Enemy in one Poſt: The General and he took a ſerious view of the Enemy's Camp, where to fall on. At which Colonel *Leſly*, a Scot, was offended that the General had not honoured him with that Service; and an Alarm being beaten, when they were taking the view, the General commanded *Sanderſon* to haſten to his Quarter; and in his paſſage *Leiſly* ſhot him dead with a brace of Bullets, without giving him the leaſt warning to defend himſelf.

Col. *Sanderſon* ſlain by Col. *Leſly.*

Upon which Murder, the Engliſh (in a rage) drew into a Body to be revenged upon *Leſly*; the Scots likewiſe drew into a Body, but the General prevailed with both Parties to mind their Duty againſt the Enemy, and promiſed the Murderer ſhould be ſecured, and accordingly he was put under a Guard. But the Enemy, the *Pole*, underſtanding this Diſtraction between the *Engliſh* and *Scots* in the *Muſcovite* Army, falls upon the *Muſcovites* in their Leaguer, greatly diſorders them, and kills five or ſix thouſand Men, and conſtrained the *Muſcovite* to accept of diſhonourable Terms; for a Peace was then concluded of all Matters in difference between thoſe two Princes concerning their reſpective Claims to that and other Places.

The *Pole* takes advantage of the difference between the *Engliſh* and *Scots.*

A Peace concluded.

After the General of the *Muſcovite* returned home, he had his Head cut off, and his Son the Lieutenant General, was whipt to Death about the Streets, and his Family baniſh'd for ever into the Country of *Ibera*, there to catch Sables for the Emperor's Profit.

The *Muſcovite*'s General put to Death.

The Murderer *Leſly*, after ſome time of durance in *Muſcovia*, was ſent into *England* a Priſoner; and here he was committed in Order to a Trial before the Court of *Chivalry*, where he was proſecuted by the Friends of *Sanderſon*; but that Court found they could not here puniſh Murder with Death, which was committed in a Foreign Nation. *Leſly* afterwards obtained his Pardon, and then returned again into *Muſcovia*, where he was, upon ſuſpicion of Treachery, impriſoned and condemned to Die; and from the top of a High Tower was flung down upon ſharp Stakes, and Spikes fixed in the Ground; and in that torture, endured for ſome time a lingering Death.

Leſly ſent Priſoner into *England.*

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At this time a Proclamation came forth for the well ordering of the Silk-Trade to this effect following.

‘WHereas upon diſcovery of ſome notable Abuſes in the falſe Dying of Silk, which had crept in upon the Trade, by the Fraud and Covetize of ſome ill-diſpoſed Perſons; whereby beſides the unjuſt increaſe of the Weights, the Silk was weakned and corrupted, and the Colour made worſe, to the great abuſe of Us and Our Subjects, and to the apparent overthrow of the whole Trade, if the ſame ſhould not have bin prevented: We taking into Our Princely conſideration the many Benefits that do redound to Our loving Subjects, by the Importation of Raw Silk from Foreign Parts, and working the ſame into Manufactures here at home, whereby multitudes of Our poor People are daily ſet on Work and maintained, though to Our own loſs; did heretofore, by our Publick Proclamation, given at Our Court at *Farnham*, the ninth day of *Auguſt*, in the ſixth Year of Our Raign, utterly forbid the uſe of all ſuch Deceit and Falſity in the Dying of Silks, and for the preſent did thereby preſcribe ſome Rules to be obſerved for the preventing of the like Abuſes thereafter, until upon ſerious and mature deliberation, by the Advice of Our Council, We ſhould be able to make a more abſolute Reformation.

‘And whereas We finding by experience upon other Trades, That this ſo great and good a Work was not throughly and perfectly to be done and performed by any other way, than by a Corporation to conſiſt of thoſe Perſons and Members thereof, who having knowledg in the ſeveral Trades or Myſteries of Working and Dying of Silk, could beſt take timely notice of, and diſcover the ſeveral Deceits and Abuſes, which otherwiſe would from time to time be attempted and uſed therein; upon mature conſideration, did thereunto incline Us unto the way tending to the encreaſe of the ſaid Trade, and maintaining the eſtimation thereof, (which we much deſire); and thereupon by Our Letters Patents, bearing date at *Weſtminſter* the twentieth day of *May* laſt, did Conſtitute, Ordain, and Declare, That the Perſons therein named, being Perſons uſing the Trade of Buying, Selling, or Working of Silk, Gold, and Silver Thread, and the ſeveral Manufactures thereof, and their Succeſſors, ſhould for ever hereafter be one Body Politick and Corporate, by the Name of the *Governour and Company of Silkmen of* London, for the well ordering of the Silk Trade throughout the Kingdom of *England*; thereby giving them full Power and Authority, to Make, Ordain, and Eſtabliſh all, or any ſuch Laws, Statutes, Acts, Orders, Conſtitutions, and Ordinances, for the good Government, Order and Rule of the ſaid Governour and Company, and every or any of them: As alſo all and ſingular other Subjects of Us, Our Heirs and Succeſſors, reſiding within Our Kingdoms of *England*, *Ireland*, and Dominion of *Wales*; and intermedling with, or in any wiſe uſing or exerciſing the Art, Trade, or Myſtery of a Silk-Man, Selling or Working of Silk, Gold or Silver Thread, or Manufactures made of them, every or any of them, as to them ſhould ſeem meet and convenient, for the taking away, puniſhing and pre-

'venting all preſent and future Abuſes, that then had, or at any time 'then after ſhould or might ariſe, or grow upon the ſame Trade, 'in the Throwing, Twiſting, Dying, Mixing, Weaving, Working, 'or Selling of Silk, or Silk-Wares, or Gold or Silver-Thread; or in 'the ſeveral Manufactures made of them, every or any of them, and 'alſo all other Abuſes whatſoever, from time to time, growing or ariſing upon the Silk Trade.

'And the ſame Statutes, Laws, Acts, Orders, Conſtitutions and 'Ordinances ſo had and made, to put in uſe and execution accordingly; and at their pleaſure to Revoke, Repeal, and Diſſolve the 'ſame, or any or them.

'Which Letters Patents we were the rather inclined to grant, for 'that We repoſed ſpecial Truſt and Confidence in thoſe of the ſaid 'Company, for the well-ordering of the ſaid Trade, and taking away 'the Abuſes uſed therein. That whatſoever Silk ſhould be found to 'be thereafter heavy dyed, ſhall be burnt and deſtroyed.

'And in regard of the certain Weights ſet by a former Proclamation, We have repoſed ſpecial Confidence in the Care and Induſtry of 'the ſaid Governor and Company, to command Obedience thereunto.

Titles of PROCLAMATIONS, *&c.*

Pro Anno 1632.

A Proclamation commanding a due Execution of Laws, concerning *Lent and Faſting Days*. *Greenwich*, June 24.

A Proclamation commanding the Gentry to keep their Reſidence at their Manſions in the Country, and forbiding them to make their Habitations in *London*, and places adjoining. *Greenwich*, June 20.

A Proclamation inhibiting the reſort of his Majeſty's People to the Court for Cure of the *King's Evil*, and to reſtrain the acceſs of others from Infected Places. *Greenwich*, June 20.

A Proclamation concerning the well-making of Soap. *Greenwich*, June 28.

A Proclamation concerning the Poſt-Maſter of *England* for Foreign Parts. *Oatlands*, July 19.

A Proclamation to reſtrain the Tranſportation of Corn, Wooll, Wooll-fells, Fullers-Earth, and Leather. *Hampton-Court*, Sept. 30.

In Cam. Stell. Coram Conc. ibid. 12. *die* Octob. *Anno Octavo* Caroli *Regis.*
Tho. Jupp.

A Proclamation concerning Gold Weights. *Whitehall*, Decemb. 20.

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Whitehall, Jan. 12. A Proclamation prohibiting the making up of Girdles, Belts, Hangers, and other Wares for Mens wearing, or for War-Service, with Braſs Buckles.

Whitehall, Feb. 18. A Proclamation for Priſing of Wine.

Whitehall, March 20. A Proclamation againſt making Collections without Licence under the Great Seal.

Whitehall, March 22. A Proclamation concerning the Priſing of *French* Wines.

Hiſtorical Collections,

for the Year, 1633.

The Arch-Biſhop of Canterburies *Diary for the Year*, 1633.

ON the 13*th* of *May*, being *Munday*, I ſet out of *London* to attend King *Charles* into *Scotland*. Arch-Biſhop of *Canterbury's* Diary.

May the 24*th* the King was to enter into *York* in State.

June 6. I came to *Barwick*; that Night I Dreamed, *that* K. B. *ſent to me in* Weſtminſter-*Church, that he was now as deſirous to ſee me as* I *him*; *and that he was then entring into the Church: I went with hope, but met another in the middle of the Church, who ſeemed to know the buſineſs, and laughed, but* K. B. *was not there.*

June 8. *Whitſon-Eve* I received Letters from *K. B.* unalterable, *&c.* by this if I return, I ſhall ſee how true or falſe my Dream is, *&c.*

Saturday, *June* 15. I was ſworn Councellor of *Scotland*.

June 18. *Tueſday* after *Trinity Sunday* K. *Charles* Crowned at *Holy-rood Church* in *Edenburgh*. I never ſaw more expreſſions of Joy than were after it, *&c.*

June 19. *Wedneſday*, I received two Letters from *K.B.* No Changling, *&c.* within three hours after, other Letters from *K. B.* believe all that I ſay, *&c.*

June 29. *Friday*, Letters from *K. B.* no *D.* true, if not to my contentment, *&c.* *June* 30. I Preached to his Majeſty in the Chappel in *Haly-rood-Houſe* at *Edenburgh*.

July 1. *Monday* I went over *Forth*, to *Brunt Iſland*.

July 2. *Tueſday* to St. *Andrews*.

July 3. *Wedneſday* over *Tay* to *Dundee*.

July 4. *Thurſday* to *Faulkland*.

July 7. *Sunday* to St. *Johnſton*.

July 8. *Munday* to *Dumblane*, and *Striveling*, my dangerous and cruel Journey, croſſing part of the *Highlands* by Coach, which was a wonder there.

July 9. *Tueſday* to *Linlithgow*, and ſo to *Edenburgh*.

July 10. *Wedneſday*, his Majeſties dangerous paſſage from *Brunt-Iſland* to *Edenburgh*.

July 11. *Thurſday* I began my Journey from *Edenburgh* towards *London*.

July 13. *Friday*, that night at *Innerweek*; I dreamed that *L. L.* came and offered to ſit above me at the *Council Table*, and that *L. H.* came in and placed him there.

Il eſt Biſhop of *Lincoln.*

Id eſt Lord of *Holland.*

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July 20. *Saturday* the King came from *Scotland* to *Greenwich*, having come Poſt from *Barwick* in four days, (being 260 Miles).

Friday, July 26. I came to my Houſe at *Fulham*, from *Scotland*.

July 28. *Sunday*, *K. B.* and I met, all the ſtrange diſcourſes miſtaken, I went away much troubled, but all ſetled again well, *Auguſt* 3. *Saturday* following.

Sunday, Auguſt 4. news came to Court of the Lord Arch-Biſhop of *Canterburies* death, and the King reſolved preſently to give it me, which he did *Auguſt* 6.

Auguſt 4. That very Morning at *Greenwich*, there came one to me ſeriouſly that vowed ability to perform it, and offered me to be a *Cardinal*: I went preſently to the King, and acquainted him both with the thing and Perſon.

Auguſt 7. *Wedneſday*, abſolute ſettlement between me and *K. B.* after I had made my caſe known at large. God bleſs me in it.

Auguſt. 14. *Wedneſday*, a report brought me that I was poyſoned.

Auguſt 17. *Saturday* I had a ſerious offer made me again to be a *Cardinal*; I was then from Court, but ſo ſoon as I came thither (which was *Wedneſday*, *Auguſt* 21.) I acquainted his Majeſty with it: but my Anſwer again was, that ſomewhat dwelt within me, which would not ſuffer that till *Rome* were other than it is.

Auguſt 25. *Sunday*, my Election to the *Arch-biſhoprick* was returned to the King, then being at *Woodſtock*.

Septemter 19. I was tranſlated to the *Arch-biſhoprick* of *Canterbury*, The Lord make me able, *&c.*

The day before, when I firſt went to *Lambeth*, my Coach, Horſes and Men ſunk to the bottom of the *Thames* in the *Ferry-Boat*, which was overladen, but I praiſe God for it, I loſt neither Man nor Horſe.

November 13. *Wedneſday*, *Richard Boyer*, who had formerly named himſelf *Lodowick*, was brought into the *Starr-Chamber*, for moſt groſly miſuſing me, and accuſing me of no leſs than *Treaſon*, &c. He had broke Priſon for *Felony* when he did this. His Cenſure is upon Record, and God forgive him. About the beginning of this Month the *Lady Davis* Propheſied againſt me, that I ſhould very few days outlive the fifth of *November*. And a little after that one *Green* came into the Court at St. *James*'s, with a great Sword by his ſide, ſwearing the King ſhould do him juſtice againſt me, or he would take another courſe with me. All the wrong I ever did this man was, that being a poor Printer, I procured him of the Company of the Stationers five pounds a Year during his Life. God preſerve me, and forgive him: he was committed to *Newgate*.

Sunday, *November* 24. in the afternoon I Chriſtned King *Charles* his ſecond Son, *James* Duke of *York*, at St. *James*'s.

A thankſgiving for the ſafe Delivery of the Queen's Majeſty, and happy Birth of the Duke of *York*.

MOST Gracious God, and Loving Father, we give thee all humble and hearty Thanks, for thy great Mercy, in bleſſing the Queens Majeſty with a happy Deliverance, in, and from the great Pains and Peril of Child-birth. We humbly beſeech thee to continue and increaſe this Bleſſing, that She may happily overcome this, and all other Dangers. That His Moſt Gracious Majeſty may long have joy in Her moſt happy Life; and both of them Comfort in the Royal Prince Charles, *and the reſt of their Princely iſſue, particularly in the Newborn Prince the Duke of* York. *That they may all prove a Healthful, Hopeful and a Succeſſful Poſterity; that both Church and Kingdom may have fulneſs of Joy in them. That ſo their Majeſties Royal Perſons may be filled with Honours in this Life, and with Eternal Happineſs in the Life to come. And this even for Jeſus Chriſt his ſake, our only Saviour and Redeemer.* Amen.

This Year His Majeſty being reſolved on a Progreſs into *Scotland*, on the 4*th* of *May* iſſued out a Proclamation to this Effect.

Concerning the Prizes of Victuals within the Verge of His Majeſties Houſhold.

'THat whereas in His Majeſties Progreſs through divers parts of the Realm, neceſſity requires, That a great number of His Majeſties Subjects, not only Noblemen, but others, attending his Service, and others for their neceſſary Occaſions, ſhould frequent thoſe places, where the King in His Royal Perſon ſhall reſort; and it is therefore requiſite that Competent Proviſions be made, that they be not expoſed to the intolerable Avarice of Bakers, Brewers, Inholders, Butchers, and Sellers of Victuals, who do ordinarily unlawfully exact and demand unreaſonable and extream Prizes for Victuals, Horſe-meat, Lodging, *&c.* above the Prizes they were ſold at before the Kings coming into thoſe Parts: Therefore His Majeſty doth Publiſh and Command, that all Perſons do keep ſuch Prizes as are and ſhall be Aſſeſſed and Rated by the Clerk of the Market of the Kings Houſhold, or his Lawful Deputy, within and without their Liberties, upon the preſentment of Jurors, by vertue of his Office Sworn and Charged from time to time.

***May* the 5th. A Proclamation for well ordering His Majeſties Court and Train in His Journey to *Scotland*, and return thence.**

'THe Kings Majeſty having taken into his Princely Conſideration ſome Incoveniences, which may fall out and happen in His intended Journey towards His Kingdom of *Scotland*, if preſent care be not had to prevent the ſame, hath thought fit, by Advice of His Privy Council to publiſh and declare, That his Royal Pleaſure and Command is, that none of his Subjects of what Degree or Quality ſoever they be, during the time of His Majeſties going and returning in the ſaid Journey, ſhall preſume within the Verge of His Majeſties Court, to take up or poſſeſs themſelves of any Lodging, of their own private Authority, but ſhall firſt receive a Billet from his Majeſties Harbingers, or ſome of them. And his Majeſty being graciouſly Pleaſed and providently Careful, to prevent ſuch Grievances, which may in this Journey happen

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‘to his loving Subjects, doth likewiſe hereby ſtraightly charge and
‘command, that none of his Majeſties Servants, nor the Servants of
‘any Noblemen, or others whatſoever ſhall in the ſaid Journey
‘preſume to take any Cart or Carts, but ſuch as ſhall be delivered
‘unto him, or them by ſome of His Majeſties Cart-takers, or their
‘Deputies: And laſtly, His Majeſty's further Will and Pleaſure is,
‘that this His Royal Proclamation and the Directions hereby given
‘and Commanded, ſhall likewiſe continue and remain in force
‘for His Majeſties Service and the good of his Subjects, in all other
‘his Majeſties future Journeys and Progreſſes whatſoever, the due
‘obſerving whereof his Majeſty expects from all his Loving Subjects,
‘as they tender His Pleaſure, and will avoid the Contrary at
‘their Perils.

Proteſtant Nunnery.

May the 13*th*. His Majeſty having appointed the Lord *Cottington*, to Sign all Pacquets, ſet forward from *London*, attended by the Earls of *Northumberland*, *Arundel*, *Pembrook*, *Southampton*, *Holland*, Marqueſs *Hamilton*, and other Nobles and Perſons of Quality. In his Progreſs he ſtept a little out of the way to view a place at *Giddon* near *Stilton* in *Northamptonſhire*, which by the vulgar ſort of People was called a *Proteſtant Nunnery*. When His Majeſty came to that place, he underſtood that it was by the Inſtitution and Appointment of one Mrs. *Mary Farrar* Widow, aged about eighty *years* (who ſaid ſhe bid adiew to all fears and hopes of this World, and only deſired to love God) and none were permitted to reſide in her Houſe and Family, but ſuch as would devote themſelves to that Courſe of Life, which ſhe by her Order had appointed, to frequent Prayers at certain Hours, Morning, Noon, Evening and Night-time; they were to Eat by Meaſure and Drink by Quantity. Within the Chappel was a Rich Altar, Crucifix, Candles of White and Green Wax, and before they went to read Prayers they bowed three times before the Altar, as they went up and came down. Thoſe that entred into that courſe of Life with them, were at liberty to uſe any Vocation within the Houſe, as binding of Books, teaching of Scholars, others ſtudying their Books. Laſtly, the Foundreſs was pleaſed to add this Liberty and Priviledge unto any that entred into that Society, that if they had a mind to Marry, they ſhould with freedom have liberty to depart.

His Majeſties Geſts were ſetled to certain time and places before he ſet out from *London*, and *Welbeck* in *Nottinghamſhire* being appointed as one Geſt, the King in His Progreſs was Treated there at a Sumptuous Feaſt, by the Earl (ſince Duke of *Newcaſtle*) eſtimated to ſtand the Earl in ſome thouſands of pounds.

After the time that His Majeſty parted from that Noble Earls Treatment, He met with great Reception by the way, and Sumptuous Feaſtings at *York*, where he made ſome ſtay, and at *Raby* Caſtle where Sir *Henry Vane*, His Majeſties late Ambaſſador to the *King* of *Denmark* and *Swedland* nobly entertained His Majeſty. And at *Durham* ſeveral days that Biſhop (Dr. *Morton*) moſt ſumptuouſly entertained his Majeſty; and the King going from thence, to the Town of *Newcaſtle*, that Place abundantly ſhewed their Duty and Affection in a Generous Entertainment of His Majeſty.

After His Majeſty parted from *Newcaſtle*, he haſtened to *Barwick*, where Mr. *Widdrington* of *Grayes-Inne*, Recorder of that *Town*, on the Second day of *June* entertained His Majeſty in His Paſſage through that Place towards *Edenburgh* with this enſuing Speech.

June the 2. Mr. *Widdringtons* Speech to the King at *Barwick*, in His Progreſs to *Scotland*, being Recorder of that Town.

Moſt Gracious and Dread Sovereign.

‘WHat the Noiſe of uſeleſs aud obſolete Canons, what theſe ſtrong yet deſolate Walls, what the Reliques of ſometimes warlike Souldiers, what the Ruines of a poor, yet ancient Burrough, what all thoſe would ſay, (if they could ſay any thing) and what all we your Majeſties humbleſt and meaneſt Subjects deſire to expreſs with an unanimous and chearful Acclamation, is no more but this, That your Majeſties Preſence doth now bring as much Joy and Comfort to us all, as ever the loſs of this Town of *Barwick* brought ſorrow to the *Engliſh* or *Scottiſh* Nation.

‘It were unſeaſonable for us to repreſent to Your Majeſties view, the Gloomy Cloud of our Preſſures and wants: No I need not do it; The Mite we are to caſt into Your Majeſties *Treaſury* will quickly tell you them; We cannot do it, for that Cloud is ſuddenly vaniſhed by the Radiant Beams of Your Sun-like Appearance. By whoſe approach theſe Ruſty Ordnances, theſe Solitary Walls, theſe Souldiers, this now deſpicable *Town*, have all inſtantly received their former Life, Luſter, and Vigour; and hence we are induced to think, that this Year (being the Year of Your Majeſties moſt Royal Progreſs) is likewiſe the Year dreamed on by *Plato*, wherein all things were to return to their former Life, Splendor and Excellency.

‘You have in Your Majeſties Eye the Repreſentative Body of the poor Town of *Barwick*, yet a Town (for *fuimus Troes*) that hath been the Delight, nay the Ranſome of Kings, a true *Helena*, for which many Bloody Battels have been fought, loſt, and regained ſeveral times, within the compaſs of one Century of Years. A Town the ſtrongeſt Fortreſs of both Your Majeſties moſt flouriſhing Kingdoms, yet upon each diſcord and diſſention, banded as a Ball between them; if held in the Hands of one, then toſſed by the other Kingdom, a Ball that never found reſt until the happy Union.

‘A Town at this day as uſeleſs, as Armes in time of Peace, yet may ſerve for Your Majeſty to caſt your Eye upon, as a little Map of both Your great Kingdoms, as a participating of the nature of both, yet doubtful whether moſt beyond the ordinary Limits of the one, and without the Juriſdiction of the other Kingdom, but conſpicuous in the Eye of both.

‘A Town neither wholly regulated by *Engliſh* or *Scottiſh* Laws, but by Cuſtoms and Uſages in ſome things different from both; yet rather inclined to *Engliſh* Laws, and more affecting *Scottiſh* Faſhions and Language, as being oftner ſaluted by the Reſcripts of the one, and ſeeing and hearing oftner the other.

‘Although now *Engliſh*, and ſo hath continued ſince the time of King *Edw.* 4., yet ſuch is our diſtance from the Center of the Kingdom, that the Lines of thoſe Felicities now enjoyed by that Kingdom, by Your Majeſties happy Government and Reſidence there, do not ſo happily Concenter in us.

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'We will know (as indeed who knoweth not) that Royal Blood running in Your Majeſties Veins, to be Extracted from the moſt Renowned Kings of both theſe Kingdoms, and by thoſe Kings, (Moſt Dread Sovereign) eſpecially by Your Royal Father of ever Bleſſed and Happy Memory, hath this Town, though in the Skirts of either Kingdom, been richly Imbroidered, with many Priviledges, Franchiſes, and Immunities: And therefore we doubt not but Your Majeſty, in whom each Man may behold the Worth of all Your Anceſtors, You being no leſs Rightful Inheritor of their Vertues, than of their Crowns, will gratiouſly maintain what they have moſt benignly granted.

'But few words are beſt to be uſed to Kings, eſpecially when they are ſpoken by an unskilful Orator. We dare boldly ſay, (Moſt Gracious and Mighty King) that our Hearts are better than our Tongues, being moſt of all unhappy in this, that they are linked with ſo bad Expreſſions.

'Yet we hope that Your Majeſty may ſee in our Countenances, what you hear not ſo fully expreſſed by our Tongues; We humbly crave Your free Pardon of the one, and Your Gracious Interpretation of the other.

'Your Majeſty is now going to place a *Diadem* upon Your moſt Sacred Head, which God and Your own Right have long ſince given into Your Hands.

'Our humble Prayers are, That not only that, but all Your other Crowns, may be unto Your Majeſty Crowns of Roſes, without the mixture of any Thorns.

'And we moſt affectionately wiſh, That the Throne of King *Charles* the Great, and wiſe Son of our Brittiſh *Solomon*, may be like that of King *David*, the Father of *Solomon*, eſtabliſhed before the Lord for ever.

The King took his Journey from *Barwick*, upon the 12 day of *June* in the ſaid Year, attended with his Retinue the *Engliſh* Nobility and others, and was met at the bound Road, near *Barwick*, by the moſt part of the Nobility of *Scotland*, and by the Gentry of the Sheriffdomes of *Barwick*, *Tiveodale*, and the 3 *Lothians*, and many more of the Gentry of *Scotland* in very Noble Equipage, and well Mounted, amongſt whom were a Troop of 600 of the Mers or *Barwick-ſhire* Gentlemen relating to, or dependants upon, the Earls of *Homes* in Green Satten Dublets, and White Tafity Scarves. That night he lay at *Dunglas* (an Houſe belonging to the Earls of *Home*) ſerved by his own Furniture and Proviſions, in reſpect there was none at that time to repreſent the Earl of *Home*, there being pretentions for the ſaid Eſtate depending betwixt the Heir-male of the ſaid Family, and the Heirs of the Line.

Upon *Thurſday* the 13. of *June* after Breakfaſt, he came from *Dunglas* to *Seaton*, an Houſe of the Earl of *Wintons*, where he was nobly entertained by the Earl, and ſtay'd there till *Friday* the 14. of *June* after Dinner.

From thence he went to *Dalkeith*, a Houſe then belonging to the Earl of *Morton*, Lord High Treaſurer of *Scotland*, where he was alſo ſumptuouſly entertained by his Lordſhip that night, and the next day at Dinner.

June the 15. on *Saturday* in the afternoon His Majeſty came from *Dalkeith*, towards *Edenburgh*, (five Miles diſtant) and entred at the *Weſt Port*, where he was Honourably received, the Keys delivered, and His Majeſty attended by the Lord *Provoſt*, *Bailiffs* and *Aldermen* in their Scarlet Robes, others of the Council and Grave Men of the City in Black Gowns lined with Velvet, and Young Men ſaid to be the number of 13 Score, cloathed in White Satten Dublets, Black Velvet Breeches, and White Silk Stockins, bearing rich Partizans and other Arms, the Train-bands of the City being ranged on each ſide the Streets through which His Majeſty paſſed. There were great Acclamations of the People, being entertained with elegant Speeches at 5 ſeveral Pageants, *viz.* 1*ſt.* At the ſaid *Weſt Port*, 2 at the *Weſt-bow*, 3 at the Old *Tolbooth*, the 4 at the *Trone*, and the 5 at the nether *Bow*. The Ceremony of that Pageant at the *Tolbooth*, there was repreſented in Effigie the whole Kings in order that had Reigned in *Scotland* ſince the Monarchy of that Kingdom, even from *Fergus* the firſt, who himſelf was repreſented therein, making a Prophetical Oration of all his Succeſſors till *Charles* the firſt the 108 King, and added, That as Heaven had propitiouſly maintained the Succeſſive Sovereignty from him to *Charles*, ſo he predicted, That as many ſhould ſucceed his Succeſſors, as he had preceding Monarchs of this Kingdom; beſides, there were ſeveral witty Speeches in Verſe. 1*ſt.* Called the Speech of *Caledonia*, repreſenting the Kingdom. 2*d.* The Song of the *Muſes* at *Parnaſſus*. 3*d.* The Speeches at the *Horoſcopal Pageant*, by the Planets, where firſt *Endymion* ſpeaks, then *Saturn*, *Jove*, *Mars*, *Sun*, *Venus*, *Mercury*, *Moon*, and laſt again *Endymion* cloſes the Ceremony, all printed amongſt the Poems of Mr. *William Drumond* of *Haythernden.*

It's here obſerved, That the whole *Scotch* Nobility did ride down the Streets according to their Degrees in Order of Parliament, next to them the Houds, the Sword, Scepter, and Crown; and immediately after the Kings Perſon; And the *Engliſh* Nobility according to their ſeveral Ranks and Degrees, and His Majeſty lighting at the *Abbey* Church-door, where Mr. *Andrew Ramſey*, a Miniſter of the City, made a very learned Oration to him in *Latin*. And from thence he went to his Pallace of *Hallyrood-houſe*,

June 16 being *Sunday*, he heard a Sermon at the Chappel *Royal.*

June 17 it being *Monday*, after Dinner His Majeſty publickly created the Earl of *Angus* Marqueſs of *Douglas*, and Chancellor *Hay* Earl of *Kinnoul*, and preſently after went in his Coach to the Caſtle of *Edenburgh*, and there was worthily entertained that night by the Earl of *Marr* Governour of the Caſtle.

The 18 of *June*, being *Tueſday*, was the Kings *Coronation* day, where all his Noble Officers of State attended the Kings Majeſty in their Robes from the *Caſtle* to the *Abbey* Church, according to their Degrees, and the Honours Veſt, Sword, Scepter, and Crown carried after the accuſtomed manner, lighting at the Church-door, and aſſuming their reſpective Places, a Sermon was Preached by *David Lindſey* then Biſhop of *Brechin* upon theſe words, 1 *Kings* 1. 39. *And all the People ſaid, God ſave King* Solomon.

After

An. 1633. After Sermon they proceeded to the Coronation, attended with all the uſual Ceremonies thereof. It was obſerved, that Dr. *Lawd*, then Biſhop of *London*, who attended the King, (being a ſtranger) was high in his carriage, taking upon him the order and managing of the Ceremonies and Coronation, and for an Inſtance, *Spotſwood* Archbiſhop of St. *Andrews* being placed at the Kings Right Hand, and *Lindſey* then Archbiſhop of *Glaſtow* at his Left, Biſhop *Lawd* took *Glaſcow*, and thruſt him from the King with theſe words; *Are you a Church-man and wants the Coat of your Order*, (which was an Imbroidered Coat, and that he ſcrupled to wear being a moderate Church-man) and in place of him put in the Biſhop of *Roſſe* at the Kings Left Hand.

At this time the Lords and Nobles of *Scotland*, ſeemed to ſtand well and equally in the Kings Favour, till after the Parliament (eſpecially the Duke of *Lenox*, and the Marqueſs of *Hamilton.*)

June the 19 *Wedneſday* was a day of Reſt, the Bands of the City diſciplined in the Palace-yard before the King and His Nobles.

June the 20 *Thurſday* the Parliament rode in order from the Kings *Pallace* to the *Parliament-houſe*, the Honours carried, and all Ceremonies obſerved, as was accuſtomed. *Spotſwood* Archbiſhop of St. *Andrews* Preached; the King made his Speech, and the Parliament proceeded to chooſe the Lords and Members of the Articles, according to their uſual manner; the Biſhops being to Nominate the Temporal Lords, there were elected 3 Lords ſuſpected to be Popiſh. Theſe Lords and Members of the *Articles* conſiſting of 8 of the Clergy, 8 of the Nobility, and 8 Barons, and 8 Burgeſſes. The manner of Election was thus:

1. The Noblemen elect the *Clergy*.
2. The Clergy elect and choſe the *Noblemen*.
3. The Elect Clergy and Noblemen choſe the *Barons*.
4. The Elect Clergy, Nobility and Barons, choſe the *Burgeſſes*.

Beſides the Officers of *State* make up that Body which deviſe, contrive, and form all Acts that are to paſs in Parliament; and being ſo preſented, are paſſed without difficulty. Theſe Members of the Articles convened daily, till the 28 day of *June*, and in the general, what the King propoſed was granted: And on *Friday* the 28 of *June* the whole Parliament met, and paſſed the ſeveral Acts, which the *Articles* had ſo prepared, being 31 publick printed Acts, beſides 176 private Acts not printed, ſuch as reſpect particular Perſons and Things are promiſcuouſly titled *Acts*, *Proteſtations*, *Ratifications*, *Commiſſions*, &c.

Vide a Liſt of Printed Acts.

The 1 and 21 Acts gave the King very great Sums of Money, *viz.* The one a Subſidy or Taxation of *Thirty Shillings* of every Pound Land of old Extent for 6 years to be paid at every Term of *Martinmas*, and alſo the 16 Penny of all Annual Rents, or Intereſt of Money, (the ſame being then at 10 *l. per Cent.*) and that for the like ſpace of 6 years to be paid Termly at *Whitſontide* and *Martinmas* equally during that time.

The other *Act* reduced the Intereſt of 10 *l. per Cent.* to 8 *l.* to be obſerved as a Law amongſt the Lieges, but in conſideration thereof the King was to have 2 *l.* out of the 10 *l.* formerly paid, and that for the ſpace of three years; all theſe made a very great Taxation.

9 *Caroli.*

In this *Parliament* there was little or no difference, except in what related to two *Acts*, *viz.* *3d* and *4th*, the one entituled an *Act anent His Majeſties Royal Prerogative, and Apparrel of Kirkemen.* The other an *Act of Ratification of the Acts touching Religion.*

Vide the Acts.

As to the former of theſe *Acts*, ſeveral Noblemen and others were not pleaſed to have the Apparel of *Kirkemen* joyned with the Prerogative, ſuſpecting the *Surplice* to be intended; and the King being asked that Queſtion, made no anſwer. But this Circumſtance was obſerved of him, that he took a Liſt of the whole Members out of his Pocket, and ſaid, Gentlemen, *I have all your Names here, and I'le know who will do me ſervice, and who will not, this day.* However about 13 Noblemen, and as many *Barons* and *Burgeſſes* declared, That they agreed to the Act for His Majeſties Prerogative, but diſſented from that part of it, as to the Apparel of *Kirkemen.*

The King ſaid he would have no diſtinction, but commanded them to ſay *I*, or *no*. Upon which thoſe Lords and others before mentioned declared themſelves particularly, that they did diſſent from that *Act* as it was conceived; as to the other *Act* annent Religion, the ſame diſſenting Lords and Gentlemen declared, That they agreed to the Ratification of the Laws annent the true Proteſtant Religion, as it was eſtabliſhed in Doctrine, and an Act of this nature paſſed in King *James* the *6th* of his Reign, His Majeſties Royal Father, when *Archbiſhops*, *Biſhops*, &c. were oppoſed, but now they were governing and included, therefore they diſſented from that part; and being again commanded to ſay *I*, or *no*, the ſaid Nobles and others diſſented as formerly.

Amongſt the *Peers* that diſſented were *John* Earl of *Rothes*, *John* Earl of *Caſſills*, *William* Earl of *Lothian*, and the Lords *Lindſey*, *Porplichin*, *Sinclar*, *Balmerino*, *Cooper*, *Teſter*, and 4 more. The Paſſing of the Act concerning Eccleſiaſtical Habits, did much perplex the Diſſenting Lords and others, which occaſioned ſome of them to Devulge in Writing a Paper reflecting upon His Majeſty, (adjudged afterwards to be a Libel) wherein was contained this Reflection, how grievous a thing it was for a King in that place, by making of the Subjects Votes, to Over-awe his Parliament: And that the ſame was a breach of Priviledge, *&c.* This Writing, as afterwards appeared, was Drawn by one *William Hagg*, who fled for it, but being found in the Cuſtody of the Lord *Balmerino*, that Lord, by the inſtigation of Archbiſhop *Spotſwood*, and others of the Privy Council, was in a Court of his *Peers* found guilty of concealing *Treaſon*, and therefore condemned to loſe his Head, but afterwards pardoned by His Majeſty.

The Parliament being Diſſolved upon *Friday* the ſaid 28. day of *June*, the King ſtayed *Saturday* and *Sunday*, and obſerved the Diſſenters with an unfavourable Aſpect.

Upon *Monday* the 1. of *July*, the King takes his Progreſs to his *Pallace* at *Linlithgowe*. *Tueſday* the 2. to *Strivling*, being preſented with Plate by each *Provoſt*, one of whom being a Diſſenter, was not admitted to Kiſs his Hand.

An. 1633. Upon *Wedneſday* the 3*d* he went to *Dumfermlin*, and *Thurſday* the 4*th* to *Falkland*. Note, that the Nobility and Gentry of *Fiffe* had prepared to give a Noble Reception to His Majeſty, but many of them being Diſſenters, His Majeſty was pleaſed to take another way, and avoided them.

Friday and *Saturday* the 6. and 7. of *July*, the King hunted in his Park of *Falkland*, and there every *Sunday*, *Maxwell* Biſhop of *Roſſe* Preached before His Majeſty.

Munday the 8. the King went to St. *Johnſton*, and was nobly entertained by the Earl of *Kinoul* (then Lord *High-Chancellor*) that night at Supper, and the next day at Dinner, and returned from *Scoon* to *Falkland*.

Wedneſday the 10, the King with his Nobles and Retinue, took Boat at *Brunt-Iſland* to come to *Leith* (being 7 Miles over) in a calm Seaſon about the mid day. But preſently after the Boats put to Sea, aroſe a violent Storm and Tempeſt, (though none at Land) to the great hazard of His Majeſty, and many others; the King paſſing to a Ship, a Man of War of his in the Road, with much difficulty, weathered it, quit his former Boat, and took the Ship and Boat to *Leith*, and there Landed after great danger; one of the Boats in the Kings Preſence being over-ſet, or turned over, periſhed with the Kings Plate, and near 20 Perſons, of which number were one *Lewis Somervell* and *Alexander Naper*, who had the charge of the Silver Plate and Veſſels, and 3 Perſons were ſaved ſitting upon the Keile coming in to Shoar upmoſt.

11. *Thurſday* the 11 the King ſtaid at his *Pallace* of *Hallyroodhouſe*.

12. Upon *Friday* the 12 he went to *Dalkeith*, where he ſtayed that night.

13. Upon *Saturday* after Dinner, he went to *Seaton-houſe*, ſtayed that night and Sabbath-day.

15. *Munday* after Dinner he went from *Seaton* to *Innerwicke*, an Houſe of *James Maxwell*, after Earl of *Dirlington*, and was richly entertained.

16. *Tueſday* His Majeſty and Train went from *Innerwicke* to *Barwick*, &c.

A Table of the printed Acts *and Laws paſt in this firſt Parliament, of Our Sovereign Lord King* Charles *the Firſt.*

1. Anent the Taxation granted to His Majeſty of Thirty Shillings Termly upon the Pound-land, and the Sixteenth Penny of all Annual Rents, the one for 6 Years, and the other for the ſame Term.

2. Anent the Collecting, and in-bringing of the Taxation, and Relief to Prelates.

3. Anent His Majeſties Royal Prerogative, and Apparel of Kirkmen, Ratification, or the Acts touching Religion.

5. Ratification of the Act of Council, anent the Plantation of Schools.

6. Anent the inverting of Pious Donations.

7. Anent invading of Miniſters.

8. Rati-

9 Caroli.

8. Ratification of the Act of Commiſſion, anent the Miniſters Proviſions.

9. The Kings general Revocation.

10. Anent annexation of His Majeſties Property.

11. Act of Diſſolution.

12. Ratification of the Acts of Interruption.

13. Anent Regalaties of Erections.

14. Anent Superiorities of Kirke-lands.

15. Anent His Majeſties Annuity of Tythes.

16. Anent Vaſſals holding *Ward*.

17. Anent the Rate and Price of Tythes.

18. Anent the *Exchequer*.

19. Commiſſion for Valuation of Tythes not valued, rectifying the Valuation of the ſame already made, and other Particulars therein contained.

20. Anent the King his Deſignation of the Names to be inſerted in the Commiſſions anent the Tythes and Laws.

21. Anent the Annual of 8. to be taken of every Hundred in time to come, alennerly ſuſpending the ſame for 3 years, and in the interim, Two of Ten to be paid for the ſaid ſpace to His Majeſty.

22. Anent the Lords of the *Seſſion*, their Taxation of Ten Shillings to be impoſed upon every Pound-land of old Extent.

23. Ratification of the Liberties of the *Colledge* of *Juſtice*.

24. Ratification of the Priviledges of the free Royal Burroughs.

25. Ratification of the Acts made in favour of the Juſtices of Peace, and their Conſtables, and Commiſſion to the Lords of *Secret Council* there-anent.

26. Explanation of the Acts of Parliament made in favour of the Lords of *Seſſion*, anent Twelve Pennies of the Pound to be paid in Decreets given by the Lords hereafter.

27. Act of Pardon to Penal Statutes.

28. Ratification in favour of the Viſcount of *Strivling* of the Infeſtments and Signature granted to him of the Dominions of new *Scotland* and *Canda* in *America*, and Priviledges therein contained, and of the Dignity and Order of *Knight-Baronets*, and Act of *Convention of Eſtates* made there-anent.

29. Act in favour of the Earl of *Morton*, and the Lord *Dalkeith* his Son, and the *Loch* of *Levin*, and preſervation of the Fiſhing thereof.

30. Act anent the *Clan-Greigours*.

31. Act in favour of His Majeſty and Lieges, intitulate, *jure ſalvo cujuſlibet*.

Act 3 anent His Majeſties Royal Prerogative, and Apparel of Kirk-men.

‘Our Sovereign Lord, with advice, conſent, and aſſent of the whole Eſtates, acknowledging His Majeſties Sovereign Authority, Princely Power, Royal Prerogative and Priviledge of his Crown, over all Eſtates, Perſons and Cauſes whatſoever within this Kingdom, ratifies and approves the Act of Parliament made in the *Year* 1606. anent the *Kings Royal Prerogative*, and

An. 1633.

'perpetually confirms the ſame, for his Highneſs, his Heirs and 'Succeſſors, as amply, abſolutely, and firmly in all reſpects as ever 'any of His Majeſties Royal Progenitors, did poſſeſs and exerciſe 'the ſame; and withal remembering, that in the Act of Parlia'ment made in the Year 1606. anent the Apparel of Judges, Ma'giſtrates, and Kirk-men, it was agreed, That what Order ſoever 'His Majeſties Father of Bleſſed Memory, ſhould preſcribe for 'the Apparel of Kirk-men, and ſend in writ to his *Clerk of Regiſter*, 'ſhould be a ſufficient Warrant for inſerting the ſame, in the Books 'of Parliament, to have the ſtrength of any Act thereof, have all 'conſented that the ſame Power ſhall remain what the Perſon of 'Our Sovereign Lord and his Succeſſors that now is, and what 'the ſame Clauſe for execution thereof, as in the ſaid Act con'tained.

Act 4. Ratification of the Acts touching Religion.

'OUr Sovereign Lord, with advice and conſent of the Eſtates, 'ratifies and approves all and whatſoever Acts and Statutes 'made before anent the Liberty and Freedom of the true Kirk of 'God, and Religion preſently profeſſed within this Realm, and or'dains the ſame to ſtand in their full Force and Effect, as if they 'were ſpecially mentioned and ſet down herein.

Articles of Inquiry in the Viſitation of the Biſhop of *Wincheſter*.

IN the Month of *June* came forth in Print, Articles to be inquired of, by the Church-wardens and Sworn Men within the Dioceſs of *Wincheſter*, in the Primary Viſitation of the Right Reverend Father in God * *Walter* Lord Biſhop of *Wincheſter*, holden in the Year of Our Lord God 1633.

* Dr. *Neal*.

The Oath to be Adminiſtred to the Church-wardens and Sworn Men.

YOu ſhall Swear, That you and every of you, without all Affection, Favour, Hatred, hope of Reward and Gain, or fear of Diſpleaſure or Malice of any Perſon, ſhall Preſent all and every ſuch Perſon and Perſons of or within your Pariſh, who hath committed any Offence, Fault or Crime, or omitted any part of Duty, which be enjoyned to perform: Wherein you ſhall deal uprightly, and according to Truth; neither of Malice Preſenting any contrary to Truth, nor of Corrupt Affection ſparing to Preſent any, and to Conceal the Truth; having in this Action God before your Eyes, with an earneſt Zeal to maintain Truth. and ſuppreſs Vice. So Help you God, and the Contents of this Book.

Firſt, As to the Articles concerning the Church, they are to enquire, Whether they have the Book of Conſtitutions or Canons Eccleſiaſtical, and a Parchment Regiſter-Book, Book of Common-Prayer, and Book of Homilies, *&c.* And whether the Communion-Table be placed in ſuch convenient ſort within the ſaid Chancel or Church, as that the Miniſter may be beſt heard in his Prayer and Adminiſtration.

As to the Articles concerning the Clergy, Whether doth the Miniſter read the Conſtitutions ſet forth by His Majeſty, once every Year?

Whether the Miniſter or Preacher uſe to pray for the Kings Majeſty with his whole Title, as King of Great *Brittain?* And doth he in like manner pray for the Arch-Biſhops and Biſhops? And doth he obſerve all the Orders, Rites, and Ceremonies preſcribed in the Common-Prayer, and Adminiſtring the Sacrament? And whether doth the Miniſter receive the Sacrament, kneeling at the ſame, and Adminiſtreth to none but ſuch as do kneel? as by the 12*th* Canon is directed.

Whether hath the Miniſter admitted to the Communion any notorious Offenders or Schiſmaticks? contrary to the 26*th* and 27*th* Conſtitution. And whether Strangers of any other Pariſh do come often and commonly to your Church, from their own Pariſh Church? contrary to the 28*th* Canon. And whether doth the Miniſter uſe to Sign the Children with the Sign of the Croſs when they are Baptized? And whether is your Miniſter a Licenced Miniſter? if yea, then by whom. And whether doth the Miniſter wear the Surplus whilſt he is ſaying the Publick Prayers, and Adminiſtring the Sacraments? Whether doth the Miniſter Catechize and Inſtruct the Youth of Ignorant Perſons of your Pariſh in the Ten Commandments, *&c.* And whether he doth Solemnize Marriage, the Banes not being 3 ſeveral Sundays and Holidays firſt Publiſhed in time of Divine Service? And whether doth your Miniſter in the Rogation days uſe the Perambulation of the Circuit of the Pariſh? Whether doth the Miniſter every 6 Months Denounce in the Pariſh all ſuch as do perſevere in the Sentence of Excommunication, not ſeeking to be abſolved? or hath he admitted any Excommunicated Perſon into the Church without Certificate of Abſolution? Whether is your Miniſter a favourer of Recuſants, whereby he may be ſuſpected not to be ſincere in Religion? Whether is your Miniſter noted to be an incontinent Perſon, a Frequenter of Taverns, Alehouſes, a Common Gameſter, or a player of Dice, *&c.* With divers other Articles of Enquiry.

The reſt of the Articles are concerning School-maſters, Eccleſiaſtical Officers, Pariſhioners, and others of the Laity. But ſee them more at large in the *Appendix*; as alſo thoſe other Articles which other Biſhops in their ſeveral Dioceſſes did put forth after the firſt Metropolitical Viſitation in the Year 1634. and 1635. which were obſerved to be of a far higher Strain and Enquiry, than theſe of *Wincheſter*.

Paſch. 9 *Car.*

Star-Chamber. Blackball vers' Bullock & al'.

‘THe Defendant, Sir *Edward Bullock*, having a covetous deſire to encloſe a certain Common or Waſt-ground in *Weſtbilne Com' Norfolke*, containing about 1000 Acres, wherein the Plaintiff had Common of Paſture, gave out Speeches, That he would make the Plaintiff run the Country, if he would not ſell his Lands to the ſaid Defendant, for that then he could incloſe the ſaid Common, and would make him weary of his Leaſes if he would not yield them up, and would make him weary of Suits: And in purſuance thereof, one of the Defendants, who is fled, did ſet open a Gate of the Plaintiff, which before was ſtaked up, and broke divers Coppies in the Plaintiffs Hedges, ſo that his Cattle went into the ſaid Common, and then Sir *Edward* Sued the Plaintiff for that Treſpaſs, and forced him to 3 Tryals at Law for 3 Roods of Land before he would ſuffer him to enjoy them. And the Plaintiff having brought an Action to Tryal againſt Sir *Edward*, wherein he uſed the Teſtimony of 4 Witneſſes, the Defendant being diſcontented that the Verdict paſſed againſt him; ſwore he would be revenged on all the Rogues, the Plaintiffs Witneſſes, who teſtified againſt him. And in purſuance thereof, he afterwards ſent for one of them to his Houſe, and kept him in talk, and in the mean time cauſed the Defendant *Boydon*, and two other of his Servants, to hew and pull down his Houſe, there being no body left therein but a Child, who ran out naked, and the Plaintiff his Wife great with Child, and their Children were forced to lye in the Streets a night or two, none daring to take them into their houſes for fear of Sir *Edward*. And they being after received into a Houſe by the direction of a Juſtice, the ſaid Sir *Edward* did ſo threaten them in whoſe Houſe they were, that they for fear turned them out of doors, and all the Winter after they lay in an Out-houſe, where no fire could be kept, inſomuch that he, his Wife, and one Child periſhed and dyed. And the Defendant meeting another of the ſaid Witneſſes, beat her with a ſtick until ſhe was black and blew from the Waſt upwards, and not able to put on her Cloaths a month after: And threatned another of the Witneſſes to fire his Houſe over his head, or pull it down if he would not leave it. And the Defendant *Taſſel*, by colour of a ſuppoſed Warrant to Arreſt one *Wales* the Plaintiff, being accompanied with two others, did break open his doors, and pull him out of his Houſe, and kept him Priſoner 3 hours; and for theſe Offences they were all committed to the *Fleet*, Sir *Edward Bullock* fined 1000 *l. Boydon* 50 *l.* and *Taſſel* 50 *l. Bullock* to pay the Plaintiff 100 *l.* Damage, and out of that he to make ſome reparation to his Children whoſe Houſe was pulled down.

Oppreſſions by Suits.

Pulled down a Witneſſes Houſe in revenge.

100 l. Dam'.

The

The DECREE.

In Camera Stellata coram Concilio ibidem viceſimo tertio die Auguſti Anno Nono Car' Reg' &c.

23 Auguſt. 9 Car. 1633.

A Sentence in Star-Chamber, concerning the Soap-Patent.

‘WHereas His Majeſties Attorney General hath informed this Court, That the Kings moſt Excellent Majeſty, by his Highneſs's Letters Patents under the Great Seal of England, bearing Date at Weſtminſter the 17 day of December in the 7 Year of His Majeſties Reign for the Reaſons, Cauſes, and Conſiderations in the ſaid Letters Patents expreſſed, did give and grant to Roger Jones ſince deceaſed, and to Andrew Palmer Eſq; and alſo to Sir William Ruſſel Baronet, Sir Baſile Brooke, Sir Richard Weſton, Sir Edward Stradling, Sir Richard Bettiſon Knight, George Gage, Thomas Jones, Beverly Bretton, Thomas Ruſſel, Thomas Jennings, Thomas Hicks, and Albertus Belton Eſq; and to Robert Carver Gent. a Patent of Priviledge for the terme of 14 Years, for the ſole making of hard Sope and ſoft Sope, with ſuch Materials as by them have been newly Invented, and in ſuch manner as in the ſaid Letters Patents, and other Letters Patents, therein recited appeareth, and for the buying and repairing of Pot-Aſhes, and other Aſhes of Bean-ſtraw, Peaſe-ſtraw, Ferne, Kelpe, and other Vegitables to be found in His Majeſties other Dominions for the making of Soap, not formerly or ordinarily uſed or practiſed by others within the ſaid Realm, Dominions, and Town of Barwick, but by them newly invented and deviſed; and alſo of the uſing of the Aſſay-Glaſs for trying of their Lee: In and by which Letters Patents there was careful Proviſion made for the true making of the ſaid Soaps for the uſe of the Kings People, and for the ſearching and making thereof to diſtinguiſh the ſame from other Soaps, and for the ſelling of the ſame at and for reaſonable Prizes, as by the ſaid Letters Patents do at large appear. And His Majeſties ſaid Attorneys further informed this Court, That becauſe His Majeſty in his great Wiſdom foreſaw that without Government of that Trade it would ſoon fall to diſorder; therefore for the better regulating and ordering of the ſaid Works, His Majeſty did by other Letters Patents under the Great Seal of England, bearing Date at Weſtminſter the 20 day of January, in the 17 Year of His Majeſties Reign, incorporate divers Perſons of Principal Worth and Quality, who had been Adventurers in the ſaid Work by the Name of the Governours Aſſiſtants, and Fellows of the Society of Soap-makers within the City of Weſtminſter, in the County of Middleſex, to have perpetual Succeſſion, and to them had given and granted divers Powers and Authorities, for the preventing of Frauds and Deceits and other Abuſes in that Trade and Manufactures; and afterwards by His Majeſties ſpecial Commandment ſignified by his Writ in that behalf, the ſaid Grant of Priviledge for making of Soap and Pot-Aſhes, with the Powers and Authorities of the ſaid Patentees named in the ſame Patent of the 17 of December, granted as aforeſaid, were by them aſſigned unto the ſaid Governours-Aſſiſtants, and Fellows, and their Succeſſors; and in reſpect thereof the ſaid Governours-Aſſiſtants, and Fellows of the ſaid Society, by Indenture

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‘*denture bearing Date the 3d day of* May *in the eighth Year of His Majeſties Reign, did covenant, promiſe and agree to and with Our ſaid Sovereign Lord the King, his Heirs and Succeſſors, to do and perform divers things in that Indenture particularly mentioned, for and concerning the perfecting of the ſaid Work, and the furniſhing of the ſaid Kingdom with ſufficient Quantities of ſweet and good Soap, and to ſell the ſame at and for reaſonable Prices, not exceeding the Price of three pence the Pound, which was a cheaper Rate than other ſweet and Merchantable Soap was uſually ſold for. And His Majeſties ſaid Attorney General further informed this Court, That when His Majeſty had provided for the ſufficient quantity and reaſonable Prices of the ſaid Soaps, out of his Princely care for the good of his People, foreſeeing that the goodneſs of the ſaid Soaps may ſoon decline and decay, unleſs by the continual care and pains of ſome Truſty and Diligent Officer, a watchful Eye were had to ſearch and try all the Soaps that ſhould be made and uttered, to ſee that the ſame were anſwerable in goodneſs to the firſt Pattern or Standard; His Majeſty, by other* Letters Patents *bearing Date* the 8th day of June *in the* Eighth Year *of His Majeſties Reign, did ordain, conſtitute and appoint,* That for ever *then after there ſhould* be an Office. *And did thereby, for him, his Heirs and Succeſſors,* erect, create, and make an Office to be and to be *called the Office for keeping the* Patterns, and making of the Aſſay *of Soaps to be made by the ſaid Governour, Aſſiſtants, and Fellows, who ſhall be called the Aſſay-Maſter for Soaps to be made by the ſaid Governour, Aſſiſtants, and Fellows, and thereby did appoint in what manner the ſaid Officer having firſt taken a Corporal Oath to that purpoſe, ſhould execute the ſaid Office without any trouble or charge to His Majeſties Subjects which ſhould buy the ſaid Soaps. And His Majeſties ſaid Attorney further informed this Court, That His Majeſty in his Royal Care for the Wealth and Proſperity of his loving Subjects, intending to advance the Native Commodities of this Realm, the ſetting of his own People on work, and the ſaving of the Expence of the Treaſure of this Kingdom, which unthriftily and unneceſſarily was ſpent in buying and importing of forrein Materials, for the making of Soap from other Kingdoms, to the inriching of them, and the impoveriſhing of His Majeſties own Kingdom, to a great yearly Sum, and purpoſing to prevent, or ſeverely to puniſh all Frauds or Deceits in the making of Soap with Forreign or Vnſweet Materials, and the Exceſſive Rates in the ſale of Soaps, as formerly it was practiſed by the Sope-boilers, being no Body-Politique, nor Governed by any good Orders or Conſtitutions regulating their Trade, but being a few ſingular Perſons, who took the advantage to inrich themſelves to the wrong and prejudice of His Majeſty, and his Loving Subjects in general, who had no ordinary means to right themſelves therein, to the end that all his Loving Subjects might take notice of this his Princely Care and Providence for them herein by his Highneſs's* Proclamation, *given at the Court at* Greenwich, *the* 28th day of June *in the ſaid Eighth Year of His Majeſties Reign, did ſtraitly charge and command as well the ſaid Governour, Aſſiſtants, and Fellows of the ſaid Society, who had formerly bound themſelves by Covenant with his Majeſty to a Regularity in that behalf, as all others not being of that Society which ſhould then after make any Soapes, that they ſhould uſe no other Oyl in making that Soap but Oyl-Olive and Rape-Oyl, as had been long ſince decreed by the*

'*Maior and Aldermen of* London, *that by that means the Soap might be* '*Good, Sweet and Serviceable Soap, according to the Patterns delivered.*

After the Kings arrival at *London* from *Scotland*, His Majeſty on the 13*th* of *Auguſt* thought fit to prevent abuſes growing by the unordered Retailing of *Tobacco*, taking notice to his Subjects, that the Plant or Drugg called *Tobacco*, ſcarce known to this Nation in former times, was in this age uſually brought into this Realm in ſmall quantities as Medicine, and ſo uſed, but in proceſs of time to ſatisfie the inordinate Appetite of a great number of Men and Women, it hath been brought in great quantities, and taken for Wantonneſs and Exceſs, and therefore His Majeſty thinks of ſome means for the preventing of the evil conſequence of this immoderate uſe thereof; is therefore reſolved to reduce the Vending, Selling and Uttering of *Tobacco* by Retail into ſome good Order, and to that purpoſe gives ſeveral Rules and Directions in this Proclamation, that none do ſell the ſame, but ſuch as ſhall receive Licence.

Oatlands Auguſt. 22.

Alſo at the ſame time His Majeſty took care for the Uſe of the Bow and the Pike together in Military Diſcipline, giving notice to the People, That in former times Bowes and Arrowes have been found ſerviceable Weapons for War, whereby great and victorious Conqueſts have been gotten. By ſundry Statutes, the uſe thereof hath been enjoyned, which Statutes are ſtill in Force; the King expecting that his Subjects conform themſelves thereunto, knowing the excerciſe of ſhooting to be a means to preſerve Health, Strength, and Agility of Body; the King hath therefore under the *Great Seal*, Authorized *William Nead*, an antient *Archer*, who hath preſented to the King and Council a War-like Invention with the Uſe of the *Bow* and *Pike* together, Requiring that the Trained Bands be Inſtructed by the ſaid *Nead*.

In the beginning of *October* there were complaints made to the Council concerning *Ales* and *Revels* upon the Lord's Day in *Somerſetſhire*, which gave occaſion to arraign an Order made by the Lord Chief Juſtice *Richardſon* and Baron *Denham* in their Circuits in that County, which Order was to this purpoſe,

An Order to ſuppreſs Ales and Revels in *Somerſetſhire*.

'WHereas divers Orders have been made heretofore by the 'Judges of *Aſſize*, for the ſuppreſſing of all *Ales* and *Revels*, the ſame Order is now confirmed at the *Aſſizes*, and again ordered by the Court in regard of the Infinite Number of Inconveniences, daily ariſing by means of *Revels*, that ſuch *Revels*, *Church-Ales*, *Clerk-Ales*, and all other Publick *Ales* be henceforth utterly 'ſuppreſſed, and to the end this may be obſerved, it is further Ordered that the Clerk of the *Aſſizes* ſhall leave Copies hereof, with 'the Miniſter of every Pariſh, within his ſeveral Hundred, and ſhall 'give a Note under his Hand, that he ſhall Publiſh it yearly within 'the Pariſh the firſt Sunday in *February*, and likewiſe the two Sundays before *Eaſter* yearly.

The Arch-Biſhop of *Canterbury* hearing of this Proceeding of the Judges in Church Affairs, and impoſing upon the Miniſters to Publiſh their Order in the Pariſh Church without the Conſent of the Biſhop of that Dioceſs, complained thereof to the King, and the Chief Juſtice was Commanded to attend the Board, where after the Arch-Biſhop had made his Complaint againſt the Lord Chief Juſtice, he was Commanded to Revoke the former Order made at the *Aſſizes* againſt *Revels*, &c.

The Chief Juſtice Replied, that the *Order* was made at the Requeſt of the Juſtices of the Peace in the County, with the General Conſent of the whole Bench, and upon view of divers antient Preſidents in that kind; but neverthelſs he was Commanded to Revoke his Order.

Upon which Occaſion the Arch-Biſhop of *Canterbury*, on the *4th* of *October* writ a Letter to the Biſhop of *Bathe* and *Wells* concerning the ſaid *Revels*, to this Effect.

A Letter from the Biſhop of *Canterbury* to the Biſhop of *Bath* and *Wells* about Wakes and Revels.

That there hath been of late ſome Noiſe in Somerſetſhire *about the Feaſts of the Dedications of Churches, commonly called the Wakes; and it ſeems the* Judges of Aſſize *formerly made an Order to prohibit them, and cauſed it to be Publiſhed in ſome, or moſt of the Churches; thereby the Miniſter,* without my Lord the Biſhop's Conſent *or Privity, the pretence of this hath been, that ſome diſorders derogatory from Gods Service, and the Government of the Commonwealth are committed at thoſe times: by which Argument, any thing that is abuſed may quite be taken away. It ſeems there hath been ſome heat ſtruck in the Country about this, by the carriage of the Lord Chief Juſtice* Richardſon, *at the two laſt* Aſſizes, *eſpecially the laſt, with which His Majeſty is not well pleaſed. And for the preventing of Outrages, or Diſorders, at thoſe Feaſts, no man can be more careful than his Majeſty; but he conceives, and that very rightly, that all theſe may and ought to be prevented by the Care of the Juſtices of Peace, and leave the Feaſts themſelves to be kept, for the Neighbourly meeting, and Recreation of the People, of which he would not have them debarred under any frivolous pretences. And further, His Majeſty hath been lately informed by men of good Place in that County, that the Humouriſts increaſe much in thoſe Parts, and unites themſelves by banding againſt the Feaſts; which courſe, as His Majeſty no way likes, ſo he hath been informed alſo for this laſt Year, ſince warning was given, there have not been any noted Diſorders at any of thoſe Feaſts kept in thoſe Parts; yet for His better ſatisfaction, He hath Commanded me to require you to inform your ſelf, and give a ſpeedy account how theſe Feaſts have been ordered,* &c.

The Lord Chief Juſtice *Richardſon* revokes his Orders about Ales and Revels.

The Lord Chief Juſtice *Richardſon* after his Reproof at the *Council Table*, did at the next *Aſſizes* inform the Juſtices, Grand Jury, and Country, that thoſe Good Orders made by him and his Brother *Denham* for ſuppreſſing unruly *Wakes* and *Revels*, wherein he thought he had done God, the King, and the Country good Service, are to be revoked, and that ſome ill-affected Perſons had miſinformed His Majeſty concerning this Order, who had given him expreſs Command to reverſe it, being not made by himſelf alone, but with the joint conſent of the whole Bench; ſo he declared to the Bench, that in purſuance of Command he did as much as in him lay revoke the ſaid Order, and cauſed the Clerk of the *Aſſizes* to enter the Order verbatim, reciting former Orders made upon that occaſion, and declared them to be void and null, and that all perſons may freely uſe Recreations at ſuch meetings.

The Juſtices of Peace troubled at the Revocation.

The *Juſtices of Peace* being troubled at the Revocation of theſe Orders, drew up a Petition to the King ſhewing the great Inconveniences that would befall the County if theſe Meetings and Aſſemblies of Church-Ales, Bid-Ales and Clerk-Ales, condemned by the Laws ſhould now be ſet up again: which Petition was Subſcribed by *John* Lord *Paulet*, Sir *William Portman*, Sir *John Stowell*, Sir *Ralph Hopton*, Sir *Francis Popham*, Sir *Edward Rodney*, Sir *Francis Doddington*, Sir. *Jo. Horner*, *Edward Paulet*, *William Baſſet*, *George Speke*, *John Windham*, *Thomas Lutterell*, *William Walrone*, and divers others, but before this Petition was delivered to the King, it was prevented by the coming forth of the Kings Declaration concerning Lawful Sports, His Majeſty giving this enſuing Warrant for the ſame.

Charles Rex,

Canterbury, *ſee that our Declaration concerning Recreations on the Lords Day after Evening Prayer, be Printed*: And accordingly on the 18*th* of *October* this Year it came forth in Print, and was to this Effect.

The Kings Majeſties Declaration to his Subjects concerning Lawful Sports to be Uſed, iſſued forth the 18*th* of *October* 1633.

That King *James* of Bleſſed Memory, in his return from *Scotland*, coming through *Lancaſhire*, found that his Subjects were debarred from Lawful Recreations, upon *Sundays* after Evening Prayers ended, and upon Holy days. And he prudently conſidered, that if theſe times were taken from them, the meaner Sort, who labour hard all the Week, ſhould have no Recreations at all, to refreſh their Spirits. And after His return, He further ſaw, that His Loyal Subjects in all other parts of His Kingdom, did ſuffer in the ſame kind, though perhaps not in the ſame Degree: and did therefore in His Princely Wiſdom, publiſh a Declaration to all his Loving Subjects, concerning Lawful Sports to be Uſed at ſuch times, which was Printed and Publiſhed by His Royal Commandment in the Year 1618. in the Tenor which hereafter followeth.

‘WHereas, upon His Majeſties return the laſt Year out of *Scotland*, he did publiſh his Pleaſure, touching the Recreations of His People in thoſe Parts, under his Hand. For ſome Cauſes Him thereunto moving, hath thought good to Command theſe His Directions then given in *Lancaſhire*, with a few words thereunto added, and moſt appliable to theſe parts of the *Realmes*, to be publiſhed to all his Subjects.

‘Whereas he did juſtly in his Progreſs through *Lanchaſhire*, rebuke ſome Puritans and Preciſe People, and took order that the like unlawful carriage, ſhould not be uſed by any of them hereafter, in the prohibiting and unlawful puniſhing of his good People for uſing their Lawful Recreations, and Honeſt Exerciſes upon Sundays, and other Holy days, after the Afternoon Sermon or Service, His Majeſty hath now found that two ſorts of People wherewith that Country is much infected, *viz*. Papiſts and Puritans, hath maliciouſly traduced and calumniated thoſe his Juſt and Honourable

'Proceedings: And therefore leſt his Reputation might upon the one ſide (though innocently) have ſome Aſperſion laid upon it, and that upon the other Part, his good People in that Country be miſled by the miſtaking and miſinterpretation of his meaning, His Majeſty hath therefore thought good hereby to clear and make his Pleaſure to be manifeſted to all his good People in thoſe Parts.

'It is true, that at his firſt entry to this Crown, and Kingdom, he was informed, and that too truly, that his County of *Lancaſhire* abounded more in Popiſh Recuſants, than any Countie of *England*, and thus hath ſtill continued ſince, to his great regret, with little amendment, ſave that, now of late, in his laſt riding through his ſaid Country, hath found both by the Report of the Judges, and of the Biſhop of that *Dioceſs*, that there is ſome amendment now daily beginning, which is no ſmall contentment to His Majeſty.

'The report of this growing amendment amongſt them, made His Majeſty the more ſorry, when with his own Ears he heard the general Complaint of his People; that they were barred from all Lawful Recreations, and Exerciſe upon the Sundays after Noon, after the ending of all Divine Service, which cannot but produce two Evils: The one the hindring of the Converſion of many, whom their *Prieſts* will take occaſion hereby to vex, perſwading them that no honeſt Mirth or Recreation is Lawful or Tolerable in Religion, which the King profeſſeth, and which cannot but breed a great diſcontentment in his Peoples hearts, eſpecially of ſuch as are peradventure upon the point of turning: The other Inconvenience is, that this Prohibition barreth the Common and Meaner ſort of People from Uſing ſuch Exerciſes, as may make their Bodys more able for War, when His Majeſty or his Succeſſors, ſhall have occaſion to uſe them. And in place thereof ſets up Tipling and filthy Drunkenneſs, and breeds a number of idle and diſcontented Speeches in their Ale-houſes. For when ſhall the Common-people have leave to exerciſe, if not upon the Sundays and Holy-days, ſeeing they muſt apply their labour, and win their Living in all Working-days?

'The Kings expreſs pleaſure therefore is, that the Laws of this Kingdom, and *Conons* of the Church be as well obſerved in that County, as in all other places of this his *Kingdom*. And on the other Part, that no Lawful Recreation ſhall be barred to his Good People, which ſhall not tend to the Breach of the aforeſaid Laws, and Canons of his Church: which to expreſs more Particularly, His Majeſties Pleaſure is, That the Biſhops, and all other inferior Churchmen, and Church-wardens, ſhall for their Parts be Careful and Diligent, both to inſtruct the Ignorant, and convince and reform them that are miſled in Religion, preſenting them that will not Conform themſelves, but obſtinately ſtand out to the Judges and Juſtices: whom he likewiſe commands to put the Laws in due Execution againſt them.

'His Majeſties Pleaſure likewiſe is, That the Biſhop of that *Dioceſs*, take the like ſtrict Order with all the Puritanes and Preciſians within the ſame, either conſtrain them to Conform themſelves, or to leave the Country according to the Laws of this

‘*Kingdom*, and Canons of this Church, and ſo to ſtrike equally on both hands, againſt the Contemners of his Authority, and Adverſaries of the Church; and as for his good Peoples lawful Recreation, his Pleaſure likewiſe is, that after the end of Divine Service, his good People be not diſturbed, letted or diſcouraged from any Lawful Recreation, ſuch as Dauncing, either Men or Women; Archery for Men, Leaping, Vaulting, or any other ſuch harmleſs Recreation, nor from having of *May-Games*, *Whitſon-Ales*, and *Morice-Dances*, and the ſetting up of *May-Poles*, and other Sports therewith uſed: ſo as the ſame be had in due and convenient time, without impediment or neglect of Divine Service. And that Women ſhall have leave to carry Ruſhes to the Church for the decoring of it, according to their old Cuſtom; but withall His Majeſty doth here account ſtill as Prohibited all *unlawful Games* to be Uſed upon Sundays only, as *Bear* and *Bull-baitings*, *Interludes* and at all times in the meanner ſort of People by Law prohibited, *Bowling*.

‘And likewiſe barrs from this Benefit and Liberty, all ſuch known Recuſants, either men or women, as will abſtain from coming to Church or Divine Service, being therefore Unworthy of any Lawful Recreation after the ſaid Service, that will not firſt come to the Church, and ſerve God: Prohibiting in like ſort the ſaid Recreations to any that, though Conform in Religion, are not preſent in the Church at the Service of God, before their going to the ſaid Recreations. His Pleaſure likewiſe is, that they to whom it belongeth in Office, ſhall preſent and ſharply puniſh all ſuch, as in abuſe of this his Liberty, will Uſe theſe Exerciſes before the end of all Divine Services for that day. And he doth likewiſe ſtraightly Command, that every Perſon ſhall reſort to his own Pariſh Church to hear Divine Service, and each Pariſh by it ſelf to uſe the ſaid Recreation after Divine Service. Prohibiting likewiſe any offenſive Weapons to be Carried, or Uſed in the ſaid times of Recreation: And his pleaſure is, that this his Declaration ſhall be publiſhed by order from the Biſhop of the Dioceſs, through all the Pariſh Churches, and that both the Judges of the Circuits, and the Juſtices of the Peace be informed thereof.

Given at the Manner of *Greenwich* the 24*th*
day of *May*, in the ſixteenth *Year* of
His Majeſties Reign, of *England*, *France*
and *Ireland*, and of *Scotland* the one and
fiftieth.

N*ow out of a like Pious Care for the ſervice of* God, *and for ſuppreſſing of any Humours, that oppoſe truth, and for the Eaſe, Comfort and Recreation of his Well-deſerving People, His Majeſty doth Ratifie and Publiſh this his Bleſſed* Fathers Declaration: *the rather, becauſe of late in ſome Counties of this Kingdom, His Majeſty finds that under pretence of taking away abuſes, there hath been a General forbidding, not only of ordinary Meetings, but of the* Feaſts *of the Dedication of the Churches, commonly called* Wakes. *Now His Majeſties*

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expreſs Will and Pleaſure is, That theſe Feaſts, *with others, ſhall be obſerved, and that his Juſtices of the Peace, in their ſeveral Diviſions, ſhall look to it, both that all Diſorders there, may be prevented or puniſhed, and that all Neighbourhood and Freedom, with Manlike and Lawful* Exerciſes *be uſed. And His Majeſty further Commands all Juſtices of* Aſſize *in their ſeveral Circuits to ſee, that no man do trouble or moleſt any of his Loyal and Dutiful People, in or for their Lawful Recreations, having firſt done their Duty to God, and continuing in Obedience to His Majeſties Laws. And for this His Majeſty Commands all his Judges, Juſtices of Peace, as well within Liberties as without, Majors, Bayliffs, Conſtables, and other Officers, to take notice of, and to ſee obſerved, as they tender his Diſpleaſure. And doth further Will, that publication of this his Command be made by* Order *from the Biſhops, through all the Pariſh Churches of their ſeveral Dioceſſes reſpectively.*

Given at the *Palace* of *Weſtminſter*, the
18*th* day of *October*, in the Ninth Year
of his Reign.

GOD ſave the KING.

As concerning the Effects of this *Declaration*, we ſhall have occaſion in its proper time and place, to make mention of many particulars wherein it proved a ſnare to many Miniſters very Conformable to the Church of *England*, becauſe they refuſed to read the ſame publickly in the Church as was required, for upon this many were Suſpended and others Silenced from Preaching.

Term. MICHAELIS.

Anno 1633.

About this time a *Decree* was made in the High Court of *Star-Chamber*, in *Michaelmas Term*, after Conſultation had among the Judges, and Certificate of their Opinions in divers things, *&c.*

And alſo a Confirmation of the *Decree* by His Sacred Majeſty, together with His Majeſties Command, that the ſame ſhould be Printed, Publiſhed and put in due Execution.

The Contents of which are.

1. *Againſt Ingroſſing, and eſpecially of Grain by* Chandlers.
2. *That* Taverners *ſhould not ſell Victuals within their Houſes; for that is againſt Law.*
3. *That* Bakers *ſell not at* 14, 15, *or* 16 *to the Dozen, as hath been uſed.*
4. *Againſt the Exceſſive Rates of* Ordinaries, *that none exceed two ſhillings a Meal.*
5. *That* Ordinary-Keepers, Taverners *and* Victuallers *keep not Houſes of* Gaming.

6. *For the preſent Rates of* Horſe-meat, *and for Regulating for the Future.*
7. *Por ſuppreſſing inconvenient time of* Petty-Oſtries *in Corners, kept by ſuch as are neither* Victualers, *nor* Innkeepers, *nor anſwerable for the Goods of their Gueſts.*

Here followeth the *Decree* and the Judges Opinions.

A Decree of Star-Chamber.

Charles, *by the Grace of God King of* England, Scotland, France *and* Ireland, *Defender of the Faith,* &c. *To all and to whom theſe Our* Letters Patents *ſhall come, Greeting.*

'Know ye, that we have ſeen a certain *Decree* made by Our 'Council, in Our Court of *Star-Chamber* the 13*th* day of *No*'*vember*, in the 9*th* Year of Our Reign, which remaineth of record 'among the Records and Remembrances of that Court, contain'ing divers Ordinances; which Decree followeth in theſe Words.

In Camera Stellata coram Concilio ibidem 13 *die Novembris, Anno nono Coroli Regis.*

'His Majeſties Attorny General did this day Inform this Honou'rable Court, that it having been preſented to the Lords of His 'Majeſties moſt Honourable Privy Council, that as well the Prizes 'of all ſorts of Victuals, as alſo of Horſe-meat, were grown to ex'ceſſive Rates; and that Inſtance thereof was given in particular 'by his Majeſties Officers of the *Green-Gloath*, in ſeveral proviſions 'made for His Majeſties Houſe, whereby the Weekly Accounts of 'the Houſhould were much increaſed.

'It was thought fit and ordered, that His Majeſties *Attorney Ge*'*neral*, as well upon Conference with ſuch of the Judges, and ſuch 'of His Majeſties Learned Council as he ſhould think fit; as up'on peruſal of all ſuch Laws and Statutes, as are in force concern'ing the ſettling of Prizes of Victuals and Horſe-meat, ſhould make 'Report unto the *Board* of his Opinion concerning the ſame, as by 'their Lordſhips Order of the 9*th* of *October* laſt paſt appeareth: 'and declared that according to the ſaid Order, he had at ſeveral 'days attended His Majeſties Juſtices of the Kings *Bench* and *Com*'*mon Pleas*, and Barons of the *Exchequer*, who made Certificate of 'their Opinion in Writing ſubſcribed by them, which Certificate 'the ſaid Attorney preſented unto this Court, and followeth in 'theſe Words.

Mr. *Attorney*,

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'Mr. *Attorney* We ſend you here incloſed our Opinions of theſe 'things, which were propounded, and thought fit to be re'formed at our laſt General Meeting.

Thomas Richardſon.	*George Crook.*
Robert Heath.	*Thomas Trevors.*
Humphry Davenport.	*George Vernon.*
John Denham.	*Robert Barkeley.*
Richard Hutton.	*Francis Crawley.*
William Jones.	

'Touching Victuals, we find *Ingroſſing* to be a great occaſion to 'raiſe the Prizes thereof, an offence utterly againſt the *Common-'Law:* and amongſt Ingroſſers we find the *Chandlers* to be great 'Offenders in Buying great quantities of all ſorts of Grain brought 'unto, or towards the *Market.*

'We alſo find that *Taverns* are of late exceedingly increaſed in 'their number, in and about *London*; and that they Dreſs Fleſh and 'Fiſh, and utter the ſame at exceſſive Prizes, to the increaſe of Ri'ot and other Abuſes; whereas by the Law, *as Taverners* they are 'to ſell nothing but Wine, unleſs it be Bread to eat therewith.

'We find that *Bakers* do ſell their Bread at 14, 15, and 16 to the '*Dozen*, where they ſhould keep the Aſſize, and not ſell above 12, 'or 13 at the moſt to the *Dozen*; and this pincheth the Poor.

'We wiſh that *Ordinaries* in and about *London* may be regulated 'to a convenient ſum, and not to exceed two ſhillings for the Meal: 'and we wiſh that both *Taverners* and *Ordinary-Keepers* may be 'wholly reſtrained from ſuffering unlawful Games in their Houſes: 'for we find that this draws unthrifty Gueſts unto them, and is an 'apparent means to overthrow the Fortunes of many Gentlemen 'and Citizens.

'Touching *Horſe-meat*, upon hearing of divers Juſtices of Peace 'of *Middleſex* and *Surrey*, and of divers *Inn-keepers* of *London*, *Weſt'minſter*, *Middleſex* and *Surrey*; We are of Opinion that the pre'ſent Prizes of Hay and Oats conſidered, ſix Pence day and Night 'for Hay for a Horſe, and for Oats ſix Pence a Peck *Wincheſter 'meaſure*, is a Competent Rate to be given to *Inn-holders*, and to 'take nothing for Litter; and if they exceed theſe Rates, we hold 'them puniſhable by the Law, as for exacting Exceſſive and Un'meaſurable Prizes. For *Horſes* which come to Inns in the day'time, we conceive it to be a convenient Rate for the *Inn-keeper* to 'take a Penny for a Horſe, for his Stable-room only, the Horſe not 'being Unbridled; if he be Unbridled and have Hay, and go away 'the ſame day, to take two Pence the Horſe, and no more.

'We find that of *late Years*, there are many petty *Oſtries* ſet up in 'and about *London*, which entertain Horſes in by-corners, and receive 'Stable-Horſes, and the Horſes of ſuch who are perſons ſuſpected, 'and theſe have no Lodging for Travellers. By theſe *Oſtries* great 'Inconveniences happen to the Subject in general, and much preju'dice to the *Inn-holders* in particular, who by Law are bound to 'Lodge their Gueſts, and to be anſwerable for the Goods brought 'into their Charge.

9 Caroli.

'We find alſo that there are divers, who unlawfully ingroſs 'great quantity of Hay to ſell again: Theſe are Ingroſſers puniſhable by the *Common-Law*; and humbly moved this Honourable '*Court*, that the ſame might be here recorded; and that the Court 'would be pleaſed for the good of His Majeſty's people, to Decree 'and Command that the particulars thereof be ſtrictly obſerved. 'Whereupon this Honourable *Court* taking the ſame into their ſerious Conſideration, hath ordered, that the Certificate be Recorded in this Honourable *Court*; and hath Decreed,

'*Firſt*, For that it is notoriouſly known, that Ingroſſing is a 'great occaſion to raiſe the prices of Victuals, and alſo of Hay; 'and Ingroſſing to inhance prices is puniſhable, not only by the '*Statutes*, but alſo by the *Common Laws* of the *Realm*; His Majeſties Juſtices of the *Benches* at *Weſtminſter*, and Barons of the *Exchequer*, the Juſtices of *Aſſize* and *Oyer* and *Terminer*, and Juſtices 'of Peace in their ſeveral places, are required to cauſe diligent inquiry to be made of all *Ingroſſers* of all ſorts of Victuals and Hay, 'and ſee the Delinquents herein be ſeverely puniſhed.

'And His Majeſties Attorney General is likewiſe Commanded, 'to cauſe ſuch of them as ſhall be brought to his notice, to be informed againſt in this Honourable Court, that of them Example 'may be made to deter others from the like Offence.

'And it is *Decreed*, that after publication of this Decree in '*London*, no *Chandler* preſume to buy Corn, Grain, Meal, or Flowre 'to ſell again, either in Market, or out of Market.

'And this Court concurring in Opinion with the ſaid Reverend '*Judges*; and conſidering the great Exceſs and Riot, that is occaſioned by preparing and ſelling of Victuals in *Taverns*; and how 'the prices of ſundry ſorts of *Viands* are hereby increaſed; hath 'Decreed, that no *Taverner* or *Vintner*, ſelling Wine by Retail, 'do hereafter ſell, or make ready for ſale, any ſort of Fleſh or Fiſh, 'or other Victuals ſave Bread; nor to defraud this Ordinance, do 'by himſelf, or any other ſet up, or cauſe, or procure to be ſet up 'the Trade of a *Cook* within the ſame Houſe, or in any Shop or 'Room thereunto belonging, or in any Houſe thereto near adjacent; 'nor permit or ſuffer any Fleſh, Fiſh, or other Victual, except Bread, 'as aforeſaid, to be brought into his Houſe to be there eaten by 'any of his Gueſts.

'And the *Court* taking into Conſideration, how the Poor are 'oppreſſed and pinched, when *Bakers* do ſell their Bread to thoſe 'that vend the ſame by Retail, at the rates of more than twelve to 'the *Dozen*, in that the weight is abated in every Loaf; and the 'Buyer being ſometimes but a Paſſenger, is not able to make Complaint of the *Baker*, whom he knoweth not: It is therefore likewiſe 'Ordered and Decreed, that no *Baker* ſhall ſell any Bread at other 'rate than 12, or 13 at the moſt to the *Dozen*.

'And further it is Decreed, that none that ſhall keep *Ordinary-Tables*, or other Victualing-Tables, ſhall take more of the Gueſts 'than after the rate of two ſhillings the man for the Meal, nor more 'than eight Pence for each Servant attending his Maſter; and 'that nothing be taken above that rate for Wine, or other 'thing, or under colour thereof, whereby the true intent of 'this *Decree* may be deluded, or defrauded. And that none of

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‘them, or *Taverners*, or other Victualers, keep or ſuffer to be uſed Games of *Dice*, *Cards*, *Tables*, or other unlawful Games in their Houſes, wherein this Court declareth the Licenſes given by the *Groom-Porter* of His Majeſties Houſe, or others, for Licenſing or Permitting any of the ſaid *Games*, are not of validity to excuſe the Offenders.

‘Concerning *Horſe-meat*, For that upon hearing of the ſaid Juſtices of the Peace, and *Inn-keepers*, the preſent Prices conſidered, the Rates before ſpecified are Competent;

‘It is for the preſent *Ordered* and *Decreed*, that no *Inn-keeper*, or *Oſtler* within the Cities of *London* or *Weſtminſter*, or in any place within the diſtance of ten miles from either of thoſe *Cities*, the Suburbs, or Liberties of either of them, ſhall take above ſix Pence for a Horſe ſtanding in his Stable at Hay, a day and a night; nor more than ſix Pence for a Peck of Oats, of the Meaſure commonly called *Wincheſter-Meaſure*, without taking any thing for Litter, nor more than a Penny for ſtanding of a Horſe in his Stable a day without Meat, nor above two Pence for a Horſe ſtanding at Hay in the Day, and going away before Night.

‘And that no *Inn-keeper* ſhall exceed thoſe Rates in any part of this *Realm*; and where Grain and Hay are ſold at leſſer Prices, there the Rates and Prices ſhall be accordingly. And this Ordinance ſhall continue, until in the County of *Middleſex* it ſhall be made to appear to the Juſtices of the Kings *Bench*, and in other *Counties* and places, to the Juſtices of Peace there; that becauſe of the Increaſe of Prices in the parts adjoyning, greater Rates are neceſſarily to be permitted: and thereupon other Rates ſhall from time to time be ſet; which being ſet, are hereby Commanded and Injoyned to be ſtrictly and duly obſerved, until the ſame by like Authority ſhall be altered.

‘And to the end that there may be from time to time, moderate Rates and Prices for Hay, and Grain of all ſorts, taken by *Inn-Keepers* and *Oſtlers*, of Paſſengers and their Gueſts; His Majeſties Juſtices of the Kings *Bench* are deſired, and the Juſtices of the Peace of other *Counties* and Places are required yearly, and more often if there ſhall be occaſion, to make diligent inquiry of Hay and other Horſe-meat, and to make Declaration in Writing fixed in publick places, what Prices and Rates for Hay, and other Horſe-meat are allowed to be taken by *Inn-keepers*, which the ſaid *Inn-Keepers* and *Oſtlers* are Commanded to obſerve.

‘And if any of them ſhall preſume to offend therein, that diligent inquiry be made of them; that they being preſented, may without Connivance receive ſevere puniſhment as oppreſſors of His Majeſties people, by taking exceſſive Prices.

‘Moreover, the *Court* conſidering the great inconveniences that do ariſe by the number of petty *Hoſtries* and *Oſtlers*, that keep Stables for Horſes without Lodging for Gueſts; not liable, nor able to make ſatisfaction for Goods under their Cuſtody, that ſhall be ſtolen or imbezeled: yet taking conſideration of their Poverty, and that it would tend to their undoing, if they ſhould be ſuppreſſed, before ſuch time as the ſtore they have already provided, ſhall be ſpent; the Juſtices of the Peace of the *City* of *London*, Suburbs and Liberties thereof, the *City* of *Weſtminſter* and

‘Burrough of *Southwark*, and of the *Counties* of *Middleſex* and *Surrey*, are required with all convenient ſpeed, to make inquiry of all ſuch petty *Oſtries* within the ſaid Cities, Burroughs, Suburbs, Liberties, and all places not diſtant above two miles from ſome part thereof, and what Proviſion of Hay, Oats and Provender remaineth in their hands unſpent; and to Command them not to make any farther Proviſion.

‘And after that which is remaining in their hands ſhall be ſpent, no longer to uſe or keep ſuch *Oſtries*.

‘And it is *Decreed* by this *Court*, that none after that time ſhall keep, or uſe any ſuch *Oſtries*.

‘And to the end, that notice may be taken of this *Decree* by all thoſe whom it may concern; and that none may excuſe himſelf upon pretence of being ignorant of the Contents thereof;

‘It is *Ordered*, that the ſame be publiſhed in the Cities of *London* and *Weſtminſter*, and in the ſeveral *Counties* of this Realm, at *Aſſizes*, *Seſſions*, and other places of publick Aſſemblies.

‘And all they to whom the execution thereof pertaineth are required, that they ſee the ſame put in due execution.

‘*Know ye*, that we taking into Our Conſideration, that the ſaid *Decree* was made upon grave and ſad Advice, and upon the Certificate of Our *Judges*, and that the ſame is Juſt and Neceſſary to be obſerved, have Approved the ſame *Decree*, and do Ratifie and Confirm the ſame: and the Neceſſity of theſe Times requiring it,

‘*We do Command*, that the ſame by all thoſe whom it concerneth be obeyed and put inexecution, under the pains to be inflicted upon the Contemners of Our Command, and the *Decrees* of that *Court*.

‘And to the end that all our Loving Subjects may be participants of the good thereof, and may complain of thoſe things wherein they ſhall be grieved, contrary to the tenor of the ſaid *Decree*, and of thoſe that in diſobedience ſhall contemn, or neglect the due obſervance thereof;

‘We do Command Our *Printer*, that he forthwith cauſe theſe Preſents to be Printed and Diſperſed into the ſeveral Counties of this *Realm* with expedition; ſo that in every of thoſe *Counties*, the ſame may be publiſhed at the general *Seſſion* of the *Peace*, to be holden next after the *Feaſt* of the *Epiphanie* now next coming, that Our People of thoſe *Counties* may take notice thereof.

‘And we do Command the *Juſtices* of the *Peace*, that at their ſaid *Seſſions* in every of the ſaid *Counties*, the ſame be openly read: and we do require Our *Council* in our Court of *Star-Chamber*, the Juſtices of our *Benches*, Barons of Our *Exchequer*, Juſtices of *Aſſize* and *Oyer* and *Terminer*, and *Juſtices* of the *Peace*; that againſt all thoſe that ſhall offend againſt the ſaid *Decree*, they proceed without Connivence, as they tender Our Service and the good of Our People.

‘Whereof We have cauſed theſe *Our Letters* to be made *Patents*.
Witneſs Our Self at *Weſtminſter*, the 14*th* day of *December*, in the 9*th* Year of Our Reign. *Per ipſum Regem*.

WILLIS.

An. 1633.

Mich. 9 Car.

Coates *verſus* Goring & *alios.*

‘THe Defendant *Munday* being Arreſted in *Chelſey-fields*, at the Plaintiffs Suit, by two of the Sheriff of *Middleſex* Bailiffs, lay down on the ground, and deſired that notice might be given to his Friends thereof, and that they would not ſuffer him to be carried away; whereupon *Goring* being then a Conſtable, together with the Defendants *Richard Munday, Wine* and *Trott*, who were weaponed with Staves, with divers others, came to the Bailiffs, who told them they had Arreſted *Thomas Munday*; and then the ſaid *Wine, Trott* and *Richard Munday* ſware, they ſhould not carry him a foot farther; and *Goring* the Conſtable, under pretence of keeping the peace, took away the Bailiffs Weapons, and then did knock them down; and then the Defendants did, with others, ſore beat and wound the Plaintiff and the Bailiffs, and Reſcued the Priſoner, and then carried the Plaintiff, and Bailiffs to *Chelſey*; and by the way *Goring* threatned to throw one of the Bailiffs into the *Thames*: and when they came to *Chelſey* he cauſed them to be ſhut up into a Room, and would not ſuffer a Chirurgeon to come to them to ſtanch their Bleeding, by the ſpace of an hour and half, and in that time he took away the Bailiffs Warrant. And for theſe offences they were all committed; *Goring* fined fifty pound, and the other four and twenty pounds a piece, all bound to the good Behaviour a year, and pay fifty pound damage to the Plaintiff.

Riotous Reſcue.

Fifty pound Damages.

Mich. 9 Car.

Attorn. Regis ore tenus Verſus Jagger & *alios.*

‘THe Defendants confederated and agreed together to make Counterfeit Farthing-Tokens, and accordingly they did ſo. *Jagger* and *William Cooper* were the Work-men, and by the help of *Meacombe*, a Black-ſmith, provided Tools for that purpoſe; *Augur* furniſhed them with Mony and Copper, and was to have a ſhare of the Farthings, and profits thereof; and *Ralph Cooper* beſpake ſome of the Tools, and paid eleven Shillings towards them, and was to have a third part; and had, and did vent ſome of the Tokens which they made; and *Meacombe* the Smith made part of the Tools, being told for what purpoſe they were. And for this they were Committed, Fined 100 *l.* a piece, ſet on the Pillory in *Cheapſide*, and thence whipped through the Street to Old *Bridewel*, and there received and kept at Work; and if ever they be thence enlarged, then firſt to find Sureties for their good Behaviour.

Counterfeiting of Farthings, and making Inſtruments for that Purpoſe.

Mich. 9 Car.

Attorn. Regis per Rel' Southcot & aliis Set Cap verſus Thornbury. Libel.

‘THe Defendant out of malice to the Relator, being a Chirurgeon in *Chicheſter*, did, in the preſence of divers perſons, publiſh certain Libelous Rhythmes and Verſes, which he ſaid were made of the Relator, beginning thus, From *Cet to South*, from

‘*Cap to Scot*; and ending thus, *And is not he a very Knave, who makes a Privy of a Grave?* And for this he was committed to the Fleet, fined fifty pound, to ask the Relator forgiveneſs at *Chicheſter* before the Mayor, and pay him twenty pound Damages.

Twenty pound Damage.

Mich. 9 *Car.*

Star-Chamber *Attorn' Regis per Rel'* **Buſhen** *verſ' Dom' Viccom'* **Kilmallock,** *& al' de* **Ireland.**

‘THe Defendant, Sir *Henry Bealing*, together with one *Macrobin* deceaſed, who bare malice to the Relators Father, and vow'd to be reveng'd of him, falſely informed the Juſtices of Aſſize, That the ſaid *Buſhen* the Father had murdered his Wife, and thereupon he was bound over to anſwer it at the Aſſizes; and the Grand Jury, upon the Bill of Indictment againſt him, return'd *Ignoramus* twice: and the Juſtices of Aſſiſe having, for diſcovery of the Truth, examined divers Witneſſes, they gave direction to acquit him by Proclamation; which the Defendant *Bealing* perceiving, and being incenſed againſt *Buſhen* for ſome words that he uſed then in Court, he did again preſs and procure the Lord *Angier*, then Judge of Aſſiſe, to bind the ſaid *Buſhen* over again unto the next Aſſiſes, and ſaid he would be bound to Proſecute, and find other Evidence againſt him for the King: and between that and the Aſſiſes *Bealing* vow'd, he would ſpend all the Friends, and Means he had, but he would have *Buſhen* hang'd; and alſo ſaid he would follow him to Hell-gates, but he would hang him. And to effect that his Deviliſh Purpoſe, he earneſtly ſollicited the Lord Viſcount *Loftus*, Lord Chancellor of *Ireland*, to interpoſe therein, and give his Aſſiſtance, telling him great advantage would be made thereby, for that *Buſhen* was a Man of a great Eſtate; which the Lord *Loftus* refuſing, *Bealing* ſent a Servant to *Welden*, then High-Sheriff of the County, to tell him, that if he would joyn with him the ſaid *Bealing* to Convict *Buſhen*, it ſhould be worth him 5000 *l.* And before the Aſſiſes, *Bealing* told the Lord *Loftus* he had gotten a Man of Power that would proſecute it with effect. And at the Aſſiſes, the Defendant the Lord *Kilmallock* being then Chief-Juſtice *de Com' Banco* in *Ireland*, and Juſtice of Aſſiſe, (and being, as it ſhould ſeem by the ſequel, the Man of Power mentioned by *Bealing*) cauſed the Sheriff, on the 2*d* day of the Aſſiſes, about 7 or 8 a Clock in the morning, to ſend for the Grand Jury to the ſaid Sheriffs Houſe; and they being brought into the Dining Chamber there, he cauſed all perſons whatſoever to be ſhut forth, except the Judges themſelves, the Jury, the Clerk of the Crown, the Sheriff, and the Defendant *Bealing* the Proſecuter: and the doors being ſhut, the Defendant, the Lord *Sarsfeild* Viſcount *Kilmallock*, cauſed a Bill of Indictment to be preferr'd, and read to the Jury againſt *Buſhen*, for the Murder of his Wife, and then bid the Jury go together and find the Bill, and told them they ought to find the Bill; and the Jury deſiring to have ſome Evidence, the Defendant *Kilmallock* call'd the Defendant *Bealing*, who upon his Oath did Depoſe only, that he heard *Buſhen* murdered his Wife, which was all the Evidence they had, ſaving that the Lord *Sarsfeild* told

Malicious Practice, proſecution of an Innocent Man for Murder.

An. 1633.

‘ſome impertinent Tales and Diſcourſes of the ſtrange and miraculous
‘Diſcoveries of ſecret Murders, and ſaid, That unleſs they
‘would expect a Miracle from Heaven, they could have no better
‘Evidence than they had. And afterward Four of the Jury refuſing
‘to find the Bill, the Lord *Sarsfeild* told them, if they would
‘not find the Bill, they muſt attend him in Court, which they did:
‘and one of them being ask’d, Whether he was with the Bill, or
‘againſt the Bill? and he anſwering againſt the Bill, the Lord
‘*Sarsfeild* told him, he look’d for no better at his hands; and told
‘another of them that was againſt the Bill, it was one of his *London*
‘Tricks, and then Committed the Four that would not find the
‘Bill, put them off from the Jury, and fined them 40 *l.* a piece;
‘and ſtriking his hand on his Breaſt, ſwore by his Honour, that
‘not one Penny of their Fines ſhould be remitted; and immediately
‘after cauſed the 11 that yielded to find the Bill, and Two others
‘to be ſworn of a new Grand Jury, and they going together, found
‘the Bill *Billa Vera*. And thereupon *Buſben* coming to be Tryed
‘for his Life by the Petty Jury, and Evidence being about to be
‘given againſt him, he deſir’d, in reſpect of his Age and Deafneſs,
‘and the then Noiſe of the Glaſs-Windows, by reaſon of a preſent
‘Storm, and the Noiſe of the People, that he might have
‘leave to come out of the Bar, and ſtand where he might hear
‘what Evidence was given againſt him, that he might the better
‘anſwer for himſelf; which the Lord *Sarsfeild* unjuſtly denied him.

Unjuſt, and Indirect Carriage in a Judge upon the Arraignment and Trial of a Man for Murder, whereby an Innocent Man was Condemned and Executed.

‘And *Buſben* being charged, that he himſelf put his Wife into
‘her Winding-ſheet, deſir’d, that ſuch perſons as did view her
‘Body after her death, and did wind her, might be heard to diſcover
‘the Truth; the Lord *Sarsfeild* unjuſtly denied that alſo: and
‘*Buſben* then deſiring that the Juſtice of Peace, who had taken the
‘Examination of the Buſineſs, might be heard, the Lord *Sarsfeild*
‘denied him that Requeſt alſo. And the Petty Jury, after going
‘together, and ſtaying ſomewhat long, the Lord *Sarsfeild* ſent them
‘word, that if they would not agree and come away, he would
‘carry them with him the next day in a Cart; and being told that
‘they were all agreed but one, he ſent a Meſſage to the Jury, inciting
‘them to pinch that Man that would not agree; to pull him
‘by the Noſe, by the Hair of the Head, and by the Beard; and by
‘that means to compel him to agree with them; and bid the Jury
‘make much of him that night, and that he would make much of
‘him the next day; and ſent that one Man word, that it had been
‘better for him to agree. And ſoon after theſe threatning Meſſages
‘delivered to the Jury, and they knowing the uſage of the former
‘Jury, did, upon light Evidence of Hear-ſays only delivered
‘by *Bealing*, and others, find *Buſben* Guilty of the Murder of his
‘Wife, and he was condemned, and Executed for the ſame, when
‘as it clearly appear’d ſhe died of a Natural Death, and Diſeaſe of
‘the Bloody-Flux. And for this foul Carriage, the Lord *Sarsfeild*
‘Viſcount *Kilmallock*, was Committed to the *Fleet*, during His Majeſties
‘Pleaſure; Fined 2000 *l.* to the King, and 1000 *l.* Damage
‘to *Buſben* the Relator: *Bealing* Knight, for his malitious Proſecution,
‘Deviliſh Practice and Attempt to get other Men of Power
‘into his Wicked Proſecution, was Committed to the *Fleet*, Fined
‘500 *l.* and to pay 250 *l.* Damage to *Buſben*, the Relator.

1000 *l.* Dam’.

250 *l.* Dam’.

9 *Caroli.*

The Biſhop of *London* being lately Tranſlated to be Arch-Biſhop of *Canterbury*, he, by vertue of his Place, as the greateſt Man in the Church, thought fit to adviſe His Majeſty for a Reformation in the Church of *Scotland*, and began with the *Royal Chappel* in theſe following *Articles* ſent in His Majeſties Name, with a *Letter* to command Obedience.

October the 8*th* 1633. The Articles for his Majeſties Royal Chappel in *Scotland.*

Charles Rex.

Our expreſs Will and Pleaſure is, That the Dean *of Our Chappel, that now is, and his Succeſſors, ſhall be Aſſiſtant to the Right Reverend Father in God, the Arch-Biſhop of St.* Andrews, *at the Coronation, ſo often as it ſhall happen.*

That the Book of the Form of Our Coronation lately uſed, be put in a little Box, and laid into a Standard, *and committed to the Care of the* Dean *of the* Chappel *ſucceſſively.*

That there be Prayers twice a day, with the Quire, *as well in Our abſence, as otherwiſe, according to the* Engliſh Liturgie, *till ſome Courſe be taken for making one, that may fit the Cuſtom and Conſtitution of that Church.*

That the Dean of the Chappel look carefully, that all that receive the Bleſſed Sacrament there, receive it Kneeling; and that there be a Communion held in that Our Chappel the firſt Sunday *of every* Month.

That the Dean *of Our Chappel that now is, and ſo ſucceſſively, come duly thither to Prayers upon* Sundays, *and ſuch* Holy-days *as that Church obſerves, in his* Whites, *and Preach ſo, when-ever he Preacheth there. And that he be not abſent from thence, but upon neceſſary occaſion of his* Dioceſs *or otherwiſe, according to the Courſe of his Preferment.*

That theſe Orders *ſhall be Our Warrant to the* Dean *of Our Chappel. That the Lords of Our* Privy Council, *the Lords of the* Seſſions, *the* Advocate, Clerks, *Writers to the* Signet, *and Members of Our* College of Juſtice, *be commanded to receive the Holy Communion, once every Year at the leaſt, in that Our* Chappel Royal, *and Kneeling for Example ſake to the Kingdom. And We likewiſe Command the* Dean *aforeſaid to make Report yearly to Us, how We are obeyed therein, and by whom; as alſo if any Man ſhall Refuſe, in what manner he doth ſo, and why?*

That the Copes which are Conſecrated to Our Uſe, be delivered to the Dean *to be kept upon Inventory by him, and in a Standard provided for that purpoſe; and to be uſed at the Celebration of the Sacrament in Our* Chappel Royal.

Charles Rex.

The Letter. *Octob.* 8.

Reverend Father in God, Truſty and well-beloved Councellor, We Greet you well. We have thought good, for the better ordering of Divine Service, *to be performed in Our Chappel* Royal *there, to ſet down ſome Articles under Our own Hand, to be obſerved therein, which We ſend you here incloſed. And it is Our ſpecial Pleaſure, That you ſee every thing carefully performed, according as We have directed by theſe Our incloſed* Articles; *and likewiſe that you Certifie to the Lords of Our* Privy Council, *if any of thoſe appointed by Our former Letters*

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to them, to Communicate in Our Chappel-Royal, ſhall not accordingly perform the ſame, to the end ſuch Order may be taken by Our Council therein, as by Our ſaid former Letters to them We did appoint. Wherein expecting your Diligence and Care, We bid you Farewell.

From Our Court at *Whitehall* the 8*th* day of *October* 1633.

Moreover, the Arch-biſhop of *Canterbury* had a Warrant from the King, to hold Correſpondence with the Biſhop of *Dunblane*, the preſent Dean of the Chappel-Royal in *Edenburgh*, and from time to time to Communicate unto him His Majeſties further Directions, for the ordering of this Service. The Royal Chappel being thus ordered, was declared to be for a Pattern of the Intended Reformation to all *Cathedrals*, *Chappels*, and *Pariſh-Churches* in *Scotland.*

After this the Arch-biſhop wrote divers Letters to Biſhop *Balentine*, to promote the Deſign, and to let His Majeſty receive a Note, who thoſe be that Conformed, and who not.

Another Letter Informing him of his miſſing the Biſhoprick of *Edenburgh*, for his Omiſſion of Prayers in the Chappel, according to the *Engliſh Liturgie*, &c. and Exhorting him to be careful for the future, and that his Excuſe was not ſatisfactory, *viz.* That the Singing-Men could not come for Debt; for that the Prayers might have been read by his Lordſhips *Chaplain.* That he did well to acquaint the Lords with His Majeſties Reſolution concerning the Communion there.

Another to like purpoſe, and concerning the payment of the Singing-Mens Wages.

Another, *January* the 12*th* 1634. giving him Thanks for his Reſolutions about ordering the Kings Chappel, and wearing his Whites, *&c.*

Another, *February* the 28*th* 1634. containing Thanks from the King, for the Solemnity of the late Communion, and expreſſing his Hopes, that the other Biſhops were in their *Whites*, as well as he, that the Envy of the Vulgar might not fall only on him. That he had ſhewed His Majeſty the Paper of thoſe of the *Seſſion*, as did not Conform at the Communion. That he had done what he could for the Gentleman of the Chappel; but the Times required Patience, *&c.*

And on the 28*th* of *September* 1634. the Arch-biſhop of *Canterbury* cauſed the King to Sign a Common-Prayer-Book, for the uſe of the Church of *Scotland:* and gave order to the Biſhops of *Scotland*, to compile certain Canons for the Government of the Church of *Scotland*; which Liturgie and Canons were to be Impoſed upon that Church, by Regal, and Epiſcopal Authority, without Conſent of *Parliament*, or of a General *Aſſembly.* The Biſhops of *Scotland*, not long after, gave the Arch-Biſhop of *Canterbury* a particular Account of their Proceedings therein, with Thanks for his many Favours to them.

In theſe Times the Communion-Table in Parochial Churches began to be placed *Altar-wiſe* after the Pattern of *Cathedrals*, which were called *Mother-Churches.*

St. *Gregories* Church.

ON the 3*d* of *November* was debated before His Majeſty, ſitting in Council, the Queſtion and Difference which grew about the removing the Communion-Table in St. *Gregories* Church near the *Cathedral Church* of St. *Pauls*, from the middle of the Chancel to the upper end, and there placed *Altar-wiſe*, in ſuch manner, as it ſtandeth in the ſaid Cathedral and *Mother-Church*, as alſo in all other Cathedrals, and in His Majeſties own Chappel and as it is conſonant to the practice of approved Antiquity; which removal, and placing of it in that ſort, was done by order from the *Dean* and *Chapter* of St. *Pauls*, who are Ordinaries thereof, as was avowed before His Majeſty by Dr. *King* and Dr. *Montfort*, Two of the *Prebendaries* there: yet ſome few of the Pariſhioners, being Five in Number, did complain of this Act by Appeal to the Court of *Arches*, pretending that the Book of Common-Prayer, and the 82*d Canon*, do give permiſſion to place the Communion-Table where it may ſtand with moſt fitneſs and convenience. Now His Majeſty having heard particular relation made by the Counſel of both Parties, of all the carriage and proceedings in this Cauſe, was pleaſed to declare his diſlike of all Innovation, and receding from Ancient Conſtitutions, grounded upon juſt and warrantable Reaſons, eſpecially in Matters concerning Eccleſiaſtical Order and Government, knowing how eaſily Men are drawn to affect Novelties, and how ſoon weak Judgments, in ſuch Caſes, may be overtaken and abuſed: Further alſo obſerving, that if theſe few Pariſhioners might have their Wills, the Difference thereby, from the aforeſaid Cathedral *Mother-Church*, by which all other Churches depending thereon ought to be guided, would be the more notorious, and give more ſubject of Diſcourſe and Diſputes that might be ſpared, by reaſon of St. *Gregories* ſtanding cloſe to the Wall thereof. And foraſmuch as concerns the Liberty given by the Common-Book, or *Canon*, for placing the Communion-Table in any Church or Chappel with moſt convenience; it was anſwered, That ſuch Liberty is not ſo to be underſtood, as if it were ever left to the diſcretion of the Pariſh, much leſs to the particular Fancy of any humorous perſon, but to the Judgment of the Ordinary, to whoſe Place and Function it doth properly belong to give direction in that Point, both for the thing it ſelf, and for the time when, and how long, as he may find cauſe; upon which Conſideration His Majeſty declared, That he well approved and confirmed the Act of the ſaid Ordinary, and ſo gave Commandment, that if thoſe few Pariſhioners before mentioned did proceed in their ſaid Appeal, the *Dean* of the *Arches*, who was then attending at the hearing of the Cauſe, ſhould confirm the ſaid Order of the aforeſaid Dean and Chapter.

The Lords preſent at the making of this Order were theſe.

The King's Moſt Excellent Majeſty.

Lord Arch-Biſhop of *Canterbury*.
Lord *Keeper*.
Lord Arch-Biſhop of *York*.
Lord *Treaſurer*.
Lord *Privy-Seal*.
Lord Duke of *Lenox*.
Lord *Chamberlaine*.
Earl of *Bridgewater*.
Earl of *Carliſle*.
Lord *Cottington*.
Mr. *Treaſurer*.
Mr. *Comptroller*.
Lord *High-Chamberlaine*.
Earl *Marſhall*.
Mr. Secretary *Cooke*.
Mr. Secretary *Windebancke*.

Thomas Lord Viſcount *Wentworth*, Lord Deputy of *Ireland*, on the *22d* of *January* 1633. was pleaſed to write to His Majeſty a Letter, giving his Humble Opinion concerning a Parliament in His Majeſties Kingdom of *Ireland*, as followeth.

January 22. 1633. The Lord Deputy of *Ireland*'s Advice to the King, concerning the calling a Parliament.

Albeit the calling of the Parliament in this Kingdom, is at no time of ſo much hazard, (where nothing is propounded as a Law, before it firſt borrows motion from Your Majeſties immediate Allowance under Your Great Seal) as it is in England, *where there is a Liberty aſſum'd to offer every thing in their own time, and order; and this Subordination, whereunto they have been led by the Wiſdom of former Times, is ever to be held as a* Sacred Prerogative, *not to be departed from, in no piece to be broken or infringed: yet is the Propoſition always weighty, and very neceſſary to be conſidered with great deliberation, whether the preſent Conjuncture of Affairs doth now adviſe a Parliament, or no? and after a ſerious Diſcourſe with my ſelf, my Reaſon perſwades me for the Aſſembling thereof.*

Lord Deputy *Wentworth*'s Letter. 1633.

For the Contribution from the Country toward the Army, ending in December *next, Your Majeſties Revenue falls ſhort* Twenty Thouſand Pounds Sterling *by year of the preſent Charge it is burthened withall, beſides the vaſt Debt of* Fourſcore Thouſand Pounds Iriſh *upon the Crown; which yearly Payments alone are impoſſible by any other way to be in time ſupplied, but by the Subject in* Parliament; *and to paſs to the Extraordinary, before there be at leaſt an Attempt firſt to effect it with eaſe, were to love difficulties too well; rather voluntarily to ſeek them, than unwillingly to meet them; and it might ſeem as well vanity in the firſt reſpect, ſo to affect them, as faintneſs to bow under them, when they are not to be avoided.*

The next Inclination thereunto ariſeth in me from the conditions of this Country, which is grown very much more civil and rich, ſince the Acceſs of Your Royal Father of Bleſſed Memory, and Your Majeſty to the Crown.

That all You have here is iſſued out again among them for their protection and ſafety, without any conſiderable Reſervation for other the great Affairs and Expences abroad.

That this great Charge is ſuſtained, and this great Debt *Contracted through Imployments for the Publick, whereof the benefit hitherto hath been intirely theirs. That there hath been but one* Subſidy *granted in all this time, nor any other* Supply *but this Contribution; in exchange*

where-

9 *Caroli.*

whereof Your Princely Bounty *return'd them Graces as beneficial to the Subject, as their Money was to Your Majeſty ; ſo as their Subſtance having been ſo increaſed under the Guard of Your Wiſdom and Juſtice, little iſſued hence from them. The* Crown *ſo preſſed only for their* Good ; *and ſo modeſt a Calling upon them now for a Supply, which in all Wiſdom,* Good *Nature, and Conſcience, they are not to deny ; Should they not conform themſelves to Your Gracious Will, their unthankfulneſs to* God, *and the beſt of* Kings, *would become inexcuſable before all the World, and the* Regal Power *more warrantably to be hereafter extended, for redeeming and recovering Your Majeſties Revenues thus loſt, and juſtly to puniſh ſo great a Forfeit, as this muſt needs be judg'd to be in them.*

Next, the frightful Apprehenſions, which at this time makes their Hearts beat, leſt the Quarterly Payments towards the Army, continued now almoſt Ten years, might in fine turn to an Hereditary Charge upon their Lands, incline them to give any reaſonable thing at preſent, to ſecure them from that fear for the future ; and therefore according to the wholeſome Counſel of the Phyſician, Dum dolet, accipe.

And laſtly, if they ſhould meanly caſt from them theſe mighty Obligations, which indeed I cannot fear ; Your Majeſties Affairs can never ſuffer leſs by their ſtarting aſide, when the General Peace abroad admits more united Power in Your Majeſty, and leſs diſtracted thoughts in Your Miniſters to chaſtiſe ſuch a forgetfulneſs, to call to their remembrance, and to inforce from them other and better Duties than theſe.

In the ſecond place, the time Your Majeſty ſhall in Your Wiſdom appoint for this Meeting *imports very much, which, with all ſubmiſſion, I ſhould adviſe might not be longer put off than* Eaſter *or* Trinity *Term at fartheſt, and I ſhall crave leave to offer my Reaſons.*

The Improvements mentioned in my Diſpatch to the Lord Treaſurer, *(from which I no way recede) would not be foreſlowed, wherein we loſe much by deferring this Meeting : a Circumſtance very conſiderable in theſe ſtreits, wherein, if ſurpriz'd, it might be of much diſadvantage, in caſe the* Parliament *anſwer not expectation ; and to enter upon that Work before, would be an Argument for them to ſcant their Supply to Your Majeſty.*

Again, A Breach of a Parliament *would prejudice leſs thus, than in Winter ; having, at the worſt, Six* Months *to turn our Eyes about, and many Helps to be gain'd in that ſpace ; where, in the other Caſe, the Contribution ending in* December *next, we ſhould be put upon an inſtant of Time, to read our Leſſon at the firſt ſight.*

Then, the calling of a Parliament, *and determining of the Quarterly Payments falling out much upon one, might make them apprehend, there was a neceſſity enforcing a preſent Agreement, if not the good one we would, yet the beſt we could get ; and ſo embolden them to make, and flatter themſelves to gain their own Conditions ; and Conditions are not to be admitted with any Subjects, leſs with this People, where Your Majeſties abſolute Sovereignty goes much higher, than it is taken (perhaps) to be in* England.

And laſtly, There being ſome of Your Majeſties Graces, which being paſſed into Laws, might be of great prejudice to the Crown ; and yet it being to be fear'd, they will preſs for them all, and it's uncertain what humor the denying any of them might move in their Minds : I conceive, under favour, it would be much better to make two Seſſions *of it, one*

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in Summer, *the other in Winter; in the former to ſettle Your Majeſties* Supply; *and in the latter, to Enact ſo many of thoſe Graces, as in Honour and Wiſdom ſhould be judged equal; when the putting aſide of the reſt might be of no ill conſequence to other Your Royal Purpoſes.*

All the Objections I am able to ſuggeſt unto my ſelf are Two: That it might render fruitleſs the intended Improvement upon the concealments, and prejudice the Plantations of Connaght *and* Ormond. *The firſt may eaſily be helped by a ſhort Law propounded in my Diſpatch to my Lord* Treaſurer; *and* Poſito, *that there do no other Law paſs the firſt* Seſſion, *the ſecond is likewiſe ſufficiently ſecur'd.*

Then it is to be foreſeen what Your Majeſty will demand; how to induce, and purſue the ſame, for the happy ſettlement of the Regal Rights, *and Powers in this more ſubordinate Kingdom.*

My Humble Advice is, to declare at the firſt opening of the Meeting, *that Your Majeſty intends, and promiſes Two* Seſſions: *This former for Your ſelf; that latter in* Michaelmas Term *next for them. This to aſcertain the Payments of Your Army, and to ſtrike off the Debts of Your* Crown; *That for the Enacting of all ſuch profitable and wholeſome Laws, as a moderate and good People may expect from a Wiſe and* Gracious King.

That this being the order of Nature, Reaſon, and Civility, Your Majeſty expects it ſhould be intirely obſerv'd, and Your ſelf wholly intruſted by them; which they are, not only to grant to be fit in the general Caſe of King and Subjects, but ought indeed to acknowledge it with Thankfulneſs due to Your Majeſty in particular, when they look back, and call to mind, how for their eaſe You were content to take Sixſcore Thouſand Pounds *(which their Agents gave to be paid in Three) in* Six Years; *and not barely ſo neither, but to double Your* Graces *toward them the whilſt, which they have enjoyed accordingly much to their Advantage, and greatly to the loſs of the* Crown.

And that conſidering the Army hath been repreſented over to Your Majeſty from this Council, and in a manner from the Body of this whole Kingdom, *to be of abſolute Neceſſity, to give comfort to the quiet Minds in their honeſt Labours, to contain the Licentious Spirits within the modeſt Bounds of Sobriety; It conſiſts not with Your Majeſties Wiſdom to give unto the World, no not the Appearance of ſo much improvidence in Your own* Councils, *of ſo much forgetfulneſs in a Caſe of their Safety, as to leave that Pillar of Your Authority, and their Peace, unſetled for continuance at leaſt one Six* Months *before the wearing forth of their Contribution.*

Therefore Your Majeſty was well aſſur'd, in conformity to the Rules of Reaſon and Judgment, they would preſently grant Three Subſidies to be paid in Three years, to diſingage the Crown *of* Fourſcore Thouſand Pounds Debt, *and continue their Quarterly Payments toward the Army Four years longer; in which time it was hopeful (ſuitable to Your Gracious Intentions) ſome other Expedient might be found out, to maintain the Army without farther Charge to them at all; which Law paſſed, they ſhould have as much leiſure to Enact for themſelves at after, as they could deſire, either now, or in Winter. Nay, Your Majeſty would be Graciouſly pleaſed, with the Aſſiſtance of Your* Council, *to adviſe ſeriouſly with them, that nothing might remain, either unthought-of, or denied, conducing to the publick* Good *of this* Kingdom; *but if they* *make difficulty to proceed with Your Majeſty in this manner; other Counſels muſt be thought of, and little to be relied on, or expected from them.*

I am not to flatter Your Majeſty ſo far, as to raiſe any hope on that ſide, that all this ſhould be granted but by preſſing both, and eſpecially the continuance of the quarterly Payments *to the* Army, *which they dread above any earthly thing. I conceive it probable, that to determine and lay aſleep (as they think) the Contribution, and in acknowledgment of Your Majeſties happy acceſs to the Crown, they may be drawn to a preſent gift of three* Subſidies, *payable in three years, which alone would keep the Army on foot, during that time; and if my Calculation hold, almoſt diſcharge the debt of the Crown beſide.*

For thus I make my Eſtimate. The Contribution from the Country is now but twenty thouſand pounds ſterling *by the* Year; *whereas I have good Reaſon to truſt, each Subſidie will raiſe* thirty thouſand pounds ſterling, *and ſo there will be* 10000 *l. for three years, over and above the eſtabliſhment which* thirty thouſand pounds ſterling, *well and profitably iſſued, will (I truſt) with Honour to Your Majeſty, and Moderate ſatisfaction to the Parties, ſtrike off the whole* fourſcore thouſand pounds Iriſh, *which in preſent preſſeth ſo ſore upon this Crown.*

And then, Sir, after that in Michaelmas Term *all Beneficial Acts for the Subject be thought of, as many, no fewer, nor no more Enacted than were fit in Honour, and Wiſdom to be granted; If for a Concluſion to this* Parliament *we could gain from them other two* Subſidies, *to buy in Rents and Penſions to ten thouſand pounds yearly value (a thing they are inclinable unto, as is mentioned in my Diſpatch to the Lord* Treaſurer) *I judge there were a happy iſſue of this* Meeting; *and that it ſhould through* God's *Bleſſing appear to the World in a few years, You had without charge made a more abſolute Conqueſt of this Nation by Your Wiſdom, than all Your Royal Progenitors have been able to accompliſh by their Armies, and vaſt expence of Treaſure and Blood.*

Theſe being the ends in my poor Opinion, which are to be deſired, and attained; the beſt means to diſpoſe and fit all concurring cauſes thereunto, are not to be forgotten; and therefore as preparatives, I make bold to offer theſe enſuing particulars.

It ſeems to me very convenient, a Committee *be forthwith appointed of ſome few of us here, to take into conſideration all the Bills intended, when there was a Parliament to have been called in the time of my Lord* Faulkland; *Such as ſhall be judged beneficial to make them ready; ſuch as may be of too much prejudice to the Crown, to lay them aſide, and to draw up others, which may chance to have been then omitted. This Work may be by the* Committees, *either quickned or foreſlown, as the* Parliament *proceeds warmer, or cooler in Your Majeſties ſupplies.*

Next, That Your Majeſties Acts of Grace *directed to my Lord* Faulkland *the* 24th *of May* 1628, *may be conſidered by ſuch of Your Council in* England, *as ſhall pleaſe Your Majeſty to appoint; there being many matters therein contained, which in a Law would not ſo well futurely ſort with the Power requiſite to be upheld in this Kingdom, nor yet with Your Majeſties preſent profit; which hath perſwaded me to except againſt ſuch, as I hold beſt to be ſilently paſſed over, and tranſmit a Paper thereof to my Lord* Treaſurer.

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It is to be feared, the meaner ſort of Subjects here live under the preſſures of the great men, and there is a general Complaint, that Officers exact much larger Fees than of right they ought to do. To help the former, if it be poſſible, I will find out two or three to make examples of; and to remedy the latter, grant out a Commiſſion *for examining, regulating and ſetting down Tables of Fees in all your Courts; ſo as they ſhall find Your Majeſties Goodneſs and Juſtice, watching and caring for their protection and eaſe, both in private, and publick reſpects.*

I ſhall indeavour the Lower Houſe *may be ſo compoſed, as that neither the Recuſants, nor yet the Proteſtants ſhall appear conſiderable, more one than the other, holding them as much as may be upon equal Ballance; for they will prove thus eaſier to govern, than if either party were abſolute. Then would I in private Diſcourſe ſhew the* Recuſant, *that the Contribution ending in* December *next, if Your Majeſties Army were not ſupplied ſome other way before, the twelve pence a Sunday muſt of neceſſity be exacted upon them; ſhew the Proteſtant, that Your Majeſty muſt not let go the* twenty-thouſand pounds-Contribution, *nor yet diſcontent the other in matter of Religion, till the Army were ſome way elſe certainly provided for; and convince them both, that the preſent* quarterly payments *are not ſo burthenſom, as they pretended them to be; and that by the Graces they have had already more benefit, than their mony came to. Thus poiſing one by the other, which ſingle might perchance prove more unhappy to deal with.*

I will labour to make as many Captains, *and Officers* Burgeſſes, *as poſſibly I can, who having immediate dependence upon the* Crown, *may almoſt ſway the Buſineſs betwixt the two Parties, which way they pleaſe.*

In the Higher Houſe *Your Majeſty will have, I truſt, the Biſhops wholly for You. The* Titular Lords, *rather than come over themſelves, will put their proxies into ſuch ſafe hands, as may be thought of on this ſide; and in the reſt Your Majeſty hath ſuch Intereſt, what out of duty to the Crown, and obnoxiouſneſs in themſelves, as I do not apprehend much any difficulty among them.*

To theſe, or any thing elſe directed by Your Majeſty, I will with all poſſible diligence, apply my ſelf ſo ſoon as I ſhall underſtand Your pleaſure therein; moſt humbly beſeeching, You will take it into Your Gracious Memory, *how much Your Majeſties ſpeedy Reſolution in this great Buſineſs imports the proſperity of Your Affairs in this place, and in that reſpect vouchſafe to haſten it, as much as conveniently may be.*

In this Diſpatch the Deputy alſo writ to His Majeſty Conſiderations tending to the Government of the Church, *&c.* In theſe words,

May it pleaſe Your Sacred Majeſty.

Conſiderations tending to the better Government of the Church and Clergy in this Kingdom, I offer in a Letter herewith ſent to my Lord's Grace of Canterbury.

THE preſent mean condition of this Army, and the neceſſary courſe to be held in the ſpeedy Reformation thereof, I fully now ſet forth in my diſpatch to Mr. Secretary *Cook.*

The ſtate of Your Majeſties Revenue, the Annual Iſſues of Your Treaſure, and the debt charged upon this Crown upon my coming to the Government; the Propoſitions humbly offered by me, for the bettering Your Majeſties Affairs in this particular, together with a way of raiſing a conſtant great Rent forth of the Salt, I have at this time alſo tranſmitted to my Lord Treaſurer; of all which I beſeech Your Majeſty at Your beſt leiſure be pleaſed to take a ſummary account.

Now I truſt the importance and weight of this incloſed Diſcourſe, will recompence for the length thereof, and obtain my pardon, albeit I preſume thus to preſent it immediately to Your Sacred Hands; for indeed I take it to be no leſs than the Ground-plot, whereupon to ſet and raiſe ſafety and quiet to this Kingdom, as it ſtands in relation within it ſelf, ſecurity and profit, as it is in dependence to the Crown of *England*.

And therefore I do moſt humbly beſeech Your Majeſties quickning Spirit may move upon theſe Waters, that we may from Your Directions receive Life, and from Your Wiſdom borrow Light to guide and conduct us along in the way we are to take towards the accompliſhment of ſo happy a Work.

God Almighty aſſiſt You in theſe, and all other Your Counſels, and long preſerve Your Majeſty in full Power and Greatneſs, *&c.*

Dublin Caſtle,
Jan. 22.
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As in the life time of the greateſt Prelate of this Kingdom, *William Laud*, Arch-Biſhop of *Canterbury*, the Vulgar ſort would be caſting out reflective paſſages againſt him; ſo that Libelling humour was alſo continued after the death of *William Noy* the Kings Attorney General, the greateſt and moſt famous Lawyer of that age; for after his Deceaſe, (who departed this Life the *9th* of *Auguſt* this Year) Papers were put upon Poſts, reflecting on him, that his Body being opened there was found in his Head a bundle of Proclamations, in his Maw Motheaten Records, and in his Belly a Barrel of Soap.

Septemb. 19.

To the moſt Reverend Father in God, Our right truly, and right entirely beloved Counſellor, *William*, Lord Arch-Biſhop of *Canterbury*, Primate and Metropolitane of all *England*.

Charles Rex,

The Kings Letter to the Arch-Biſhop of *Canterbury*.

MOST Reverend Father in God, right truly, and right entirely beloved Counſellor, We greet you well. There is nothing more dear to Us than the preſervation of true Religion, *as it is now ſetled and eſtabliſhed in this Our Kingdom, to the honour of* God *and the great comfort of Our ſelves, and Our loyal people; and there can nothing more*

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more conduce to the advancement thereof than the ſtrict obſervation of ſuch Canons of the Church as concern thoſe that are to take Orders in their ſeveral times; more eſpecially of keeping that particular Canon, *which enjoyns, that no man be made a Prieſt or a Miniſter without a* Title: *For we find that many not ſo qualified, do by favour of other means procure themſelves to be ordained, and afterwards for want of means, wander up and down, to the ſcandal of their Calling; or to get maintenance fall upon ſuch courſes as are moſt unfit for them, both by humouring their Auditors, and other ways altogether unſufferable. We have therefore thought fit, and we do hereby ſtreightly require and charge you to call ſuch Biſhops to you as are now preſent, in, or near Our City of* London, *and to acquaint them with this Our Reſolution; And further, that you fail not in the beginning of the next Term to give notice of this Our Will and Pleaſure openly in Our* High Commiſſion Court, *and that you call into Our ſaid Court every Biſhop reſpectively that preſume to give Orders to any man that hath not a Title, and there to cenſure him as the Canon aforeſaid doth enjoyn (which is to maintain the Party ſo ordered till he give him a Title), and with what other cenſure you in Juſtice ſhall think fit. And Our further Will is, that nothing ſhall be reputed a Title to enable a man for Orders, but that which is ſo by the ancient courſe of the Church, and the Canon Law, ſo far forth as that Law is received in this Our Church of* England. *And as you muſt not fail in theſe Our Directions, nor in any part of them, ſo We expect that you give Us from time to time a ſtrict account of your proceedings in the ſame.*

None to be a Miniſter without a Title.

Given under Our Signet at Our Palace in *Weſtminſter*, the 19th day of *September*, in the ninth Year of Our Reign.

In purſuance of this Letter, the Arch-Biſhop of *Canterbury* writ to the ſeveral Biſhops of their reſpective Dioceſſes, to pray and require them, that at all times of Ordination, they be careful to admit into Holy-Orders none but ſuch men as for Life and Learning are fit, and which have a Title for their Maintenance, according to the Law and antient Practice of the Church; and the Arch-Biſhop declared what ſhall be a Title according to the Canon, which theſe perſons Ordained muſt have.

1. A Preſentation to ſome Eccleſiaſtical preferment.
2. Or, A Certificate undoubted, that he is provided of ſome Church void there.
3. Or, A Grant of ſome petty Canons Place, or the like, in a Cathedral or a Collegiate Church.
4. Or, A Fellow, or in the right of a Fellow, in ſome Colledge in *Oxford* or *Cambridge*.
5. Or, A Conduct of Chaplain in ſome Colledge in *Oxford* or *Cambridge*.
6. Or, A Maſter of Arts of Five years ſtanding, living at his own Charge in either of the Univerſities.
7. Or the intention of the Biſhop that Ordains, ſhortly to admit him to ſome Benefice or Curates place then void.

And I think the Canon intends, that after a Man is once admitted a Curate, the Parſon or Vicar of the Place ſhould not have power to put them off at pleaſure, but only for ſuch criminal Unworthineſs as might deprive him of his Benefice, if he had one.

By reaſon of theſe ſtrict Rules, no Lecture whatſoever was admitted to be a Canonical Title, and ſo all Ordinations of Miniſters to ſupply Lectures was totally ſecluded; alſo no Chaplainſhip to any Noblemans Family was allowed to be a ſufficient Title.

In the Month of February, *in* Hilary *Term, upon an Information in the* Star-Chamber *againſt Sir* David Fowlis, *Sir* Thomas Layton, *and* Henry Fowlis *Eſq; Defendants, the Cauſe came to Hearing.*

The Information being opened to the Court was to this effect.

Sir *David Fowlis*, &c. queſtioned in the *Star-Chamber*.

THat whereas ſeveral *Commiſſions* had iſſued lately out of His Majeſties Court of *Exchequer* in the *6th*, *7th*, and *8th Year* of His Majeſties Reign, directed to the Lord Viſcount *Wentworth*, and to divers other Lords, Knights, and Gentlemen of the beſt and principal Rank and Quality in thoſe Northern Parts, who were thereby Authoriz'd for the more eaſe of the *Country*, to Treat, Commune, and Compound with all and ſingular his Highneſs's Subjects of the *City* and *County* of *York*, and other Northern Counties therein particularly expreſſed, as would make Fine with His Majeſty for their Contempts in not attending His Majeſties Coronation, to have taken the Order of *Knighthood*, as they ought to have done; and the ſaid Lord Viſcount *Wentworth* was by expreſs *Letters* from His Majeſty in that behalf ſpecially appointed to be Collector: And albeit the ſaid Sir *David Fowlis* had received many Gracious Favours both in Honour and Profit, as well from King *James*, as His now Majeſty, which might juſtly have incited and ſtirred him up to all dutiful and grateful Thankfulneſs for the ſame; nevertheleſs the ſaid Sir *David Fowlis* moſt undutifully, and ingratefully, did not regard the ſame, but harbored ſome ſecret diſcontentment, and ill affection in his Heart: for when-as the ſaid Lord Viſcount *Wentworth*, and other His *Majeſties Commiſſioners*, carefully and dutifully intended the due Execution of His *Highneſs's* ſaid *Commiſſions*, and had by vertue thereof ſummoned, and given notice to *Ralph Ewre*, *James Penniman* Eſquires, and ſundry others dwelling and inhabiting near unto the ſaid Sir *David Fowlis*, to attend the ſaid Commiſſioners at the ſaid City of *York*, for their Compounding for their ſaid *Fines* of *Knighthood*; the ſaid Sir *David Fowlis* moſt undutifully endeavoured and practiſed what he poſſibly could, to oppoſe His *Majeſties* Service therein, and to diſſwade and divert perſons from Compounding with the ſaid *Commiſſioners*, and many times publickly declar'd his diſlike and diſaffection of, and to the ſaid Service, which was generally obſerv'd and noted throughout the Country where he dwelt: which was by him ſo ſpoken of intent and purpoſe, to cauſe Men to forbear and refrain Compounding, or reſorting to the ſaid *Commiſſioners*, to make any Compoſition

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tion for their aforeſaid Contempts; and thereby animated and incouraged ſundry perſons to ſtand out, and refuſe to make any Compoſition at all, who otherwiſe would have Compounded with the ſaid *Commiſſioners* for their ſaid *Fines* of Contempt, in not attending at His *Majeſties Coronation* to take the Order of *Knighthood*, as aforeſaid. And in farther proſecution of his ill affection, and to ſhew his diſlike of the ſaid Service, and the more fully to expreſs and manifeſt himſelf, and his deſire for the hindrance thereof; he the ſaid Sir *David Fowlis*, at a Publick Meeting, at the Houſe of the ſaid Sir *Thomas Layton*, in the beginning of the *Month* of *July* 1632. did, in divers of his Conferences with Gentlemen concerning the Compounding with the ſaid Lord *Viſcount*, and the other *Commiſſioners* for their *Fines* and Contempts of *Knighthood*, publickly affirm and ſay; ‘That *York-ſhire* Gentlemen had been in time ‘paſt accounted and held ſtout-ſpirited Men, and would have ſtood ‘for their Rights and Liberties, and were wont to be the worthieſt ‘of all other Shires in the Kingdom. And that in former times all ‘other Shires did depend, and would direct all their great Actions ‘by that Country. And that other Counties, for the moſt part, ‘followed and imitated *York-ſhire*: but now in theſe days *York-ſhire*-‘Men were become degenerate, more daſtardly and more cowardly ‘than the Men of other Counties, wanting their wonted Courage ‘and Spirit, which they formerly uſed to have. Which ſaid Words and Speeches the ſaid Sir *David Fowlis* then uſed and uttered purpoſely, to diſſwade and diſcourage perſons from Compounding for the ſaid Contempts and *Fines* for *Knighthood*, as aforeſaid. And the more to encourage thoſe that ſtood out, and refus'd to Compound, the ſaid Sir *David Fowlis*, at the ſame time and place, extoll'd and highly commended one *James Maleverer* Eſq; for denying and refuſing to Compound with the ſaid *Commiſſioners* for his *Fines* of *Knighthood*, and ſaid; ‘That the ſaid *James Maleverer* was the ‘wiſeſt and worthieſt Man in the Country; and that he was a ‘brave Spirit, and a true *York-ſhire-man*; and that none durſt ſhew ‘himſelf ſtoutly for the Good of the Country, but the ſaid Mr. ‘*Maleverer*, and was to be Honoured therefore. And did very much commend him, both there, and at other places and times, for not Compounding. And the ſaid Sir *David Fowlis* being then told, it might perhaps prove more chargeable to the ſaid Mr. *Maleverer*, for his wilful ſtanding-out in that manner; the ſaid Sir *David* replied, That the ſaid Mr. *Maleverer* had put in his *Plea* ‘thereunto, and would eaſily procure his Diſcharge, both of the ‘*Fines* and *Iſſues*. And in truth he had Pleaded in His Majeſties Exchequer an inſufficient Plea, and after ſuch time as he had paid 156 *l.* for *Iſſues*, at laſt he compounded for his *Contempt*. And farther to diſcourage and hinder Men from Compounding; The ſaid Sir *David Fowlis* then alſo alledged; That in other Counties and Shires they had not advanced their *Fines* of *Knighthood* ſo high, as was done by the *Commiſſioners* in *York-ſhire*, ſaying, that there were many in *Buckingham-ſhire* and *Oxford-ſhire*, who did utterly refuſe to Compound: and thereupon ſhewed forth a Liſt or Paper of the Names of ſundry Perſons of thoſe Two Counties, that ſo refuſed to Compound. And the ſaid Sir *David Fowlis* taking notice of Mr. *Ewre*'s, and Mr. *Pennyman*'s Compounding with the

9 *Caroli.*

Commiſſioners, blam'd and reprov'd them for ſo doing, ſaying, *That they had by Compounding done themſelves ſome wrong, and that the Country hereafter would be much troubled with ſuch Impoſitions.* And the ſaid Sir *David Fowlis* farther, to beget and draw a general diſobedience in the Hearts of His *Highneſs's* People, and to cauſe them to deny and refuſe to Compound for their *Knighthood-Fines* with the ſaid Commiſſioners, and to draw a ſcandal upon the ſaid Lord Viſcount *Wentworth*, and to bring him into diſeſteem in the Hearts and Minds of the Gentlemen of that Country, publickly ſaid and pretended; 'That the People of *York-ſhire* did adore him the ſaid Lord Viſcount *Wentworth*, and were ſo timorous and fearful to offend his Lordſhip, that they would undergo any Charge, rather than diſpleaſe him; and that his Lordſhip was much reſpected in *York-ſhire*, but at Court he was no more reſpected than an ordinary Man; and that as ſoon as his back was turn'd for *Ireland*, his Place of *Preſidentſhip* of the Council would be beſtowed on another Man. And the ſaid Sir *David Fowlis*, and the Defendant *Henry Fowlis* did, about the beginning of *July* 1632. and at other times publickly, in the hearing of ſundry Knights and Gentlemen, to the end to hinder His *Majeſties* Service, and to render the ſaid Lord Viſcount *Wentworth* odious to the Inhabitants of *York-ſhire*, and the Places and Countries where he was employed as a Commiſſioner, moſt falſly and untruly ſcandalize and wrong the ſaid Lord Viſcount *Wentworth*, to have received much Money of the Country for *Knighthood-Fines*, by vertue of the aforeſaid Commiſſion; and that his Lordſhip had not paid the ſame, either to His *Majeſty*, or the *Exchequer*. The contrary whereof did plainly, clearly, and evidently appear by the ſeveral *Tallies* and *Conſtats*, which were produced and ſhewed in open Court, teſtifying that the Lord Viſcount *Wentworth* had, a year before the ſpeaking of thoſe words by the ſaid Sir *David*, and his Son, paid unto His *Majeſties* Receipts for *Knighthood-Fines* the Sum of 24500 *l.* beſides other Aſſignments by his Lordſhip disburſed about the ſaid Service, amounting to about 700 *l.* of his own Money, and more than he had at that time received for His *Majeſty*. And the ſaid Sir *David Fowlis*, and *Henry Fowlis*, moſt falſely and malitiouſly, not only to the ſcandal of His *Majeſty* and His Juſtice, but chiefly to wrong and ſlander the ſaid Lord Viſcount *Wentworth*, reported, gave out, and affirmed in the Preſence of divers Knights, Gentlemen and others, that when the ſaid Lord Viſcount *Wentworth* was gone into *Ireland*, all ſuch as had paid their *Fines* to his Lordſhip, although they had his Lordſhips Acquittance for the ſame, yet they would and ſhould be forced to pay the ſame over again to His *Majeſties* uſe. And the Defendant, *Thomas Layton*, cauſed his Officer and Bailiff to levy about 39 *l. Iſſues* upon the Goods of one Mr. *Wivel*, who formerly Compounded and paid his *Fine* for *Knighthood*, and had his Lordſhips Acquittance for the ſame; and that Complaint had been made to the *Council* at *York*, in the abſence of the ſaid Lord *Preſident*, that the ſaid Sir *Thomas Layton's* Officers or Bailiffs had by his privity exacted and taken 40 *s.* worth of the ſaid *Wivel's* Tenants Goods, by colour of the ſaid *Levy*, for ſo levying of the ſaid *Iſſues*, whereby the ſaid *Council* conceived, that the ſame would much croſs and oppoſe His *Majeſties* ſaid Service, and the Exaction

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was meet to be puniſhed: and therefore did award, and ſend the *King's Letter* to the ſaid Sir *Thomas Layton* (being then *High-Sheriff* for the County of *York*) for to appear, and anſwer an Information Exhibited againſt him, and his Servants, for ſuch their ſuppoſed Exactions in that behalf, as was lawful for the ſaid *Council* to do; and cauſed the ſaid Sir *Thomas Layton* to be ſerved therewith, who immediately ſhewed it to the ſaid Sir *David Fowlis*: Then the ſaid Sir *David Fowlis* thereon took upon him in a great Preſence and Aſſembly of divers Knights and Gentlemen of the County (himſelf being then one of His Majeſties ſworn Council in the ſaid *Northern* Parts, one of the *Deputy-Lieutenants* there, and a *Juſtice of Peace* in the *North-Riding*, where he then dwelt) to adviſe and diſſwade Sir *Thomas Layton* to yield obedience to His *Majeſties Letter*, which this Court held to be a great Contempt, and Offence; for that he ſaid, that he held it not fit, that the ſaid Sir *Thomas Layton*, being *High-Sheriff*, ſhould appear and anſwer the ſaid Letter, before he had acquainted His *Majeſty* firſt therewith, and known the King's Pleaſure. The ſaid Sir *David* ſaying farther, (in ſcorn and contempt of the ſaid Court and *Council*, whereof himſelf was a Member, and by his Oath bound to maintain and uphold the Rights and Liberties thereof to his uttermoſt) 'That 'the ſaid Court was a *Paper-Court*, and the ſaid Lord *Preſident*, 'and *Council*, had done more than they could juſtifie, by ſending 'for the ſaid *High-Sheriff*; and that, if he were in the Sheriffs 'caſe, he would not care a Dog's Turd for them. And the more to draw the Council into diſeſteem and diſreſpect in thoſe Parts, he the ſaid Sir *David* then alſo ſaid, That the ſaid Council had nothing to do with a Juſtice of Peace; ſpeaking withall comparatively, That the Office of a Juſtice was above the Council at *York*; the one (meaning a *Juſtice of Peace*) was by Act of *Parliament*, the other (meaning the Court at *York*) was made but by *Commiſſion*. And alſo the ſaid Sir *David* being reprov'd by ſome Gentlemen there preſent, who much diſliked his Diſcourſe, yet he anſwer'd, *He car'd not who heard it, nor if it were proclaim'd at the Croſs.*

The Anſwer of Sir David Fowlis.

To this Information Sir *David Fowlis* made this Anſwer; 'That 'he hath been ſo far from oppoſing the Commiſſion concerning '*Knighthood*, as that he hath, according to his Power, advanced 'the ſaid Service; and that he did perſwade *James Maleverer*, and 'others to ſubmit to the Commiſſioners, and Compound for their '*Fines*. That he did perſwade Sir *Thomas Layton* to appear before 'the Lord *Wentworth*, and the *Council*, upon the *King's Letter*, and 'denieth the words charged upon him. He confeſſeth he did ſay, 'that he knew not how His Majeſty would take it to have a *High-Sheriff* Committed, and diſgraced for executing His *Majeſties* '*Writ*: and confeſſeth, that it appears by the Information, that 'Mr. *Wivel* had made his Compoſition for *Knighthood*, and that he 'receiv'd his Acquittance; nevertheleſs Proceſs was awarded out of 'the *Exchequer* for levying *Iſſues*, amounting to 30 *l.* or thereabout: 'whereupon this Defendant did ſay, That if the Lord *Wentworth* 'had paid in all the Monies he had receiv'd, he might have done 'well to have taken order, that thoſe who had paid their Money 'to him, ſhould be free from any trouble, and not be compell'd to make double payment.

Henry Fowlis *Pleaded Not Guilty.*

Sir Thomas Layton's Defence.

'Sir *Thomas Layton* for himſelf ſaith; 'That a Letter was ſerved upon him from the Lord *Preſident* and *Council*, he being then *High-Sheriff* of the *County*, doing matters in the execution of his Office; and that before he was in any Contempt, he was within Three days *Arreſted* by the *Purſivant* attending the *Court*, and by him carried Priſoner from his own Houſe to the ſaid *Council*, about Thirty Miles, and there remain'd in the Cuſtody of the ſaid *Meſſenger*, till he had anſwer'd an Information there preferred againſt him, and Interrogatories concerning the ſelf-ſame matter now charged upon him; and before he was diſcharg'd, paid the ſaid *Wivel* the Money levyed by vertue of the Proceſs, and alſo paid 40 *s.* more, which (as was pretended) *Appleby*, the Bailiff, exacted from the ſaid *VVivel*.

'During all which time of this Defendants reſtraint, he was *High-Sheriff* of the *County* of *York*, of all which he deſireth a Conſideration might be had; albeit he might juſtly Plead the Dependence of the Suit at *York*, yet he doth wave the ſame; and doth deny, that if the ſaid 40 *s.* were exacted by the ſaid Bailiff, over and above the 39 *l.* levied upon Mr. *VVivel*, that the ſame, or any part thereof came to this Defendant.

The Judgment of the Court.

And it plainly appear'd to this *Honourable Court*, by good and ſufficient Teſtimony then openly read; that all the Particulars before-mentioned, wherewith Sir *David Fowlis* ſtood charged by the Information, were fully proved againſt him: whereupon the Court, upon grave and deliberate conſideration of all the aforeſaid Premiſſes, declared; *That the ſaid Sir* David *had many ways endeavoured and ſought to oppoſe His Majeſties Service, and had withall greatly and highly thereby ſcandaliz'd His Majeſty, who had done him ſo many Gracious Favours, and affronted His Service, and had unjuſtly traduced His Majeſties Commiſſioners, and great Officers of State, and ſhewed exceeding malice to the Lord Deputy: And the ſaid Sir* David *ſpeaking theſe words charged upon him, to deter His Majeſties Subjects from making Payment of their* Fines *to His Majeſties Receiver, for Knighthood-mony: And that the Court duly weighing and conſidering the hainouſneſs of the ſaid Defendant's Offence therein, and declaring the ſame worthy of ſevere and extraordinary puniſhment, ordered;*

That the ſaid Sir David Fowlis, *being a principal Offender, ſhall ſtand, and be Committed to the* Fleet, *there to remain during His Majeſties Pleaſure; and that he ſhall pay a* Fine *of* 5000 *l. to His Majeſties uſe; and ſhall alſo publickly acknowledge his great and ſeveral Offences, both to His Majeſty, and the ſaid Lord Viſcount* Wentworth; *not only in this Court, but in the* Court *of* York, *and likewiſe at the open* Aſſizes *in the ſame* County, *where this Decree ſhall be publickly read. And farther; That the ſaid Sir* David Fowlis *is a perſon altogether unworthy of the Places he holds, as one of the* Council *of* York, Deputy-Lieutenant, *and* Juſtice of Peace, *who hath breathed*

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out ſo much Faction and Diſobedience; and for that he ſought and endeavoured to draw diſeſteem and ſcandal upon that Court, whereof he himſelf was a Member, and upon the principal Officer and Member of the ſaid Court, the Lord Wentworth, *a Noble Perſon of ſingular worth and merit, and worthily employ'd in a matter of greateſt Truſt and Importance. The Court hath therefore ordered and adjudged, That the ſaid Sir* David Fowlis *ſhall, from henceforth, be held, and made incapable to have, or execute any of the ſaid Places, and that he ſhall pay good Damage to the ſaid Lord* Wentworth, *Relator in this Court, whom this Court highly commended for vindicating His Majeſties Honour, in ſuch a Service of ſo undoubted Right, juſtly appertaining to the Crown, and which hath been heretofore taken by many Kings, His Majeſties Predeceſſors, conſtantly and ſucceſſively: their Lordſhips generally condemned the ſaid Sir* David *therefore, and for the baſe and ſcandalous Report, that he ſo publiſhed againſt the ſaid Lord* Wentworth, *ordered and decreed, That the ſaid Sir* David *ſhould pay* 3000 l. *to the ſaid Lord* Wentworth.

And touching the Defendant *Henry Fowlis*, the Court likewiſe thought him worthy of Cenſure, and ordered and decreed, That he ſhould ſtand Committed to the *Fleet*, and pay 500 *l. Fine* to His Majeſties Uſe.

And foraſmuch as the Council urg'd no Proof againſt Sir *Thomas Layton*, they diſmiſſed him from any farther attendance.

This Year alſo, in Hillary Term, *a Cauſe came to Hearing in the Court of* Star-Chamber, *wherein* William Noy *Eſq; The King's Attorney-General, Plaintiff;* William Prynn *Eſq;* Michael Sparkes, William Buckner, *and others, were Defendants.*

Mr. *Prynn's* Cauſe in the *Star-Chamber.*

THe 7*th* of *February* Mr. *William Prynn*, utter Barreſter of *Lincolns-Inn*, was brought to the *Star-Chamber*, together with *Michael Sparkes, William Buckner*, and Four other Defendants, upon Mr. Attorney *Noyes* Information, which being opened by Mr. *Hudſon* of *Grayes-Inn*, did ſet forth, That about 8 *Car. Reg.* Mr. *Prynn* compiled and put in Print a Libelous Volume, Entituled by the name of *Hiſtriomaſtix* againſt Plays, Maſques, Dancings, *&c.* And although he knew well, that His Majeſties Royal *Queen*, Lords of the *Council*, &c. were in their publick Feſtivals, and other times, preſent Spectators of ſome Maſques and Dances, and many Recreations that were tolerable, and in themſelves ſinleſs, and ſo publiſhed to be, by a Book printed in the time of His Majeſties *Royal Father*: yet Mr. *Prynn* in his *Book* hath railed, not only againſt Stage-Plays, Comedies, Dancings, and all other Exerciſes of the People, and againſt all ſuch as behold them; but farther in particular againſt *Hunting*, *Publique Feſtivals*, *Chriſtmas-keeping*, *Bonfires*, and *May-poles*; nay, againſt the dreſſing up of a Houſe with *Green-Ivy*: and to manifeſt his evil and miſchievous deſign in publiſhing of this Libel, he hath therein written divers incitements, to ſtir up the People to diſcontent, as if there were juſt cauſe to lay violent hands on their *Prince*; and hath expreſſed in many Speeches againſt His Majeſty, and His Houſhold, infamous terms unfit for ſo Sacred a Perſon. He hath caſt an aſperſion upon Her Majeſty the *Queen*, and railing and uncharitable cenſures againſt all Chriſtian People. He hath commended all thoſe that are factious perſons, that have vented any thing in any Book againſt the *State*, as the factious Book of Dr. *Leighton*, *Jo. Mariana* a *Jeſuit*, to draw the People from His Majeſties Government, which is of a moſt dangerous conſequence to the *Realm* and *State*. His *Book* is of above 1000 *Pages*; and he dealt with one *Michael Sparkes* for the Publiſhing, Licenſing, and Printing thereof, who is a perſon that is a common Publiſher of unlawful and unlicenſed Books; and dealt alſo with Mr. *Buckner*, another Defendant for the allowing of it for the Preſs; and with the other Four Defendants to Print part of it, and Publiſh the ſame: and by this means this Volume was allowed and publiſhed, to the great ſcandal of the whole Realm; and to have this puniſhed according to the demerit of the Cauſe, is the end of Mr. *Attorney's* Information.

Mr. Atkins *of* Lincolns-Inn (*afterwards a Judge in the Court of* Common-Pleas) *opened Mr.* Prynn's *Anſwer*; *and Pleaded,*

Mr. *Prynn's* Anſwer in *Star-Chamber*.

That he the ſaid Mr. *Prynn*, taking into his ſerious Conſideration the frequent reſort of ſundry ſorts of People to common Stage-plays about the City of *London*; and having read divers *Councils*, *Laws* and *Statutes* of this and other Realms, againſt the frequenting of common Stage-plays, and the Judgment and Opinion of ſeveral Divines, and other Ancient Authors, and divers *Engliſh* Writers allowed by publick Authority, and his own Judgment running with thoſe; not intending to reflect, or to have relation to the *King*, *Queen*, *State*, or *Government*, or your Lordſhips, did about Seven years ago compile this Book Entituled *Hiſtrio-maſtix*; which is no more but a *Collection* of divers Arguments and Authorities againſt common *Stage-Plays*. That about Four years ſince he did commit the ſame to *Michael Sparkes*, one of the Defendants, to be commended to ſuch Perſons as then had Authority to Licenſe Books for the Preſs. *Sparkes* did carry it to Mr. *King*, belonging to the late Arch-biſhop of *Canterbury*; and before he had perus'd this Book, Mr. *Buckner* had Authority to allow of the Books to the Preſs: *Sparkes* brought this Book to Mr. *Buckner*, who kept it by him Three Months, in which time he did fully peruſe it. In the interim, he gave part of the Book to *Sparkes* to print, and kept the reſt till he had perus'd it, and ſaid that he ſhould have that alſo to the Preſs. In *October* following he carried this Copy with the Licenſe, and cauſed them to be entred into *Stationers-Hall*, and did compound with thoſe that had Authority for the Printing of this Book. It was printed publickly, and not ſecretly; and becauſe there were ſome of the Copies cloſe written, he cauſed thoſe to be brought again to peruſe, to the intent that he might not be deceived in them; and as he ſaw cauſe, corrected them accordingly. That in *Eaſter Term* was Twelve-month, the *Epiſtle*, and the whole firſt

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firſt part of the *Book* was printed; and he had time to examine it between *Eaſter Term* and *Trinity*, and then he did make ſuch Alterations as he ſaw cauſe, *viz.* in *Page* 711. &c. and afterwards the *Second Part*, and Two Sheets of the *Index* of the *Book* was likewiſe Printed, and theſe were likewiſe brought to Mr. *Buckner*; ſo that the whole *Book*, with the *Index*, was bound up about *Chriſtmas* following, which was *Chriſtmas* was a Twelve-month. Mr. *Buckner* ſent for Mr. *Prynn*; and the *Stationer* was deſirous that the Book might be Publiſhed, and that he might ſend ſome Volumes to him; but Mr. *Buckner* ſaid he could wiſh the word (*Pity*) in ſuch a Page might be left out, and I wiſh with Mr. *Buckner*, that *Pity* may be added to every Page of the *Book*. So when Mr. *Prynn* ſaw all this from him, that had Licence to allow Printed Books, he conceived it a ſufficient Warrant for his Proceedings. And for that which is alledged in the Information of Mr. *Prynn's* commending Dr. *Leighton*, for which the Dr. receiv'd a Cenſure in this Court, in the Quotation whereof, *viz.* his Book, and of others, he adhereth to their meaning ſo far as, and wherein they are agreeable to the Law; and this *Book* was printed long before Dr. *Leighton* was queſtion'd in this Court. And as for encouraging of others to be factious or ſeditious, he ſaith upon his *Oath*, That he was ſo far from Diſloyalty, Schiſm, or Sedition, or neglect of the *King*, *State*, or *Government*, that he hath with much Joy, Cheerfulneſs, and Thankfulneſs to God, ever acknowledged his, and the reſt of the King's Subjects Happineſs, by the Peace we have under His Majeſties happy Government; and this Anſwer and Intention is ſincere, though other conſtruction he made thereupon. He ſaith he hath taken his *Oath* of *Supremacy* and *Allegiance* in the *Univerſity* and *Inns of Court*, where he hath taken his Degrees. That it never came into his thoughts to approve of Schiſm or Sedition: and if any thing in his Book, contrary to his meaning, hath a miſ-conſtruction towards His Majeſties Government, State, or your Lordſhips, he doth proſtitute himſelf at His Majeſties *Royal Feet*, and crave Pardon and Grace. And he doth appeal to your Lordſhips Interpretations of thoſe Parts of his *Book*; and doth withal deſire your Lordſhips favour, and to take it into your Conſideration, that he hath been a year Priſoner in the *Tower*: and this is the ſubſtance of his Anſwer.

Mr. Jenkins *of* Grayes-Inn *opened the Anſwer for Four of the Defendants.*

Firſt, for the Poor Widow he ſaith, for any manner of combination, or knowledge of this *Book*, or of the Contents of it &c. ſhe knoweth nothing. For the reſt, they all ſay, they being Illiterate, were not able to judge, whether it were fit to paſs the Preſs, or not; That the *Book* was *Licenſed* to be Printed, allowed after it was Printed, and before it was Publiſhed, and it was Entred in the *Stationers-Hall*, and the *Warden* there allowed and ſubſcribed it to be a Book paſſable. The Book hath been Three years in the *Preſs*. All this time was ſpent before it was printed: there were Searches made during this time, and they came unto the Preſs. They ſaw the Book there in a publick way, and not in Corners, or privately Printed, as is alledged in the Information; and it was Printed and Publiſhed, and ſome of the Books ſold by *Sparkes*: and *Sparkes* ſaith the Printing of this Book coſt him almoſt 300 *l.* and ſaith upon his Oath he ſold not many Books.

And for the Charge upon him *of being a common Printer of unlawful Books*, he ſaith, he hath proſpered in his Calling; and ſome other *Stationers* having an Eye upon him for his thrift, have envied him in publiſhing of Books; and leaveth it to my Lords the Biſhops, to know what ſucceſs he hath had in the *High-Commiſſion*.

Mr. *Lightfoot* of *Grays-Inn* opened Mr. *Buckners* Anſwer.

He ſaith, that he was *Chaplain* to the late Arch-Biſhop of *Canterbury*, and doth approve of the Church without any ſcruple, and of all the Ceremonies of *England*. Church-muſick he doth allow of; bowing at the Name of *Jeſus*: Plays, Muſick and Dancing, he doth eſteem them juſt and lawful. And for thoſe Cenſures againſt Eccleſiaſtical Perſons in this *Book*, he doth, and ever did abhor and deteſt them. He confeſſeth he Licenſed part of the Book, but never gave order to diſperſe the Book: but when he heard it was publiſhed, he did endeavour to ſuppreſs it; and to the reſt of the Information pleadeth *Not Guilty*.

Then Mr. Noy Attorney-General *ſpake as followeth.*

Mr. *Noy* pleads againſt Mr. *Prynn*.

This Volume of Mr. *Prynns* is written by himſelf without the help of any man. There are paſſages in it that reflect upon the King, State and Government, *&c.* other things reflect upon the Church and Clergy; but for that there is no Charge in the Information, which I did conceive fitter to be left out, and withal I received a Command for the ſame: therefore finding the Church ſo deeply wounded by Mr. *Prynn*, I do leave Her to avenge Herſelf of him, and to inflict ſuch puniſhment on him as he deſerves. I ſhall be an humble ſuitor to the Court, that they would be pleaſed to commend the proſecution of thoſe things that concern the Church to the *High-Commiſſion*. There are divers particulars wherewith he is not charged within the Information by way of Crime, and ſo it is not proper now to bring him into queſtion for them: as for mentioning of Ceremonies, *&c.* of Dedicating *Paul's* to *Diana*; of the Diſcipline of the Church; the complaint of new-erected Altars. I wonder what Altars he means, I hope the Church will examine him in due time; as alſo who he means by his *Modern Innovators* in the Church, and by Cringing and Ducking to Altars, a fit term to beſtow upon the Church; he learned it of the *Canters*, being uſed among them. The Muſick in the Church, the charitable term he giveth it is, Not to be a Noiſe of Men, but rather a *Bleating of Bruit Beaſts*; *Choriſters bellow the Tenor*, as it were *Oxen*; bark a *Counter-point* as a *Kennel* of *Dogs*; roar out a *Treble*, like a ſort of *Bulls*; grunt out a *Baſe*, as it were a number of *Hogs*: his complaint for ſuppreſſing Repetitions by way of Conventicles; alſo his general Cenſure of all the Biſhops, and of all the Clergy; they ſcorn to feed the Poor; the *Silk and Satin Di-*

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vines; very charitable terms upon them of the Church! *Chriſtmas*, as it is kept, is a *Devils Chriſtmas*; nay he doth beſtow a great number of pages to make men affect the name of *Puritan*, as though Chriſt were a *Puritan*, and ſo he ſaith in his *Index*. Then concerning the Images in the Church, he ſpeaketh againſt them, and putteth that now in Print, which was contained in an Anſwer in this Court. Alſo for the *Sabbath-day*, whether to begin on *Saturday night*, and end on *Sunday* at ſix of the Clock. Theſe are things proper to the examination of the Church; and whatſoever becometh of the reſt of the Cauſe in this Court; yet I commend theſe things to the Conſideration of the Church. I wonder what the man means to bring theſe things under the Title of *Stage-Players*; *Pluralities* under the Title *Stage-Players*. *He had an end in it; he had an end in it.*

Now concerning the Book it ſelf.

This Book, ſaid Mr. *Noy*, it is the witneſs, it doth teſtifie what was his intention, and by the Book he is to be judged. If it had been found in the Street, and of Mr. *Prynns* Compiling, and brought to this Court, and conſideration taken of it, the Court would proceed without a Party againſt Mr. *Prynn*. And here Mr. *Attorney* recited a Precedent of one that wrote a *Book*, and it was brought to the Council. It was demanded who was the *Accuſer*? Anſwer was made, the *Book* was the Accuſer. Shall the Heretick go unpuniſhed? This Book it is Mr. *Prynn*'s doing, he doth put his Name to it, he ſwears that he did write it all.

Then for the time of Compiling it; ſeven or eight *years* ago it was Compiled, and is grown ſeaven times bigger than at the firſt. Mr. *Prynn* about eight *years* ſince ſhewed it to Dr. *Goade*, who told him ſo good cauſes of diſlike, that might make any reaſonable man give it over. About ſeven years ago he came to Dr. *Harris* to deſire his opinion of the Book; and he told him it was unfit, and unworthy to come to the *Preſs*. In the Parliament-time, before the *year* 1630, he gave ſome part of it to be Printed; but it came not to Mr. *Buckner* long after. *Sparks* ſaid he would Print any thing in *Parliament*-time.

Now we are to Conſider two things, from the firſt Compiling and Printing of this Book, to the laſt.

Firſt, how it grew in Volume; for after it was delivered to the *Preſs*, it hath grown up with divers things, which then were impoſſible to be known at that time, when it was delivered to the Preſs; which appeareth by this. In 1628 was the *Parliament*, and in 1631 St. *George* began to look abroad into the World. This man beſtows eight whole pages upon St. *George*, for being ſo bold to look out. He ſaith, that St. *George* the *Arrian* was a *Cappadocian*, though born in *Cilicia*, a Part or Province of *Cappadocia*, &c. and that St. *George* his Advocate was an *Engliſhman* born in *Gloceſter*; and that St. *Baſil* the *Great* was Biſhop of *Caſarea* in *Cappadocia*, the Native Country of St. *George* the *Arrian*. Certainly he could

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could not tell that St. *George* would then remove himſelf abroad, or in the County of *Glouceſter*, &c. at that time: but this man did go on according to the occaſion in 1628. A Woman 1628 acted a part of a Stage-play, at *Black-friers*; he ſpends many pages about this.

We all know what time the Dearth was, three *years* ago, he taketh occaſion not to paſs it over. He maketh a long Diſcourſe of *Playes*, *Maſques*, &c. in the late penurious times, how they were as expenceful as the Wars were. This is to ſhew how by pieces it did grow bigger from time to time.

All *Stage-Players* he terms them *Rogues*: in this he doth falſify the very *Act* of *Parliament*, for unleſs they go abroad they are not *Rogues*. The ſame term he giveth unto Scholars Acting. Mr. *Prynn* had a purpoſe, not only in this to fall upon Stage-Plays, but upon the Body of the Common-wealth, and to infuſe it into mens minds, that we are now turning into *Paganiſm* and *Gentiliſm*. He falleth upon thoſe things that have not Relation to Stage-plays, Muſick, Muſick in the Church, Dancing, New-years-gifts, whether Witchery or not? Witchery, Church-ceremonies, *&c.* indiſtinctly he falleth upon them; then upon Altars, Images, Hair of Men and Women, Biſhops and Bonfires. Cards and Tables do offend him, and Peruques do fall within the compaſs of his Theme. St. *George* never offended him; but all this is to the end to bring a belief among the people, that we are returning back again to *Paganiſm*. His end is therefore to perſwade men to go and ſerve God in another Country, as many are gone already, and ſet up new Laws and Phancies among themſelves. Conſider what may come of it.

It may be fit enough and lawful to write againſt Plays, by men that have a Miſſion; and they muſt do their errand in mannerly Terms, and in the ſame Terms as other men expect to bear with them.

Mr. *Prynn* had no Miſſion to meddle with theſe things, to ſee whether men ſhould not return to *Gentiliſm*; the Terms which he uſeth are ſuch as he finds among the Oyſter-Women at *Billingsgate*, or at the Common Condudit. He hath raked up all the vile Terms that could be found.

Now to prove that this is Mr. *Prynn*'s Book, read Mr. *Prynn*'s Examination, Inter. 5*th* (which being read, was to this effect) That Mr. *Prynn*, without the help of any other, did Write, Pen and Compile the whole Book, called *Hiſtrio-maſtix*, and the *Epiſtle* before the Book, and the *Index* and *Table* following.

Now for the publiſhing of this Book, it doth appear by the Depoſition of Dr. *Goade*, that about eight years ſince, Mr. *Prynn* did bring a Book to him in writing, of about a Quire of Paper, concerning Stage-Plays, to have the ſame Licenſed, but he held it unfit to be allowed; and doth well remember, that as to his Argument of the unlawfulneſs for a Man to put on Womans Apparel, he put Mr. *Prynn* this Queſtion; Suppoſe Mr. *Prynn* your ſelf, as a Chriſtian, were perſecuted by *Pagans*, think you not, if you did diſguiſe your ſelf in your Maids Apparel, you did well? Who anſwered, that he thought himſelf rather bound to yield to death than to do ſo.

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Dr. *Harris* alſo depoſed, that about ſeven years ago, Mr. *Prynn* came to him to Licenſe a *Treatiſe concerning Stage-plays*, but he would not allow of the ſame. So this man did deliver this Book when it was young and tender, and would have had it then Printed; but it is ſince grown ſeven times bigger, and ſeven times worſe.

Noy. *We ſhall now prove when it went to the Preſs.*

Read *Auſtin* the *Stationer* to Interrogatory the 28*th*, which being read, was to this effect; That the ſaid Book called *Hiſtrio-maſtix*, was given to this Deponent, in, or about the laſt Parliament, at which time ſeven Sheets thereof were Printed, at this Deponents *Houſe*; which this Deponent ſo Printed, at the requeſt of Mr. *Prynn* and Mr. *Sparkes*; upon Mr. *Prynn*'s information, that it was Licenſed, and that he would bring the hand of the Licenſer unto it: But this Deponent did refuſe to Print any more of the ſame.

Read *Joſeph H.* to prove that *Sparkes* would ſet upon it unlicenſed in *Parliament*-time to Inter. 26, who ſaith, that the Defendant *Sparkes* did, in the time of the laſt *Parliament*, Print, or cauſe to be Printed divers Books *without Licenſe*; whereof ſome were Mr. *Prynn*'s, ſome were Mr. *Burton*'s Works: and this Deponent hath heard *Sparkes* ſay, he durſt Print any thing in Parliament-time.

Another part of the Charge was managed by Mr. *Maſon* of *Lincolns-Inn*, reckoning up the number of *Epithets*, wherewith Mr. *Prynn* had aſperſed all ſorts of People; and he ſaid, that it was a *Libel*, not only againſt the State, but againſt every particular Perſon; and proved the Charge by divers paſſages contained in the Book, *Fol.* 201, *&c.*

Afterward Mr. *Noy* proceeded in the farther making good of his Charge againſt Mr. *Prynn*.

May it pleaſe your Lordſhips,

As he hath fallen foul upon all Things, all Perſons, all Sexes; upon the Magiſtrates, upon the Houſhold of the *King*; ſo he hath not ſpared the *King* himſelf. I am ſorry I ſhall have occaſion to ſpeak any thing of it; but there is a great deal too much in his Book. *My Lords*, After he hath made all theſe complaints as intolerable, he falleth upon all indiſtinctly, and never taketh upon him to diſcern to make a diſtinction, that there may be a toleration, but falleth foul upon every thing, that we are falling into *Paganiſm*; men and women are naught: he ſpareth not the King himſelf, but takes upon him to teach a remedy; the remedy is worſe than the Diſeaſe. What hateful compariſons he bringeth with other Princes? As *Nero*; and ſpeaketh of the conſuming of the *Treaſure* of the *Realm* with Maſques, and of the late penurious Times; a baſe word! a declaration of Infamy upon *Princes*, with ſuch like Concluſions as theſe are. When all this is done, he teacheth the Remedy not by way of Precept, but by way of Example; invites men to read *John Mariana*, and two Grave Authors more, he ſaith men not cenſured. I am very ſorry I am to ſpeak any thing wherein the King ſhould be named, but he would not forbear it when the Pen was in his Hand; ſome of the Words are ſo Naſty that I will not ſpeak them.

After Mr. *Attorney-General* had ſpoken, he called for theſe paſſages, amongſt others, in *Hiſtrio-maſtix*, to be read, *viz.*

To his much Honoured Friends, the Right Worſhipful Maſters of the Bench of the Honourable Flouriſhing Law-Society of *Lincolns-Inn*.

HAving, upon my firſt arrival here in London, heard and ſeen in four ſeveral Plays (to which the preſſing importunity of ſome Ill-acquaintance drew me, while I was yet a Novice) ſuch wickedneſs, ſuch lewdneſs as then made my penitent Heart to loath, my Conſcience to abhor all Stage-Players ever ſince; and having then likewiſe obſerved ſome woful experiments of the Lewd, Miſchievous fruits of Plays, of Play-Houſes in ſome young Gentlemen of my acquaintance; who though Civil and Chaſt at firſt, became ſo Vitious, Prodigal, Incontinent, debauched (yea ſo far paſt all hopes of amendment) in half a years ſpace or leſs, by their reſort to Plays, where Whores and Lewd Companions had inveagled them; that after many eſſays of their much deſired reformation, two of them were caſt off and utterly diſinherited by their loving Parents; whom I heard oft complaining, even with Tears, that Plays and Play-Houſes had undone their Children, to their no ſmall vexation, (a good Caveat for all Young Students to keep themſelves from Play-Houſes, by theſe two Youngſters harms.) Hereupon I reſolved, out of a deſire of the publick Good, to oppugn theſe common Vice-fomenting-Evils: for which purpoſe about ſeven years ſince, recollecting thoſe Play-condemning paſſages, which I had met with in the Fathers and other Authors, I digeſted them into one intire Written Diſcourſe, which having ſince that time enlarged beyond its intended Bulk, becauſe I ſaw the number of Players, Play-Books, Play-Haunters and Play-Houſes ſtill increaſing; there being above forty thouſand Play-Books Printed within theſe two years (as Stationers *inform me) they being now more vendible than the choiſeſt Sermons; two old Play-Houſes being alſo lately re-edified, enlarged, and one new Theatre erected: the multitude of our* London *Play-Haunters being ſo augmented now, that all the Antient Devils Chappels (for ſo the Fathers ſtyle all Play-Houſes) being five in number, are not ſufficient to contain their Troops; whence we ſee a ſixth now added to them: whereas even in Vitious* Nero's *Reign there were but three ſtanding* Theatres *in* Pagan Rome, *though far more ſpatious than our Chriſtian* London, *and thoſe three two many. Hereupon I firſt commended it, being thus augmented, to the Licenſer, and from him unto the Preſs, where it hath lingred longer than I did expect; which being now at laſt brought forth into the World, in ſuch a Play-adoring Age, that is like to bid defiance to it; I here bequeath it to your worthy Patronage, to whom it was firſt Devoted, not caring how it fares abroad, ſo it may do good and pleaſe at home.*

An. 1633. In the next place Mr. Attorney *Noy* cauſed to be read out of the Book of *Hiſtrio-maſtix*, ſuch Paſſages, as were ſcandalous to the *King* and Government, as *Fol.* 312, *&c.*

Mr. Atkins *in defence of Mr.* Prynn, *ſaid, That*

The Eloquence of thoſe Gentlemen who argued againſt Mr. *Prynn*, made an expoſition which was no part of his intention, in which point he would endeavour to clear him; and the way was by letting their Lordſhips know, that many paſſages in that *Book* are only *Relatively* ſpoken, and not *Poſitive*, and moſt of them are but the affirmations of other Authors of ſeveral kinds and profeſſions: as where it is ſaid, that *ſuch incarnate Devils as frequent Plays*, &c. he ſpeaketh by the way of common frequenting of Plays, leſt they prove incarnate Devils; and ſo of Ladies that caſt of their Nature and Modeſty, that is relatively ſpoken by frequenting Plays, laſcivious Dancing, *&c.* and when he ſpeaketh of thoſe in a continual propoſition, his Argument is thus;

‘That which doth ordinarily (if not always) defile the Eyes, ‘the Ears, and Souls both of the Actors and Spectators, by ingen‘dring, by exciting Meretricious, Luſtful, Lewd, Adulterous De‘ſires and Affections in their Hearts, or by inſtigating, by prepa‘ring, by inducting them to actual uncleanneſs, muſt needs be ‘abominable and unlawful unto Chriſtians; but theſe Stage-Plays, *&c.* therefore they muſt needs be abominable. And there is none but Whores, Panders, or foul incarnate Devils, who dare control that Minor truth.

My Lords,

He doth not condemn *New-years-Gifts*, but acknowledges them to be as tokens and teſtimonies of favour and reſpect from Superiours to their Inferiours; and for dancing, (under favour) he doth not condemn it at all; he hath commended the ſame as ſingle, and dancing the Meaſures. And for dancing in great men and *Princes*, he doth proteſt it was far from his thought to compare theſe times to *Nero's*, under ſo Pious and Religious a Prince as we have, and by whom we receive ſo much happineſs. That had been ſo impious and unworthy, that he could by no means make any Apology; but as well his Perſon as his Pen ſhould have been deteſtable, if he had made any ſuch compariſon.

And where he doth ſpeak that Dancing and Maſquing, have been near as expenceful as the Warrs, in that he means in *Henry* the 8*ths* time, and not in theſe days; as I take it, he ſpeaks there of a Hiſtory, that doth expreſs the great charge in that time.

I ſhall deſire, as I did begin in the opening of his Anſwer, that he may lay faſt hold upon the Rock of the *Kings* Favour and Mercy, and Compaſſion of this Court; and what his intentions are, they are beſt known to his own heart, his expreſſions known to your Lordſhips. I cannot condemn his Heart, I will not excuſe his Pen.

This if your Lordſhips will give me leave I ſhall ſay; I have long known him in a Society of *Inns of Court*, where he has lived; and for his ordinary diſcourſes (except the matters in this Book) they have not been factious or ſeditious. But now he is before your Lordſhips, truly for my part, I compare him to the condition of an *Aſtronomer*, that fixed his Eyes ſo much upon the Stars, that he did not look to his Feet, and ſo fell into a Ditch: for his Eyes were ſo fixed upon this Subject, upon the common reſort to *Stage-Playes*, and the great abuſe that comes by them, that he forgot to look down to his hand that guided his Pen, which now bringeth him under your Lordſhips cenſure.

That I may not offend the patience of this *Court*, (the Court is full, and the expectation is great;) I will conclude with all humility, and wiſh and crave, that he who is the ſupreme Judge, may be with your Lordſhips in this matter, and may be over all your good Thoughts, Judgements and Sentences this day, in this cauſe of this poor Gentleman. And this is all I humbly offer in defence.

The next day of hearing, Mr. Holborn *of Councel with Mr.* Prynn, *ſpake thus;*

My Lords,

Mr. Holborn pleads for Mr. *Prynn*.

I am aſſigned Councellor with Mr. *Prynn*. The information is for publiſhing in Print a *Libell* or *Volume* of *Libells* againſt *King*, *Queen*, State, *&c.* *My Lords*, for Mr. *Prynn*, he doth humbly caſt himſelf at your Lordſhips Feet. For the Book, I muſt ſay, he doth humbly ſubmit himſelf to your Lordſhips; yet, *my Lords*, his heart will not give him leave to ſay, that he is guilty of thoſe groſs Offences, that are laid to his Charge. He confeſſeth himſelf to be juſtly brought before your Lordſhips for his ill expreſſions, which may prove an occaſion of ſcandal by miſconſtruction, and ſo ſome dangerous principle may be infuſed into the Subjects: And he beggeth your Lordſhips to conſider of them, according to the intentions of his heart, which were fair and honeſt, though harſh in expreſſion, that he may receive a favourable conſtruction, for that he citeth his Authors, and their Words, and not his own. And for that he medleth with matters not proper to *Stage-Plays*, as in mentioning the Sabbath, his meaning was, *Stage-Plays* upon the Sabbath day: his mentioning Habits and Recreations, was in relation to men putting on Womens Habits, and unlawful Recreation at Plays, and ſo he conceives them not altogether impertinent.

For the manner of his Writing, he is heartily ſorry, that his ſtile is ſo bitter, and his imputations ſo unlimited and general; yet in this, he was led thereunto by Authors in the like caſe, which he offers for his excuſe; he hopes his paſſion againſt theſe abuſes by *Plays* may a little plead his excuſe.

Now for the manner and matter alledged againſt him out of his own Book, in that he hopes your Lordſhips favour: he ſaith, that thoſe that are Judges of the Book for Licenſing, they are guilty of the matter, and he hopeth that this Book doth differ from all the Books brought into this Court; for here are none brought but ſuch as are Unlicenſed, and this is Licenſed: and he ſubmitteth thus to that point.

My Lords, as to the general end and intention of his Book, he ſweareth, that the general reſort unto Plays was the firſt occaſion, and his end was for the reformation of the abuſe of it, and

An. 1633.

no otherwiſe; and then, *my Lords*, he hopeth he ſhall not incur your Lordſhips ſevere Cenſure. He did not ſend the Book beyond the Seas to be Printed, but Printed it here, and it was three years in the Preſs, and Licenſed and publiſhed.

And *my Lords*, the Declaration to the Information of this Court, ſpeaketh ſomething to his Intentions, *viz.* to whom he dedicated this Book, and he diſperſed it himſelf to men of known integrity; and certainly if his heart had been guilty of thoſe foul crimes, he would not have preſented one of theſe Books to Mr. *Attorney Noy* himſelf. He did not abſent himſelf as one guilty of ſuch offences would have done; he was ſo far from having diſloyalty, that he doth commend the King and State, and that could not be with an intention againſt King and State. And all the charges that lye upon him for his foul intentions, are but inferences upon his Book, and conſequences, and ſuch of them only that be ſtrained, and not of neceſſity.

The next thing charged upon him is *Perjury*, for that he ſaid he ſhewed no part of this Book to any before it was ſhewn to *Sparkes*; yet it was proved by Dr. *Harris* and Dr. *Goad*, that they ſaw it many years ago. As to this he ſaith, they ſpeak only of his Book concerning *Plays*, containing a quire of Paper, and that it is true, he did ſhew them ſuch a Book; but that Book was not this Book, though they be of one Subject and matter, yet they differ much in form and frame.

Then Mr. Hern *ſpake on his behalf as followeth.*

Mr. *Hern* pleads on the behalf of Mr. *Prynn.*

My Lords,

We that are aſſigned Councel for Mr. *Prynn*, do come with great diſadvantage, both in number and Judgements, conſidering the great ability of the Kings Councel, who have ſpoken againſt us. If the conſtruction they have made be theirs, then clearly we are (as they would have us) to fall deep by your Lordſhips Sentence.

The weight of this Cauſe, and the aggravations upon it by the Kings Councel, made me the laſt day (without deſire of my Client) to crave farther time, for we durſt not then give any anſwer. All that I can now ſay is, that your Lordſhips would look upon the intentions of his Heart, in that he hath explained himſelf as fair as any man can do by his Oath; how is it poſſible to make other proof of the clear intentions of his heart, than by his Oath? His Oath is admitted as proof againſt him, in the acknowledgement of his Book; and ſhall it not be admitted to him, to clear the integrity of his heart? We beſeech your Lordſhips to look upon him, as not writing theſe things out of perverſeneſs of ſpirit, but out of the abundance of his heart tranſported with zeal againſt the growing evils, which have befaln many of this Nation, and ſome of his own acquaintance, by their frequenting of *Stage-Plays*. We that know him, muſt ſay as far as our knowledge will give us leave, that in all paſſages that have faln from him, to us he hath expreſſed himſelf full of Devotion and Duty to His *Majeſty* and the *Queen*; and ſhall humbly take leave to offer ſome paſſages out of his Book, which do bear evidence, that he doth ſpeak well of both their *Majeſties*, and of the State; and that by inferences and diſtinctions there made: and what is it but Inferences made out of other paſſages of his Book, which doth reflect upon him? Which paſſages were opened by the Councel, but not read.

The Court proceeds to give their Judgement.

Three *Star-Chamber* days having been ſpent in the hearing of this Cauſe, the Lords ſate the fourth day to proceed to Sentence, which held till four of the Clock in the afternoon; and they paſſed ſuch ſentence on Mr. *Prynn*, as is expreſſed in the enſuing ſpeeches, which in effect comprehend all that was ſaid by others.

The firſt was of *Francis* Lord *Cottington*, Chancellor of the *Exchequer*, whoſe turn was to begin firſt to ſpeak, as being in the loweſt degree of quality by his place; and commonly he that beginneth, as he openeth the matter at large, ſo he inclineth thereby many Lords to forbear making of Speeches, and only to declare themſelves to concur in Sentence with him that began firſt, or with ſome other Lord that ſpake before, as their Judgements lead them.

My Lords (*ſaid my Lord* Cottington.)

Lord *Cottingtons* ſentence of Mr. *Prynn*, and other Defendants.

His Majeſties Attorney General hath brought Mr. *Prynn* before your Lordſhips, with other Defendants *Thomas Buckner*, *Michael Spark*, &c. It is for publiſhing a *Libellous Book*, or Volume of *Libels*, to the ſcandal of His *Majeſty* and the State. To my underſtanding it may be more properly ſaid, the great and high malice of Mr. *Prynn* publiſhed and declared in that *Libellous Book*; a malice expreſſed in a manner againſt all mankind, and the beſt ſort of Mankind, againſt *King*, *Prince*, *Peers*, *Prelates*, *Magiſtrates* and *Governors*, and truly in a manner againſt all things. But that which hath been more remarkable, is his ſpleen againſt the Church and Government of it; therefore for that I will not ſentence him, (becauſe Mr. *Attorney* doth forbear to proſecute againſt him, for that which belongeth to the Church,) yet it is an argument of his great and high malice: and when I conſider of that, which hath been ſo often repeated, that he writ this Book alone, ſurely he was aſſiſted immediately by the Devil himſelf, or rather he hath aſſiſted the Devil. He hath written a Book againſt the due reverence and honour, which all Chriſtians owe to our Saviour *Jeſus*, this doth convince my Judgement againſt him; but the Book (as Mr. *Attorney* ſaith,) declares the man, it is the witneſs: And if your Lordſhips obſerve the particulars and ſtile of it, you will ſay it is a ſtrange thing; the very ſtile doth declare the intent of the man, and that is (as Mr. *Attorney* ſaid,) to work a diſcontent and diſlike in the Kings people againſt the Church and Government, and diſobedience to our gracious Soveraign the King. If Mr. *Prynn* ſhould be demanded what he would have, he liketh nothing, no State or Sex; Muſick, Dancing, *&c.* unlawful even in Kings; no kind of Recreation, no kind of Entertainment, no, not ſo much as Hawking, all are damned. The very truth is, Mr. *Prynn* would have a new Government, he would have a new Church, he would have new Laws, new Entertainment, God knows what he would have; a new King he would have, and have all the people

An. 1633. ple of his mind, to be diſcontented with their King and Government.

Mr. *Prynn* confeſſeth he did write the Book, and it's true he did endeavour the Printing of it, and the Publiſhing of it, this is proved very well; yea but Mr. *Prynn* had no other intention but a tenderneſs of Conſcience, he meant no hurt to the *King* or State, (as his Councel ſaid:) but Mr. *Attorney* anſwered them, that he is not the Declarer of his Intentions, he muſt be judged by the Book, by his Words, more certainly by the effect; for all good men do receive ſcandal by this Book, and all of Mr. *Prynns* humour were glad of this Book. When I conſider what kind of *Libel* it is, it is not like other Libels: other Libels have been by perſons diſcontented, ſome poor Rogues, ſcattered up and down; but here's a Libel in *folio*, and in Print, and juſtifieth it ſelf by Authors with an high hand, *That is there*, and *that is there*. And, (*my Lords,*) when I conſider thoſe high paſſages in his Book, I proteſt unto you they are things to be abhorred; they are not ſpoken relatively (as his Councel would have it) but poſitively, That *our Engliſh Ladies, Shorn and Frizled Madams, have loſt their Modeſty*; *that the Devil is only honoured in Dancing*; *that Plays are the chief delight of the Devil*; *that they that frequent Plays are damned, and ſo are all that do not concur with him in his opinion, Whores, Panders, foul Incarnate Devils, Judaſes to their Lord and Maſter*, &c. *Princes dancing in their own Perſons*, his cenſure of them is *Infamous*, &c. But the fouleſt of all is, *That this was the cauſe of untimely ends in Princes.*

My Lords,

Shall not all that hear theſe things think, that it is the Mercy of the King that Mr. *Prynn* is not deſtroyed? have we not ſeen men lately condemned to be hanged and quartered for far leſs matters? One (*Pinchman*) I was my ſelf imployed with others in the examining of him; he confeſſed, that the writing for which he was queſtioned was a *Sermon*, that he did intend to Preach: the words were againſt the perſon of the King, yet he never Preached it; yet becauſe he had written it with an intention to preach it, he was brought upon this point and condemned to dye. But this Book is in Print; it is againſt all Magiſtrates, and particularly againſt the *King* our Soveraign, and his bleſſed *Conſort*. And yet, my Lords, it pleaſeth his Majeſty to let Mr. *Prynn* have his Trial here. I will not trouble your Lordſhips with any more parts of the Book: Mr. *Attorney* noted unto your Lordſhips, that you ſhould ſee how neceſſary it was, that Mr. *Prynn* ſhould be clean cut off, as one that hath a long time endeavoured to move the People to diſobedience againſt the King, *&c.* So I ſay with Mr. Attorney, it is high time that Mr. *Prynn* may be cut off ſo far as may go with the cenſure of this Court. *My Lords*, Mr. *Prynn* is better dealt withal, than he would have *Princes* dealt with; he hath had very fair trials.

For his Defence, I took notice of it likewiſe, I do remember that all thoſe Gentlemen, that were imployed and aſſigned as Councel for his Defence, every one of them began to crave Mercy of the Court; yet they came with a defence and juſtification, ſo far as their cauſe would bear. Mr. *Holborn* ſaid, that for *Players they were Rogues by the Statute*: yet Mr. Attorney ſaid, *they are not Rogues*

Rogues by the Statute, unleſs they wander, &c. *My Lords*, he ſaid, his intention was againſt *Publick* and *Common-Plays*, yet ſeek all his Book thorow, and you ſhall find it is againſt Plays in *Princes Palaces.* His intention now muſt be underſtood by his *Book*, and by his words; and that which he doth apply of any Author is his own. And I think his defence did aggravate his offence. As to his defence againſt the *Ladies*, he ſaith, he ſpeaketh it *Relatively* and not *Poſitively*, yet he ſaith, *our Engliſh Ladies are ſo and ſo whoriſh*, &c. And for that part of his Book, wherein he condemns Murder, Mr. *Prynn* will have Murder unlawful, but execution of *Princes* is not Murder, and therefore that is a lawful act. Mr. *Attorney* ſaid well, the end of this man and *John* * *Mariana*, &c. they are all one, they all cry malice againſt Princes.

* A Jeſuite.

I ſhall humbly crave pardon, and diſcharge my Conſcience, and ſhall let your Lordſhips ſee, how I do underſtand the ſenſe, and that ſo I am to judge, and I conceive it to be as your Lordſhips ſee, that the malice in this Book is againſt *King* and *State*, and, my Lords, with this I Sentence Mr. *Prynn*.

Mr. *Prynns* Sentence.

I do in the firſt place begin Cenſure with his Book; I condemn it to be burnt, in the moſt publick manner that can be. The manner in other Countries is, (where ſuch Books are, to be burnt by the *Hang-man*, though not uſed in *England*, (yet I wiſh it may, in reſpect of the ſtrangeneſs and hainouſneſs of the matter contained in it) to have a ſtrange manner of burning; therefore I ſhall deſire it may be ſo burnt by the Hand of the *Hang-man*.

If it may agree with the Court, I do adjudge Mr. *Prynn* to be put from the *Barr*, and to be for ever uncapable of his Profeſſion. I do adjudge him (my Lords) That the *Society* of *Lincolns-Inn* do put him out of the *Society*; and becauſe he had his Offspring from *Oxford* (now with a low voice ſaid the Biſhop of *Canterbury*, *I am ſorry that ever* Oxford *bred ſuch an evil Member*) *there to be degraded.* And I do condemn Mr. *Prynn* to ſtand in the *Pillory* in two Places, in *Weſtminſter* and *Cheapſide*, and that he ſhall loſe both his Ears, one in each Place, and with a Paper on his Head, declaring how foul an Offence it is, *viz. That it is for an Infamous Libel againſt both their Majeſties State and Government.* And laſtly, (nay not laſtly) I do condemn him in 5000 *l. Fine* to the *King*. And laſtly, *perpetual Impriſonment.*

There are other Defendants, *Thomas Buckner*, whom I conceive to be the *Chaplain* charg'd with the Licenſing of the Book. I obſerve, that Mr. *Attorney* hath little or nothing proſecuted againſt him. It is ſaid he did combine with the *Writer* and *Stationer* for this infamous Libel. It doth appear that he did Licenſe it, or at leaſt 64 *Pages* thereof; I think it be alſo true, that Mr. *Buckner* did ſee the Book after it was printed. It is ſaid, for his excuſe, That Mr. *Buckner* was cozen'd and ſurpriz'd by Mr. *Prynn* and *Sparkes*, but it's plain he Licenſed it, or at leaſt 64 Pages; therefore I ſhall judge according to the Proof, as it is the uſual Cuſtom of this Court. I muſt judge Mr. *Buckner* to be worthy of a very ſharp Sentence, for certainly there is a very great inconvenience faln upon the State, for want of due Examination: To what purpoſe

Buckners Sentence.

is there an Examination of Books, if there ſhall be a connivnce and winking at the Party that doth it? I ſhall think Mr. *Buckner* not only worthy of a ſevere Reprehenſion, but I ſhall Cenſure him firſt to have Impriſonment according to the courſe of the Court, and 50 *l. Fine* to the King.

Sparkes's Sentence.

Now (my Lords) the next is *Michael Sparke*, and he is the 3*d*, and he is the *Printer* of the Book, and Binder, and Publiſher thereof. In his defence he hath ſhewed your Lordſhips a piece of the Book Licenſed by Mr. *Buckner*, and ſaith it was all Licenſed but that he proves not; but that it was entred in the *Stationers-Hall*, that he proves. But I do find, that he perſwaded Men to buy this Book, after it was prohibited; and before it was prohibited he perſwaded Men to buy it, ſaying, *It was an excellent Book, and it would be called in*, and then ſell well. I do Fine *Sparkes* 500 *l.* to the King, and to ſtand in the Pillory, without touching of his Ears, with a Paper on his Head to declare his Offence, and it is moſt neceſſary in theſe times; and for the *Pillory* to be in *Pauls* Church-yard. (*It is a Conſecrated Place, ſaith the Arch-biſhop of* Canterbury) *I cry your Grace mercy* (ſaid my Lord *Cottington*) *then let it be in* Cheapſide. For the other Three, I find that Mr. *Attorney* doth not proſecute them, therefore, my Lords, I do not Cenſure them.

The next in courſe that ſpoke after the Lord *Cottington*, was the Lord Chief-Juſtice *Richardſon*.

Lord Chief-Juſtice *Richardſon's* Sentence.

My Lords,

Since I have had the Honour to attend this Court, Writing and Printing of Books have been exceedingly found fault withal, and have received a ſharp Cenſure, and it doth grow every day worſe and worſe; every Man taketh upon him to underſtand what he conceiveth, and thinks he is no body except he be in Print. We are troubled here with a Book, a Monſter, (*Monſtrum Horrendum, Informe, Ingens!*) It hath been a Queſtion who is the Author of this Book: Surely I am ſatisfied in my Conſcience *he is* the Author of it; But truly, give me leave, I do not think Mr. *Prynn* is the only Actor in this Book, but that there were many Heads and Hands therein beſides himſelf. I would to God in Heaven the Devil, and all elſe that had their Heads and Hands therein beſides Mr. *Prynn*, were, *&c.* for I think they are all ill-willers to the State, and deſerve ſevere puniſhment as well as Mr. *Prynn* doth. This Book is the ſubject of this days work, and it is annexed, by Mr. *Attorney*, to the very Information it ſelf.

For the Book, I do hold it a moſt *ſcandalous infamous Libel* to the *King's* Majeſty, a moſt Pious and Religious King; to the *Queen's* Majeſty, a moſt Excellent and Gracious Queen; ſuch a one as this Kingdom never enjoy'd the like, and I think the Earth never had a better. It is ſcandalous to all the Honourable *Lords*, and the *Kingdom* it ſelf, and to all ſorts of People. I ſay Eye never ſaw, nor Ear ever heard of ſuch a ſcandalous and ſeditious thing, as this miſhapen *Monſter* is. How ſcandalous a thing it is hath appeared already to your Lordſhips, by the *King* and *Queen's* Councel againſt Mr. *Prynn*; I will not for my part repeat.

Yet give me leave to read a word or two, where he cometh to tell your Lordſhips of the Reaſons why he writ this Book: Becauſe he ſaw the number of the Plays, Play-Books, Play-haunters, and Play-houſes ſo exceedingly increaſed, there being above *forty thouſand Play-Books*, being now more vendible than the choiceſt Sermons. What ſaith he in the *Epiſtle Dedicatory*? ſpeaking of Play-Books, *They bear ſo big a Price, and are printed in far better Paper, than moſt Octavo and Quarto Bibles, which hardly find ſo good vent as they; and then come in ſuch abundance, as they exceed all number, and 'tis a years time to peruſe them over, they are ſo multiplyed*; and then he putteth in the Margin *Ben Johnſon* &c. *Printed in better Paper than moſt Bibles. Now if this be not a Tax upon the Kingdom, to print theſe Books in better Paper than the Bible it ſelf, for my part I leave it to your Lordſhips.* This Monſter, this huge miſhapen Monſter, I ſay it is nothing but lies, and venom againſt all ſorts of People. It is a ſtrange thing what this Man taketh upon him. He is not like thoſe *Powder-Traytors*, they would have blown up all at once; this throweth all down at once to Hell together, and delivereth them over to *Satan*. I beſeech your Lordſhips give me leave; *Stage-Plays*, &c. (ſaith he) *none are gainers and honoured by them, but the Devil and Hell; and when they have taken their wills in luſt here, their Souls go to Eternal Torment hereafter.* And this muſt be the end of this Monſters horrible Sentence. He ſaith, *So many as are in Play-houſes, are ſo many unclean Spirits*; and that *Play-haunters are little better than incarnate Devils.* He doth not only condemn all Play-writers, but all Protectors of them, and all beholding of them; and Dancing at Plays, and Singing at Plays, they are all damned, and that no leſs than to Hell. I beſeech your Lordſhips to give me leave but in a word to read unto you what he writes of Dancing, *&c. It is the Devils Profeſſion, and he that entereth into a Dance, entereth into a deviliſh Profeſſion; and ſo many paces in a Dance, ſo many paces to Hell*: This is that which he conceiveth of Dancing. *The Woman that ſingeth in the Dance, is the Prioreſs of the Devil, and thoſe that anſwer are Clarks, and the Beholders are the Pariſhioners, and the Muſick are Bells, and the Fidlers are the Minſtrels of the Devil.* I ſaid it was a Seditious Libel; this Point of Sedition is the only thing that troubles me, and it is that which I ſhall offer to your Lordſhips: For I do not know it, the good Opinion, Heart, Will and Affections of the Kings People and Subjects are the Kings greateſt Treaſure. Now if this be ſo, then for any Man cunningly to undermine theſe things, to take away the Hearts of the Subjects from the King, and to bring the King into an ill Opinion among his People, this is a moſt damned offence; and if I were in my proper place, and Mr. *Prynn* brought before me, I ſhould go another way to work. I proteſt unto your Lordſhips, it maketh my Heart to ſwell, and my Blood in my Veins to boil (ſo cold as I am) to ſee this or any thing attempted, which may endanger my Gracious Sovereign; it is to me the greateſt comfort in this world to behold his Proſperity.

Much hath been ſpoken concerning theſe things, and ſomething by my Lord *Cottington* before me; but good my Lords, give me leave to remember you one or two Paſſages, not yet ſpoken of. He writeth thus; *That* Nero's *acting and frequenting Plays, was the*

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chiefeſt cauſe that ſtirred up others to conſpire his death; would any Man think, that his acting and frequenting of Plays was the chiefeſt occaſion?

He writeth in another place worſe than this. *Fol.* 465. Tribellius Pollio *relates, That* Martian, Heraclius, *and* Claudius, *Three worthy* Romans *conſpired together, to murder* Gallienus *the Emperor,* (*a Man much beſotted, and taken up with Plays, to which he likewiſe drew the Magiſtrates and People by his lewd Examples*) *as* Flavius *and others conſpired* Nero *his Murder for the ſelf-ſame cauſe,* &c. Now my Lords, that they ſhould be called Three worthy Perſons that do conſpire an *Emperors* death, (though a wicked *Emperor*) it is no Chriſtian Expreſſion.

If Subjects have an ill Prince, marry, what is the remedy? they muſt pray to God to forgive him, and not ſay they are worthy Subjects that do kill him: If they were worthy Acts, Mr. *Prynn*, I can tell what you are, (Mr. *Prynn* ſtanding, during the Cenſure, behind the Lord Chief-Juſtice *Richardſon*, and Arch-Biſhop *Neale*.) No Man will conſpire to murder a King that can be a worthy Actor. For the very thought of it is *High-Treaſon*. He ſpeaketh of theſe Three, that they were Three worthy *Romans* that did conſpire to murder *Nero*. This is moſt horrible, and here can be no manner of Expoſition, but in the worſt ſenſe; for his excuſe, he hath made none at all, only it was not his intention.

Good Mr. *Prynn*, you are a Lawyer. Intention! I know where the word ſtandeth equal, as that you may take the *Intention* this way, or that way, with the right-hand or left-hand, there in that Caſe you may ſpeak the Intention; but where the words are plain and poſitive, as in your Books, here is no help of Intention in the world: your words are plain and clear, therefore you can never make any defence at all out of that. Not to hold your Lordſhips any longer: My Lords, it is a moſt wicked, infamous, ſcandalous, and ſeditious Libel. Mr. *Prynn*, I muſt now come to my Sentence, though I am very ſorry, for I have known you long, yet now I muſt utterly forſake you; for I find that you have forſaken God, and his Religion, and your Allegiance, Obedience, and Honour, which you owe to both their *Excellent Majeſties*, the Rule of Charity to all Noble Ladies, and Perſons in the Kingdom, and forſaken all Goodneſs. Therefore, Mr. *Prynn*, I ſhall proceed to my Cenſure, wherein I agree with my Lord *Cottington*, as he began very well: Firſt, for the burning of the Book in as diſgraceful a manner as may be, whether in *Cheap-ſide* or *Pauls* Church-yard; for though *Pauls* Church-yard be a Conſecrated Place, yet Heretical Books have been burnt in that Place. And becauſe Mr. *Prynn* is of *Lincolns-Inn*, and that his Profeſſion may not ſuſtain diſgrace by his Puniſhment, I do think it fit, with my Lord *Cottington*, that he be put from the Bar, and degraded in the *Univerſity*; and I leave to my Lords the Lord Biſhops to ſee that done: and for the *Pillory*, I hold it juſt and equal though there were no Statute for it. In the caſe of a high Crime, it may be done by the diſcretion of the Court, ſo I do agree to that too. I Fine him 5000 *l.* and I know he is as well able to pay 5000 *l.* as one half of 1000 *l.* and perpetual Impriſonment I do think fit for him, and to be reſtrained from writing, neither to have Pen, Ink, nor Paper; yet let him have ſome pretty Prayer-Book, to pray to

God to forgive him his ſins; but to write in good faith, I would never have him: For, Mr. *Prynn*, I do judge you by your Book to be an inſolent Spirit, and one that did think by this Book to have got the name of a Reformer, to ſet up the *Puritan* or ſeparatiſt Faction. I would not have Mr. *Prynn* go without a Recognition of his Offence to the *King* and *Queens* Majeſty. I agree to the Sentence on *Buckner* and *Sparkes*.

Secretary Cook.

Mr. Secretary Cooke's Speech

By this vaſt Book of Mr. *Prynn*, it appeareth he hath read more than he hath ſtudied, and ſtudied more than he conſidered; whereas, if he had read but one ſentence of *Solomon*, it had ſaved him from the danger he is now like to fall into. The *Preacher* ſaith, *Be not over-juſt, nor make thy ſelf over-wiſe, for why wilt thou deſtroy thy ſelf?* My Lords, It is a Sentence requireth much ſtudy and conſideration. It is moſt certain, that Righteouſneſs and Wiſdom are ſuch Vertues, as they help forward Juſtice; but when Wiſdom is mixed with a Mans own humours, as for the moſt part it is with Fleſh and Blood, there is danger of ſtraining it too far, and that will tend to the deſtruction of himſelf and others. Examples are too pregnant of this, and he may take it from a good Author, even from Chriſt himſelf. When his Apoſtles, out of zeal to their Maſter, would have called for Fire from Heaven againſt the *Samaritans* that refus'd to entertain him, the Anſwer was, *You know not of what ſpirit you are.* I would Mr. *Prynn* would have conſidered this.

There is a good Spirit that is meek, tempered with modeſty and humility, with mildneſs and with equity; and ſuch a Spirit is always tender, not to deſtroy, root up, overthrow, but to bind, repair and preſerve. But there is another fiery Spirit, which is always caſting of fire, nothing but damnation and deſtruction; certainly ſuch a Spirit ever tends to his own confuſion. And if this be well obſerved, every man ſhall find it true, that ſuch a Spirit ever cometh before deſtruction. I wiſh Mr. *Prynn* were not an ill Example of this. Certainly, my Lords, vice and corruption ought not only to be reprehended but to be puniſhed ſeverely, and that ſharply too where it is; but Mr. *Prynn* ſhould have conſidered, every Man is not a fit reprehender. He had no Invitation, nor Office nor Intereſt to imploy a Talent, which doth not belong unto him. If *Magiſtrates* and *Princes* ſhould inveigh againſt all things, and tolerate nothing, we muſt live no longer among Men; and certainly, if we will be thought to live with them that are wholly vertuous, we muſt go out of the World; we have a good Author for this. But, my Lords, a Toleration muſt be uſed, and that Mr. *Prynn* would have found if he had conſidered his own body: Shall a Man upon every light diſtemper and diſorder in his body take Phyſick? Or ſhall ill humors be purged till he purge all out? Certainly he will purge Spirit, Life, and all away with it. And as it is in the Natural Body, ſo it is in the Politick, there muſt be a Toleration and Connivence; it cannot be governed without it, and we have a Warrant for it. Did not *Chriſt* himſelf forbid the cutting out of the Tares, leſt they ſhould pluck Corn, and deſtroy that too. I think if Mr. *Prynn* ſhould have been asked the Queſtion that *Naaman* did to the Prophet, he would not at all have bid *go away in peace*, he would have threatned Hell and deſtruction. There is a Chriſtian Wiſdom, and there muſt be a Toleration in all States. And certainly the faults that have been tolerated in all times were greater than modeſt Plays, or modeſt Dancing. It is not my intention, neither do I think it is the intention of any of your Lordſhips to Apologize for Stage-Plays, much leſs for the abuſe of them; I wiſh, and ſo I think doth every good Man, that the abuſe of them were reſtrained; but, my Lords, not by railing, curſing, damning, inveighing, *&c.* not only againſt the faults and Players themſelves, but againſt all Spectators, and thoſe that come to them, and that of all degrees, and with ſuch bitterneſs and acrimony, that in all the Authors alledged, which are infinite, there is not to be found an Example. *My Lords*, I am very ſorry he hath ſo carried himſelf, that a Man may juſtly fear he is the *Timon* that hath a quarrel againſt Mankind. But I love not too much to aggravate Offences, which of themſelves are heavy enough.

He calleth his Book *Hiſtrio-maſtix*; but therein he ſheweth himſelf like unto *Ajax Anthropomaſtix*, as the *Grecians* called him, the ſcourge of all Mankind, that is, the Whipper and the Whip. I cannot but concur with the Cenſure already begun by my Lord *Cottington*, given againſt Mr. *Prynn*, *Buckner* and *Sparkes*.

Afterwards the Earl of Dorſet *ſpake to this effect.*

Earl of *Dorſet* his Speech.

SUch ſwarms of Murmurers as this day diſcloſe themſelves, are they not fearful Symptoms of this ſick and diſeaſed time? ought we not rather with more Juſtice and Fear apprehend thoſe Heavy Judgments which this *minor Prophet*, *Prophet Prynn*, hath denounced againſt this Land, for tolerating indifferent things to fall upon us for ſuffering them, like thoſe Mutineers againſt *Moſes* and *Aaron*, as not fit to breath? *My Lords*, It is high-time to make a Luſtration to purge the Air. And when will Juſtice ever bring a more fit Oblation than this *Achan? Adam*, in the beginning, put Names on Creatures correſpondent to their Natures: The Title he hath given this Book is *Hiſtrio-maſtix*, or rather, as Mr. Secretary *Cooke* obſerved, *Anthropomaſtix*; but that comes not home, it deſerves a far higher Title, *Damnation*, in plain *Engliſh*, of *Prince*, *Prelacy*, *Peers* and *People*. Never did *Pope* in *Cathedra*, aſſiſted with the Spirit of Infallibility, more poſitively and more peremptorily condemn Hereticks and Hereſie, than this doth Mankind. Leſt any partial Auditor may think me tranſported with Paſſion, to judge of the baſe Liveries he beſtoweth upon Court and Courtiers, I ſhall do that, which a Judge ought to do, *viz.* aſſiſt the Priſoner at the Bar. Give me leave to remember what Mr. *Attorney* let fall the other day. I will take hold of it for the Gentlemans advantage, That this Gentleman had no Miſſion; if he had had a Miſſion, it would have qualified the Offence. Our Bleſſed Saviour, when he converſed in this World, choſe Apoſtles, whom he ſent after into the World; *Ite, prædicate*, &c. to ſhew the way of Salvation to Mankind. Faith, Hope, and Charity, were the ſteps of this *Jacobs Ladder* to aſcend Heaven by. The Devil, who hates every Man upon Earth, play'd the Divine, cited Books, wrought Miracles,

cles, and he will have his Diſciples too, as he had his Confeſſors and Martyrs. My Lords, This contempt, diſloyalty, and deſpair, are the Ropes which this Emiſſary lets down to his great Maſters Kingdom for a general Service. My Lords, As the Tenor of their Commiſſion was different, ſo are the ways: Theſe Holy Men advanced their Cauſe in former times by meekneſs, humility, patience to bear with the weakneſs and infirmities of their Brethren; they taught obedience to Magiſtracy, even for Conſcience ſake; they divided not their Eſtates into Factions; they detracted from none, they ſought the Salvation of Mens Souls, and guided their Bodies and Affections anſwerably; they gave to *Cæſar* the things that were *Cæſars*; if *Princes* were bad, they prayed for them, if good, they praiſed God for them; however, they bore with them: This was the Doctrine of the Primitive Church, and this they did. I appeal to my Lords that have read this Book, if Mr. *Prynn* has not with breach of Faith diſcharged his great Maſters end. My Lords, When God had made all his Works, he looked upon them and ſaw that they were good. This Gentleman, the Devil having put Spectacles on his Noſe, ſays, that all is bad: no Recreation, Vocation, no Condition good; neither Sex, Magiſtrate, Ordinance, Cuſtome Divine and Humane, things animate, inanimate, all, my Lords, wrapt up in *Maſſa Damnata*, all in the Ditch of Deſtruction. Here, my Lords, we may obſerve the great Prudence of this *Prince* of Darkneſs, a Soul ſo fraught of Malice, ſo void of Humanity, that it gorgeth out all the filth, impiety and iniquity that the diſcontent of this Age doth contract againſt the Church and State: but it may be ſome follower of his will ſay, It was the Pride and wickedneſs of the Times that prompted him to this Work, and ſet his Zeal, through tenderneſs of Conſcience, to write this Book. My Lords, you may know an unclean Bird by his Feathers; let him be unplum'd, unmasked, pull off the deceitful Vizard, and ſee how he appeareth; this brittle-Conſcience, brother, that perhaps ſtarts at the ſight of the Corner-Cap, ſweats at the Surplice, ſwoonds at the Sign of the Croſs, and will rather dye than put on Womans Apparel to ſave his life; yet he is ſo zealous for the Advancement of his *Babel*, that he invents Legions, Coins new Statutes, corrupts, miſapplies Texts with falſe Interpretations, diſhonours all Men, defames all Women, equivocates, lies; and yet this Man is a Holy Man, a Pillar of the Church: do you (Mr. *Prynn*) find fault with the Court and Courtiers Habits, Silk and Satten Divines? I may ſay of you, you are all Purple within, all Pride, Malice, and all diſloyalty; you are like a Tumbler, which is commonly Squint-ey'd, you look one way, and run another way: though you ſeemed by the Title of your Book to ſcourge Stage-Plays, yet it was to make People believe, that there was an Apoſtacy in the Magiſtrates; but, my Lords, admit all this to be venial and pardonable, this *Pigmy* groweth a *Gyant*, and invades the Gods themſelves, where we enjoy this felicity under a Gracious *Prince* with ſo much advantage, as to have the light of the Goſpel, whilſt others are kept in darkneſs, the happineſs of the Recreations to the health of the Body, the Bleſſed Government we now have; when did ever Church ſo flouriſh, and State better proſper? and ſince the Plagues hap'ned

An. 1633. none have been ſent among us ſuch as this Caterpillar is; what Vein hath opened his anger? or who hath let out his fury? when did ever Man ſee ſuch a *Quietus eſt* as in theſe days? yet in this Golden Age is there not a *Shimei* amongſt us, that curſeth the Anointed of the Lord, ſo puffed with pride; nor can the Beams of the Sun thaw his frozen Heart, and this Man appeareth yet. And now (my Lords) pardon me, as he hath wounded His Majeſty in His Head, Power, and Government, and Her Majeſty, His Majeſties *Dear Conſort*, Our *Royal Queen*, and my Gracious Miſtreſs; I can ſpare him no longer, I am at his Heart. *Oh quantum!* &c. If any caſt infamous aſperſions and Cenſures on our Queen and Her Innocency, ſilence would prove impiety rather than ingratitude in me, that do daily contemplate Her Vertues; I will praiſe Her for that which is her own, ſhe drinks at the Spring-Head, whilſt others take up at the Stream. I ſhall not alter the great Truth that hath been ſaid, with a Heart as full of Devotion, as a Tongue of Eloquence, the other day, as it came to his part (meaning Sir *John Finch.*) My Lords, Her own Example to all Vertues, the Candor of Her Life, is a more powerful Motive than all Precepts, than the ſevereſt Laws, no Hand of Fortune nor of Power can hurt Her; Her Heart is full of Honour, Her Soul of Chaſtity; Majeſty, Mildneſs and Meekneſs are ſo married together, and ſo impaled in Her, that where the one begetteth Admiration, the other Love; Her Soul of that excellent temper, ſo harmoniouſly compoſed, Her Zeal in the ways of God unparallel'd; Her Affections to Her Lord ſo great, if ſhe offend him, it is no Sun-ſet in Her anger; in all Her Actions and Affections ſo Elective and Judicious, and a Woman ſo conſtant for the redemption of all Her Sex from all imputation, which Men (I know not how juſtly) ſometimes lay on them; a Princeſs, for the ſweetneſs of Her Diſpoſition, and for Compaſſion, always relieving ſome oppreſſed Soul, or rewarding ſome deſerving Subject: were all ſuch Saints as She, I think the *Roman* Church were not to be condemned; on my Conſcience She troubleth the Ghoſtly Father with nothing, but that She hath nothing to trouble him withal. And ſo when I have ſaid all in Her Praiſe, I can never ſay enough of Her Excellency; in the relation whereof an Orator cannot flatter, nor *Poet* lye; yet is there not *Doeg* among us, notwithſtanding all the Tergiverſations his Councel hath uſed at the Bar? I can better prove, that he meant the *King* and *Queen* by that infamous *Nero*, &c. then he proves Players go to Hell; but Mr. *Prynn* your Iniquity is full, it runs over, and Judgment is come; it is not Mr. *Attorney* that calls for Judgment againſt you, but it is all Mankind, they are the Parties grieved, and they call for Judgment.

(1.) Mr. *Prynn*, I do declare you to be a Schiſme-maker in the Church, a Sedition-ſower in the Common-wealth, a Wolfe in Sheeps-cloathing, in a word, *Omnium malorum nequiſſimus.* I ſhall Fine him *Ten Thouſand Pounds*, which is more than he is worth, yet leſs than he deſerveth; I will not ſet him at liberty no more than a plagued Man or a mad Dog, who though he cannot bite, he will foam; he is ſo far from being a Sociable Soul, that he is not a Rational Soul; he is fit to live in Dens with ſuch Beaſts of Prey as *Wolves* and *Tigers* like himſelf: Therefore I do condemn him to perpetual Impriſonment, as thoſe Monſters that are no longer fit to live among Men, nor to ſee light. Now for Corporal Puniſhment, (my Lords) whether I ſhould burn him in the Forehead, or ſlit him in the Noſe; for I find, that it is confeſſed of all, that Doctor *Leighton's* Offence was leſs than Mr. *Prynn's*, then why ſhould Mr. *Prynn* have a leſs Puniſhment? He that was guilty of Murder was marked in a place where he might be ſeen, as *Cain* was. I ſhould be loth he ſhould eſcape with his Ears, for he may get a *Periwig*, which he now ſo much inveighs againſt, and ſo hide them, or force his Conſcience to make uſe of his unlovely Love-Locks on both ſides: Therefore I would have him branded in the Forehead, ſlit in the Noſe, and his Ears cropt too. My Lords, I now come to this *Ordure*, I can give no better term to it, to burn it, as it is common in other Countries, or otherwiſe we ſhall bury Mr. *Prynn*, and ſuffer his Ghoſt to walk: I ſhall therefore concur to the burning of the Book; but let there be a Proclamation made, that whoſoever ſhall keep any of the Books in his hands, and not bring them to ſome publick Magiſtrate to be burnt in the Fire, let them fall under the Sentence of this Court; for if they fell into wiſe mens Hands, or good Mens Hands, there were no fear; but if among the common ſort, and into weak Mens Hands, then tenderneſs of Conſcience will work ſomething. Let this Sentence be Recorded, and let it be ſent to the Library of *Sion*, (meaning a Colledge in *London*) whether a Woman, by her Will, will allow Mr. *Prynns* Works to be ſent.

For Mr. *Buckner*, I believe that he had no intention at all this Work ſhould come abroad, he is ſaid to be a conformable Man to the Church of *England*; I ſhall hardly Cenſure him, he deſerveth admonition.

For *Sparkes*, I concur in all things: The *Feodary* had his Office taken away from him by this Court; I ſee therefore no reaſon but that he may be barred from printing and ſelling of Books, and kept wholly to binding of Books.

The Inns of Court Preſent a Maſque to the King and Queen at *Whitehall*.

TO welcome His Majeſty home, after His Progreſs this Year into *Scotland*, the Four *Inns of Court* agreed to Preſent to the *King* and *Queen* a moſt glorious *Maſque*; and accordingly on the 18*th* day of *February* this Year, on *Shrove-Tueſday* at night, in a gallant way Four Gentlemen, out of each *Inns of Court*, did ride on Horſe-back, richly habited to *Whitehall*, accompanied alſo with a Train of *Chriſtian Captives* many years enſlaved in Chains under the *Emperor* of *Morocco*, and now ſent by him as a Preſent to the King, for His aſſiſtance in deſtroying a Port of *Pyrates* that annoyed that *Emperor*, and which alſo proved to the future ſecurity of Traders in the *Mediterranean* Sea.

And the City, willing to do ſomething anſwerable, feaſted their *Majeſties* a fortnight after, at the Lord *Majors-Houſe*, (Alderman

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Alſo Preſented their Majeſties in the City.

Freeman being then *Major.*) And the *Inns of Court* Revellers richly habited, rid in manner as is before-mentioned through the City, adorned the Kings Feaſts, and at *Merchant-Taylors-Hall* the City partaked of that Radiant Show and Maſque.

The Names of the Maſquers at Court.

The King's Majeſty.

Duke of *Lenox.*
Earl of *Devonſhire.*
Earl of *Holland.*
Earl of *Newport.*
Earl of *Elgin.*
Viſcount *Grandeſon.*
Lord *Rich.*

Lord *Feilding.*
Lord *Digby.*
Lord *Dungarvin.*
Lord *Dunluce.*
Lord *Wharton.*
Lord *Paget.*
Lord *Saltine.*

The Names of the Young Lords and Noblemens Sons.

Lord *Walden.*
Lord *Cranborne.*
Lord *Brackley.*
Lord *Shandos.*
Mr. *William Herbert.*

Mr. *Tho. Howard.*
Mr. *Tho. Egerton.*
Mr. *Charles Cavendiſh.*
Mr. *Robert Howard.*
Mr. *Henry Spencer.*

* *L'Eſtrange* Page 129.

As to the Maſque, ſaith an Hiſtorian * who writes the Reign of *King Charles*, that for curioſity of Fancy, for excellency of Performance; for luſtre and dazling Splendor, this Age never before nor ſince within this Iſle afforded the like.

* *Sanderſon.*

It is ſaid by another Hiſtorian, * who alſo writ the Life of *King Charles*, That this gallant Maſque was performed by the Four *Inns of Courts* in ſuch Regret againſt *William Prynn*, Barreſter of *Lincolns-Inn*, for his late Book Entituled *Hiſtrio-maſtix*, being an Invective againſt Stage-Players.

Titles of Proclamations for the Year 1633.

Weſtminſter *the* 16*th of* April.

A *Proclamation againſt Frauds and Deceits uſed in* Drapery, *and for diſcovery and preventing of the ſame.*

Whitehall *the* 4*th day of* May.

A Proclamation for the Prizes of Victuals *within the Verge of His Majeſties Houſhold.*

Whitehall *the* 5*th day of* May.

A Proclamation for the well-ordering of His Majeſties Court *and Train, as well in his preſent* Journey *intended towards His Kingdom of* Scotland, *and return from thence, as in all other His Majeſties Journeys and Progreſſes hereafter.*

9 Caroli.

A Proclamation for the uſe of the Bow *and the* Pike *together in Military Diſcipline.* Oatlands *Aug. the 12th.*

A Proclamation for preventing of the Abuſes growing by the unordered Retailing of Tobacco. Whitehall *the 13th day of* October.

A Proclamation concerning Tin. Whitehall *the 22d day of* January.

A Proclamation for Priſing of Wines. Whitehall *the 25th day of* January.

A Proclamation concerning Soap *and* Soap-makers. Whitehall *the 26th day of* January.

A Proclamation for the Prices of Poultery, Rabbets, Butter, Candles, Char-coale, *and all manner of* Fuel *of* Wood. Whitehall *the 12th day of* February.

A Proclamation for the ſpeedy ſending away of the Iriſh Beggars *out of this Kingdom into their own Country, and for ſuppreſſing of* Engliſh Rogues *and* Vagabonds, *according to Our Laws.* Whitehall *the 12th day of* February.

A Proclamation concerning the abuſive venting of Tobacco. Newmarket March 13.

Hiſtorical Collections

for the Year, 1634.

We continue the Courſe deſigned, to Commence every Year with the Arch-Biſhop of Canterburies *Diary.*

March 30. Arch-biſhop of *Canterbury's* Diary.

PAlm-Sunday, ſaith the Arch-Biſhop, I Preached to the King at *Whitehall.*

May 13. I received the Seals of my being choſen Chancellor of the *Univerſity* of *Dublin* in *Ireland*; to which Office I was choſen, *September* 14. 1633. There were now, and ſomewhat before, great Factions in *Court*, and I doubt many private ends followed, to the prejudice of publick Service: good Lord preſerve me.

June 11. *Wedneſday* Mr. *Prynn* ſent me a Letter about his Cenſure in the *Star-Chamber* for his *Hiſtrio-maſtix*, and what I ſaid in that Cenſure, in which he hath many ways miſtaken me, and ſpoken untruth of me.

June 16. I ſhewed this Letter to the King, and by His command * ſent it to Mr. Attorney *Noy.*

June 17 Mr. *Attorney* ſent for Mr. *Prynn* to his Chamber, ſhewed him the Letter, asked him whether it were his Hand? Mr. *Prynn* ſaid he could not tell unleſs he might read it; the Letter being given into his Hand, (and Mr. Attorney going to his Cloſe-ſtool, needing a Paper for that purpoſe) he tore it in ſmall pieces, and threw it out at a Window, fearing, it ſeems, an *Ore tenus.*

For this, *June* 18. Mr. Attorney brought him into the *Star-Chamber* where all this appeared; * I there forgave him.

* But it was with ſomewhat a ſharp Letter, the Copy whereof was found among his Papers.

* Becauſe nothing was there proved, for Mr. Attorney knew not how to proceed or make good his accuſation.

July 26. I received word from *Oxford*, that the *Statutes* were accepted and publiſhed, according to my Letters, in the *Convocation-houſe* that week.

Auguſt 9. *Saturday*, Mr. *William Noy*, His Majeſties Attorney-General died at *Brentford*, *circiter horam noctis decimam.*

And on *Sunday* morning *Auguſt* 10. his Servant brought me word of it to *Croydon* before I was out of my bed; I have loſt a dear friend of him, and the Church the greateſt She had of his condition, ſince ſhe needed any ſuch.

Auguſt 11. one *Robert Seale* of St. *Albans* came to me at *Croydon*, and told me ſomewhat wildly about a Viſion he had at *Shrovetide* laſt, about not Preaching the Word ſincerely to the People; and a Hand appeared unto him, and Death, and a Voice bid him *go tell*

it

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it the Metropolitan of Lambeth, and made him ſwear he would do ſo, and I believe the poor Man was over-grown with fancy: So I troubled my ſelf no further with him or it.

Aug. 30. *Saturday*, at *Oatelands*, the *Queen* ſent for me, and gave me thanks for a buſineſs, with which She truſted me; Her Promiſe then that She would be my friend, and that I ſhould have immediate addreſs to Her when I had occaſion.

September 30. I had almoſt faln into a Fever, with a Cold I took, and it held me about Three Weeks.

December the 1*ſt Monday*, my ancient friend *E. R.* came to me, and performed great Kindneſs, which I may not forget.

Jan. 8. I married the Lord *Charles Herberts*, and the Lady *Mary*, Daughter to the Duke of *Buckingham*, in the Cloſet at *Whitehall*.

February 5. *Thurſday*, I was put into the great Committee of Trade, and the Kings Revenue, *&c.*

Sunday March 1. The great Buſineſs which the King commanded me to think on, and gave me account of, and *L. T.*

Saturday March 14. I was named one of the Commiſſioners for the *Exchequer*, upon the death of *Richard* Lord *Weſton*, Lord High Treaſurer of *England*. That evening *K. B.* ſent to ſpeak with me at *Whitehall*; a great deal of free and clear expreſſion, if it will continue.

Monday March 16. I was called again the next day into the Forreign Committee by the King.

March 22. *Palm-Sunday*, I Preached to the King at *Whitehall*.

The King, in the beginning of this Year, *May* the 5*th*, had timely in his thoughts, how to raiſe Monies to ſet out a Fleet for the Guard of the *Narrow-Seas*, (which afterwards proved to be in the way of *Ship-Money*) the *Narrow-Seas* being at this time infeſted by *Pirates* of all his Neighbour-Nations, and from the *Mediterranean* by *Turks* and *Algiers*-men, was pleaſed to declare His Pleaſure and Expreſs Commandment, That no Mariner or Sea-faring-men, Ship-Wright, or Ship-Carpenter whatſoever, being His Majeſties Subjects, ſhould, without the Kings Licenſe, or the Licenſe of the Admiral of *England*, enter, or attempt, or go about to enter into the Service of any Forreign Prince or State, or be employed out of this Realm in any Sea-Service whatſoever, unleſs it were in the Kings own Service, or of ſome of His Subjects. And if any at this time be in the Service of any Forreign Prince, that they forthwith return under a great Penalty.

And on the ſame Day His Majeſty thought fit to declare His further Pleaſure, concerning the Flags to be employed for His Royal Navy, as well as for the Ships of His Subjects of South and North-Britain; and conceiving it meet for the Honour of the Kings own Ships in His Navy-Royal, and of ſuch other Ships as are, or ſhall be employed in the Kings immediate Service, that the ſame be by their Flags diſtinguiſhed from the Ships of any other of His Subjects; doth therefore prohibit and forbid, That none of the Subjects of any of His Nations and Kingdoms, ſhall from henceforth preſume to carry the Union-Flag in the Main-Top, or other part of any of His Ships, that is St. George's Croſs, and St.

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Andrews Croſs joyned together, but that the ſame Union-Flag be ſtill reſerved as an Ornament proper to the Kings own Ships, and Ships in his immediate Service and Pay, and none others; and his Majeſties further Will and Pleaſure is, that all other Ships of his Subjects of England, or South-Britain bearing Flags, ſhall from henceforth carry the Red Croſs, commonly called St. George his Croſs; and alſo that all the other Ships of the Kings Subjects of Scotland and North-Britain, ſhall from henceforth carry the White Croſs, commonly called St. Andrews Croſs.

And it concern'd his Majeſty to think of ſome other ways than hitherto he had done to raiſe monies for his Occaſions, for that the Monies which were to come to the *Exchequer* upon the Compoſition with Recuſants, fell far ſhort of expectation.

Recuſants Compoſitions fall ſhort of expectation.

For the King inſtead of receiving two full parts of three out of Recuſants eſtates, had little above one part in ten or twelve, eſpecially in the *North* where their Compoſitions were higheſt. *Roger Widdrington* of *Cartington* in the County of *Northumberland* Eſquire paid 60. *l. per Annum* into the *Exchequer*, his Eſtate being better worth than 500 *l. per Annum*; *William Anderton*, of *Anderton* in the County of *Lancaſter* Eſquire paid 20 *l. per Annum*, his Eſtate being eſtimated worth 500 *l. per Annum*. *Francis Harecourt* of *Ranton* in *Staffordſhire*, paid 25 *l. per Annum*, his Eſtate being worth above 200 *l. per Annum*. Sir *Henry Merry* of *Darbyſhire*, Kt. paid 66 *l.* 13 *s.* 4 *d. per Annum*, his eſtate being worth 600 *l. per Annum* and upwards. Sir. *John Thimbleby* of *Lincolnſhire*, Knight, paid 160 *l. per Annum*, his eſtate being eſtimated at 1500 *l. per Annum*. Sir *Ralph Ellecare* of *Yorkſhire*, Knight paid 50 *l. per Annum*, his eſtate being worth 600 *l. per Annum*. And much to the like proportion did others compound in thoſe Northern Counties; but afterwards by the advice of Mr. *Noy*, a more ſubſtantial way was thought upon, to raiſe a notable Revenue for the King, by *Ship-money*, of which more fully in its proper time and place.

Mr. Prynn *of* Lincolns-Inn *was brought to the Bar of the Court of* Star-Chamber *on the 11th of* June, *and Mr. Attorney* Noy *thus opened the matter againſt him.*

My Lords,

'There hath been an Information againſt Mr. *Prynn* in this
'Court, for a Seditious Railing Libel, or rather a *Volume of*
'*Libels.*

'He had the ſentence of the Court for the ſame. I will ſay thus
'much, it was more favour ſhewed him than he did deſerve; he
'was mercifully dealt withal. He hath been in Priſon he hath
'been Degraded; he hath had his Ears cut off, and undergone all
'ſhame. It ſeems he hath been admitted to Pen, Ink and Paper in
'the Tower, and he hath made uſe of it. *My Lords*, he did write
'a Letter or rather a Scandalous Libel, to ſome of your Lordſhips,
'and falleth particularly upon ſome of your Lordſhips here; for

Mr. *Noy.* Mr. *Prynn* once more brought into the *Star-Chamber.*

‘he doth examine whatſoever was ſaid at the hearing of his Cauſe: and he ſaith, what was done by one, was done by all the reſt.

‘*My Lords*, This *Libel* came to the King's Attorney-General, and he ſent for Mr. *Prynn*, and wiſhed him to give over this practice of Rayling now at laſt. He was asked whether it was his writing or no? (no wonder he would tell a lye, ſeeing he had ſo often lied, and forſworn himſelf in Court before) He anſwered, he could not tell, unleſs he might read it all; ſo it was delivered unto him to read, conſiſting of five pages. He read as much of it as was his pleaſure, yeſterday in my Chamber, in my preſence; and my back being from him, and his from mine, he taketh the Letter (the Libel) and teareth it in pieces, like a Rat, or a Vermine, and throweth it out of the Window: yet I cauſed the pieces to be gathered up, which your Lordſhips may ſee, and the Libel in a great part may be read. Then he was asked, if he did tear it? He ſaid I will anſwer you nothing. *My Lords*, I ſhall deſire he may be asked here, whether he did tear it, or no?

Lord *Keeper*.

‘Mr. *Prynn*, Mr. *Attorney* deſires to know, whether you did tear this, or no? Mr. *Prynn* anſwered, If it may pleaſe your Lordſhips, I have been cenſured in this Court, and ſubmitted my ſelf to every particular in the execution of it; and I have ſo carried my ſelf in publick, without giving any offence at all in the leaſt kind; and if Mr. *Attorney* exhibit any thing in Court againſt me, I deſire that I may give a legal Anſwer unto it. I hope this Court will be favourable toward me. I did nothing in publick to give any offence, and what I wrote in private, was not my intention to come in publick. I am a man ſubject to paſſion, as all men are; therefore I hope your Lordſhips will not impute it as a Crime.

Lord *Keeper*.

‘Here is humility for the time to come, but for the time paſt it is very ill.

Mr. *Noy*.

‘I ſhall deſire your Lordſhips that he may be in Goal, and kept cloſe Priſoner; and neither to have Pen, nor Ink, nor Paper, nor go to Church; and I ſhall afterward proceed againſt him for this here. I think in my Conſcience (ſaid Mr. *Noy*) he hath neither Grace, nor Modeſty.

The Arch-Biſhop of *Canterbury*.

‘*My Lords*, He hath undergon a heavy puniſhment, I am heartily ſorry for him; and Mr. *Prynn*, I pray God forgive you for what you have done amiſs. I confeſs I do not know what it is to be cloſe Priſoner, and to want Books, Pen, Ink and Company. Certainly a man alone in that Caſe, who knoweth how he may be inſtigated? And as Mr. *Attorney* ſaith, he is paſt all Grace, and Modeſty; ſurely then he had need to be more free, and have Books and go to Church, that he may become better. I ſhall therefore be an humble ſuitor to your Lordſhips, that he may have the privilege to go to Church (ſaith Mr. *Prynn*, with a low voice, I humbly thank your Grace.) But my Lord *Keeper* asked the reſt of the Lords, what they thought of it? but no reſolution was given at all, but they would take it into their Conſideration. The Lord *Richardſon* then ſaid, let him have the Book of Martyrs, for the Puritans do account him a *Martyr*.

‘Mr. *Prynn* deſired the Arch-Biſhop of *Canterbury*, that he might have the Books, which his Officer ſeized upon in his Study; and the Arch-Biſhop did ſeriouſly proteſt, that they were ſeized without his privity, and that he had direction to ſeize no Books, but thoſe queſtioned in Court; but would give a Warrant under his hand to re-deliver them.

In purſuance of the ſettlement of Church-Affairs, the Biſhop of *London* did about this time deſign to impoſe the *Engliſh Liturgy* and Diſcipline, upon the Engliſh Companies and Regiments in Foreign parts, and upon the Churches of Foreingers living in *England*, and repreſented to the Lords of the Council his advice therein, in propoſitions to this effect.

Propoſitions preſented to the Council by the Biſhop of *London* concerning Engliſh Preachers employed in Foreign Parts.

1. Whether it be not fit (I had almoſt ſaid neceſſary) that the ſeveral Colonels in the *Low-Countries* ſhould entertain no Miniſter, as Preacher to their Regiments, but ſuch as ſhall conform in all things to the Church of *England* eſtabliſhed, and be commended unto them from your Lordſhips, by the advice of the Lord Arch-Biſhop of *Canterbury* or *York*, for the time being.

2. That the *Company of Merchants* reſiding there, or in any other foreign parts, ſhall admit no *Miniſter*, as Preacher unto them, but ſuch as are Qualified, and Commended as aforeſaid.

3. That if any *Miniſter*, having by feigned carriage, got to be ſo recommended, either to any of the ſeveral *Colonels*, or to the *Deputy-Governor* and Body of the Merchants there, that be after found unconformable, and will not mend upon warning given by the Colonels, or Deputy-Governor of the Merchants, he ſhall within three months after ſuch warning given, and refuſed, be diſmiſſed from his ſervice, that a more orderly and peaceable man may be ſent unto them.

4. That every *Miniſter* or Preacher with any Regiment of Souldiers, that are his Majeſties born Subjects, or with the Company of Merchants there, or elſewhere, ſhall read Divine Service, Chriſten Children, Adminiſter the Sacrament of the Lord's Supper, Marry, Inſtruct the Younger or more ignorant ſort in the Catechiſm, Viſit the Sick, Bury the Dead, and do all other duties according as they are preſcribed in the Book of *Common-Prayer*, maintained in the Church of *England*, and not otherwiſe: and that he which will not conform himſelf ſo to do, ſhall not continue *Preacher*, either to any Regiment of *Engliſh*, or *Scotiſh*, or to the Merchants.

5. That if any *Miniſter*, or Preacher, being the King's Subject, ſhall with any bitter Words, or Writings in Print, or otherwiſe, defame the Government of the *Church of England* eſtabliſhed, His Majeſties Ambaſſador or Agent in thoſe parts, for the time being, is to be informed of it; and upon notice given from him to the State, he, or they ſo offending ſhall be commanded over by *Privy-Seal*, or otherwiſe, to anſwer their Offence, or Offences here.

6. That no *Colonel* of any ſeveral Regiment, or *Deputy-Governor* of the Merchants ſhall give way, that their *Miniſter* or Preacher ſhall bring any other Miniſter to Preach for him in time of his Sickneſs, Abſence, or other neceſſary employment, but ſuch, as for whoſe conformity to the Church and Government he will be anſwerable.

7. That if any *Miniſter*, being a Subject of the King's, in any parts beyond the Seas, ſhall in any Auditory, or elſewhere publickly

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lickly Speak, Write, Print or Divulge any thing derogatory to the Doctrine or Diſcipline eſtabliſhed in the *Church of England*, or againſt the temporal State and Government, that the King's Agent do certifie his Offence, that ſo he may be recalled by *Privy-Seal*.

8. That no man ſhall be choſen or ſent over by the Merchants here, either to *Delf*, or any other part of their Reſidence beyond the Seas (whenſoever any place, or places ſhall become void) but ſuch a man as is conformable to the *Church of England*; and ſuch as will be careful to ſee, that they who are under his Government ſhall obſerve all ſuch Church-duties, as are expreſſed and required in any of the former propoſals.

9. That whenſoever the *Merchant-Adventurers* ſhall become Suitors to renew or confirm their *Patent* (as in moſt Kings times is uſual to do) that then there be a Clauſe inſerted into their *Patent*, to bind them to the obſervance of all, or ſo much of thoſe Inſtructions, as ſhall be thought fit by His Majeſty, and the Lords, *&c.*

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The Arch-Biſhop of *Canterbury* thought fit to purſue thoſe Propoſals, he had made to the Council, and writ a Letter to the Merchants at *Delf*, to the purpoſe following.

After our hearty commendations, &c. *We are commanded by His Majeſty to ſignifie unto you that this Bearer Mr.* Beaumont *choſen by joint-conſent of your Company to be your* Preacher at Delf, *or where elſe you ſhall at any time reſide, is a man learned, ſober and conformable to the Doctrine and Diſcipline eſtabliſhed in the Church of* England, *and that you are to receive him with all decent and courteous uſage fitting his Perſon and Calling, and to allow him the uſual ancient ſtipend which Mr.* Forbes *lately, or any other before him hath received. And further we are to let you know, that it is His Majeſties expreſs Command, that both you, the Deputy, and all and every other Merchant, that is, or ſhall be reſiding in thoſe parts beyond the Seas, do conform themſelves to the Doctrine and Diſcipline ſetled in the Church of* England: *And that they frequent the* Common-Prayers *with all religious duty and reverence at all times required, as well as they do Sermons: And that out of your Company, you do yearly about* Eaſter, *as the* Canons *preſcribe, name two* Church-Wardens *and two* Sides-men, *which may look to the Orders of the Church, and give an account according to their Office. And Mr.* Beaumont *himſelf is hereby to take notice that His Majeſties expreſs Pleaſure and Command to him is, that he do punctually keep and obſerve all the Orders of the Church of* England, *as they are preſcribed in the* Canons *and the* Rubricks *of the* Liturgy. *And that if any of your Company ſhall ſhew themſelves refractory to this Ordinance of His Majeſty (which we hope will not be,) he is to certifie the name of any ſuch Offender, and his Offence to the Lord Biſhop of* London *for the time being, who is to take Order and give Remedy accordingly. And theſe Letters you are to regiſter and keep by you, that they which come after may underſtand what care His Majeſty hath taken, for the well-ordering of your* Company *in Church-affairs.*

affairs. And you are likewiſe to deliver a Copy of theſe Letters to Mr. Beaumont, *and to every ſucceſſor of his reſpectively, that he and they may know, what His Majeſty expects from them, and be the more inexcuſable if they diſobey. Thus not doubting, but that you will ſhew your ſelves very reſpectful of theſe His Majeſties Commands, we leave you to the Grace of God, and reſt,*

June 17. Your very Loving Friend,
W. Canterbury.

At the Star-Chamber, *June* 20. 1634.

Preſent,

The Arch-Biſhop of *Canterbury.*
Lord *Keeper.*
The Arch-Biſhop of *York.*
Lord *Privy-Seal.*
Lord *High-Chamberlain.*
Lord *Chamberlain.*
Earl of *Bridgewater.*
Lord *Cottington.*
Lord *Newburgh.*
Mr. *Treaſurer.*
Mr. *Comptroler.*
Mr. *Secretary Cook.*
Mr. *Secretary Windebanck.*

Order in the Court of Star-Chamber concerning Farthing Tokens, and the impoſing them on the people for Wages.

THis day the Board did take into Conſideration, the Complaints made from ſeveral parts of the Kingdom, concerning the ſtop and refuſal of *Farthing-Tokens*, proceeding as well from the abuſe in counterfeiting the ſame, as in cauſing the ſame to paſs, as well in payments as for Commodities, and for Wages to Workmen and Labourers, in greater quantities than was intended.

And whereas upon a *Decree* lately made in the High Court of *Star-Chamber*, the 25*th* day of *April* laſt, wherein Sir *Francis Crane* Knight, was Plaintiff againſt *William Hawks* and others, for making and venting counterfeit *Farthing-Tokens*, their Lordſhips did call to mind, that there was conſideration likewiſe had, and proviſion made by the ſaid *Decree* againſt the abuſe in forcing the ſame upon men for Wages and in other payments, and directing the right uſe to be made of them for the good and benefit of the Subject, according to His Majeſties Royal Intention, and the Proclamations publiſhed in that behalf:

It was therefore by the Board thought fit and Ordered, that ſo much of the ſaid *Decree* as concerned the regulating of the buſineſs *de futuro*, ſhould be ſet down in this Order, and together with the ſame, be forthwith Printed and Publiſhed, which part of the ſaid *Decree* doth accordingly follow in theſe words.

The Court being informed, that by the abuſe of ſome particular perſons, whoſe only aim is to make a private gain and profit to themſelves, His Majeſties people are much abuſed in many parts of this Kingdom, and poor Labourers, whoſe neceſſities are ſuch, as enforceth them to take their hire in any money, are compelled many times to take their whole weeks Wages in Farthings, from ſuch as buy great quantities at low rates, and make a Commodity thereby: Which abuſe, as it is already become a great burden and grievance, to His Majeſties people in many parts of the Realm,

ſo

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ſo it is to be feared it will hereafter turn to the great diſadvantage of His Majeſties Patentees, *if it be not remedied by a timely Reformation. Their Lordſhips being willing to prevent and meet with ſuch growing evils, and deſirous to remove the inconveniences of forcing His Majeſties Subjects to take ſuch great quantities of Farthings in Payments; which* Farthing-Tokens *rightly uſed, are of themſelves very uſeful and neceſſary, and were made chiefly for the relief of the Poor, and to be vented and uſed only for exchange in ſmall Sums, but not to be put upon any in great Payments, have thought fit and* Ordered, *and it is by this their Lordſhips Sentence declared, That it is utterly unlawful, and expreſly contrary to the true meaning of His Majeſties* Letters Patents *and Proclamation, that any ſuch* Farthing-Tokens *ſhould be inforced upon any poor Labourers or Workmen, or other perſons in any Payments, either of greater or leſſer Sums.*

And they declare further, That they think it fit that no perſon ſhould pay above Two-pence in Farthings to any other perſon at any time. And this Court doth alſo declare it to be unlawful, for any Man to buy or barter for any Farthing, at, or for leſſer rate than they are uſually vented by His Majeſties Patentees, *to whom the ſole making thereof is granted, and upon whom the re-change thereof lyeth at the ſame rate: And if any perſon ſhall be found herein to offend in either of theſe kinds, this Court is reſolved ſeverely to puniſh the Offenders. And the Court doth withal hold fit, and deſire that His Majeſty ſhould be moved, to declare and command the ſame, by His Highneſs's Proclamation, to be publiſhed throughout this Kingdom, that ſo the true uſe of thoſe* Farthing-Tokens, *intended for the good of the Poor, may be continued, and the abuſes aforeſaid may either be prevented, or puniſhed.*

Trin' Term' 1634.

Attorn' Regis Noy *vers'* Overman *&* *al'* Soap-boilers.

Uſing Fiſh-Oyl in Soap-making.

Not ſuffering the Aſſay-Maſter to try or mark their their Soap.

Unlawful Meetings to ſet Price on their Commodities.

THe Defendants being *Soap-boilers* of the City of *London*, did, contrary to His Majeſties *Proclamation*, uſe divers great quantities of *Fiſh-Oyl* in making their *Soap*, and ſome of them alſo uſed *Spyke-Oyl* in the making thereof, to qualifie the ſcent of the *Fiſh-Oyl*; His Majeſty, by that Proclamation, having prohibited the uſe of any other Oyl, than *Olive* and *Rape-Oyl* to make Soap withal, ſo as it might be ſweet, and more ſerviceable. And the Defendants, *Griffin*, *Cope*, and *Revel*, in further contempt of His Majeſties ſaid Proclamation, and in contempt and oppoſition to His Majeſties *Letters Patents*, granted to the new Corporation of *Soapers* of *Weſtminſter*, and by the inſtigation and encouragement of the Defendant, *Whitwell* refuſed to ſuffer the Aſſay-Maſter for Soap to try, or mark their Soap, although His Majeſty, by his ſaid Proclamation, commanded the doing thereof, and that none ſhould be ſold until it were marked and tryed; and albeit the Defendants were no Corporation, Body, or Fellowſhip by any lawful Authority, yet the Defendant *Overman*, *Baker*, and *Troughton*, with others, did at ſeveral times, and at ſeveral Taverns in *London*, aſſemble themſelves together, to confer about the Sale of their *Soap*, and buying of Fiſh-Oyl of the *Greenland-Company*, and did there conclude and agree, not to ſell their ſecond beſt Soap under 54 *s.*

the Barrel, and did after ſell it at greater Rates, and did buy 600 *Tun* of Fiſh-Oyl not long after to uſe in making their Soap; and for theſe Offences they were all committed to the *Fleet*, during His Majeſties Pleaſure: *Griffin* fined 1500 *l.* *Overman* the elder, and *Whitwell* 1000 *l.* a-piece: *Baker*, *Troughton*, *Cope* and *Revell* 1000 Marks a-piece: *Hardwick*, *Overman* Jun', *Barefoot*, *Hayes*, *Hynde*, *Waſher*, *Barber*, *Weeden* and *Moncke* 500 *l.* a-piece, and all of them diſabled by themſelves, or their Work-men, Servants, Agents, or any other, to uſe or exerciſe their Trade of *Soap-boiling* at any time hereafter.

Diſabled to uſe their Trade.

Mich. Term. 1634.

THere happened this *Term* a ſudden Remove in the Court of *Common-Pleas*: Sir *Robert Heath* who was Lord Chief-Juſtice of the *Common-Pleas* was removed, and Sir *Jo. Finch* was ſworn Lord Chief-Juſtice of that Court. Great were the Diſcourſes what the occaſion ſhould be of that ſudden Advancement. But Four days after the Writ for *Ship-money* coming forth, it was conceived, by common Diſcourſe, that he was to be inſtrumental to advance that buſineſs.

And on the *16th* of *October* the Lord *Keeper Coventry* made this Speech unto him, at the time of his Inſtallment in the Court of *Common-Pleas*.

The Lord Keepers *Speech to Sir* John Finch, *at the time he was to be made Chief-Juſtice of* Common-Pleas, *the 16th of* October 1634.

Mr. Serjeant Finch.

‘THE Kings Majeſty calling to mind your many Services to
‘ Himſelf, and the Queen, and knowing well your great
‘ Learning, accompanied with much Dexterity in the accompliſhing
‘ of Buſineſs of weight, hath appointed you to ſucceed in
‘ the Place vacant in this Court, and here to ſit as Chief-Juſtice.
‘ In this you ſee a manifeſt Argument of ſingular Goodneſs of
‘ the King and Queen, ſo mindful of their Servants, imitating God
‘ above, that rewardeth not *ſecundum*, *ſed ſupra Bona Opera*. Now
‘ as many heretofore, ſo you in your due time have cauſe to acknowledge
‘ with *David*, that *your Cup doth overflow*. As this is a
‘ great comfort to ſee your Endeavours not only favoured with
‘ Acceptance, but Crowned with Reward; ſo it will inſtruct you,
‘ (your Service having brought you Promotion) and put you in
‘ mind of your Service, that the Gifts of Princes, though they are
‘ *ſine aliquo reddendo*, yet they are not to be reckoned ſo by them that
‘ have them; but as Fruits ſown in Fruitful Ground to them that
‘ receive them: and of this nature is your Place, which your Maſter
‘ gives you to ſerve him in; and yet you muſt ſerve him ſo, as
‘ you may be fruitful to His People. I remember in *Rotulo Parlia-*

Upon the Removal of Sir *Robert Heath* from being Lord Chief-Juſtice of the *Common-Pleas*, Sir *John Finch*, the Queens Attorney, was choſen into that Place.

An. 1634.

‘menti 20 *Ed.* 1. in a great Cauſe between *Humphry de Bohun*, and *Gilbert de Clare*; It was ſaid of that *King*, he was as great a Law-giver, as a Victorious Prince, and therefore ſtyled the *Juſtinian of* England, *Rex omnibus Juſtitiæ Debitor*. The King, Our Maſter, as much as any, makes the ſame acknowledg ment in Practice: never any King, I may ſay, never any Man of juſter, or more upright Heart, that equal Juſtice ſhould be miniſtred to His Subjects; for he knows well, that *Rex & Subditus* are Correlatives, even as Man and Wife; and the Emblem of King not wanting betwixt them. As the Subject owes Obedience, ſo the King Protection and Juſtice. This Debt is *Debitum Juſtitiæ*, too great and heavy a Burthen to be born by a King, compounded only of Mortal Fleſh, were it not that His Councel were as Religious and Juſt, as he is Wiſe and Politick; and thereby the Load of the King's Buſineſs is lighted, by laying a part of the great and inſupportable Burthen upon the Judges: For His *Debitum Juſtitiæ*, which is the Debt of a King primarily, by a Secondary Means becomes the Debt of Judges, and under as great Bonds as may be; Greater there cannot be to bind the Conſciences of Men. The firſt Bond is *Debitum Patriæ*, due to all the Kings People, whoſe Cauſes and Places are the proper Subjects of this Tribunal, and whoſe flouriſhing Eſtate depends much upon the Juſt Proceedings of this Court. Were there no other Motive, yet this that prevails among the Heathen, *Amor Patriæ*, were ſtrong enough to make Judges deſirous of this Duty. The ſecond is *Debitum Regi*; for he truſts them with his Richeſt Treaſure, that which is dearer than the Apple of His Eye. His Juſtice is one Prime-part of His Oath at His Coronation, *Facies fieri in omnibus Juſtitiam Æquam & Rectam*: And what you are to give the King for this, you ſhall need to go no farther than your Oath, the neglect of which puts you to the Will of the King, for Body, Laws and Goods. The third the greateſt of all, *Debitum Deo*, as he is the Fountain of all Juſtice, and a fearful avenger of them that do the contrary. And three ways I ſhall mind you how this is a Debt to God. Firſt, *Ratione Juramenti*, by reaſon of your Oath, for the immediate relation it hath to God; that it is *Religio Juriſjurandi*, and therefore, under this Oath, you are bound to God in a full diſcharge. Secondly, *Ratione Loci*, for the Seat of Judges; God ſits whereon you ſit; and you may aſſure your ſelf, that he that ſets you there, will take ſtrict account of you. Thirdly, *Ratione Judicii*: The Judgment it ſelf is Gods, if you be upright, as you ought. It is ſaid in the 82*d Pſalm*, *God ſtands in the Congregation of Princes*, is the Judge among Gods; and ſo when you ſit here, you muſt think God is in your Face to give Judgment as it is right, or otherwiſe to puniſh; and therefore when you ſhall ſit your ſelf on your Cuſhion, either here, or in any other place, you have cauſe to ſay, as *Jacob* did when he had ſlept in *Bethel*, *How dreadful is this Place! This is the Houſe of God*. This in the general. I fear I have ſpent too much time; I will make amends in the Particulars: Somewhat for Order. *Communia Placita*, the Pleas of the People; as they are numberleſs, ſo neceſſarily muſt their Pleas and Cauſes be, therefore they are all Civil, whether for Lands, Goods real, perſonal, or mixt: they are the proper Object of this

‘Court. Firſt therefore, you muſt uſe diligence in attending and diſpatching the multitude of buſineſs in this Court. Common Induſtry may diſcharge Common Employment; but this is Superlative and Tranſcendent, and therefore your diligence muſt be extraordinary. Secondly, you muſt uſe great Patience in Matters brought before you: I muſt confeſs, that a multitude of Buſineſs, and a Good-will to diſpatch, will as ſoon try ones Patience as any thing; yet whatſoever Tryal you are put to, be not from your Tryal. Nothing better becomes a Judge than Patience. Thirdly, you muſt uſe great caution in diſcerning thoſe things brought before you; for thoſe that have ill Cauſes will omit no endeavour to beguile you: therefore you muſt keep Watch and Ward, and try every thing, that no Counterfeit come to be put upon you. Then, in the fourth place, it is neceſſary to uſe all expedition. *Nulli deferemus* is coupled with *Nulli negabimus, Nullo vendemus Juſtitiam*: all three naught, and none can tell which is the worſt. In the firſt place, I ſhall adviſe and wiſh you, in all your Judgments, to inſiſt upon the ancient ways of your Common Law. New Opinions are many times in a Councellor retain'd, to defend a Side; but they ſtand not with the Gravity of a Judge. To invent or find out any thing is commendable in a Councellor, but let a Judge ſtand *ſuper antiquas vias*; for *Lex Loci, & Conſuetudo Angliæ* is all in all. One Particular more, which (I think) conduduceth much to Juſtice, is, to give all encouragement to the good and expert Clerks of this Court. It hath ever been the great Commendation and Honour of this Court to be furniſhed with the beſt Clerks. Theſe encourage others, inform, and reduce to the ſame purity of Pleading, which (as Mr. *Littleton* ſaith) is one of the moſt Honourable things in the Law. And if a Man obſerve what a multitude of juſt Cauſes are overthrown by vitious Entries, and Pleadings, he will have juſt cauſe to believe it. I know to whom I ſpeak. Your great Underſtanding and Judgment, and that Integrity in you, need not that I ſhould ſay half this: and yet, conſidering what Order is, and the Duty of my Place, and affection to your Perſon, I could do no leſs. I ſhall ſhut up all in Two *Memento's*. The one, That the Juſtices of this Court are ſtyled by the Name of *Juſtitiarij* without Addition, and the Proceſs likewiſe *coram Juſtitiariis* without Addition. Addition, for the moſt part, diminiſhes. It is an Honour, and ſomewhat more, that it hath been attributed more to this Court than to any other. Think on it, and let it be an occaſion for you to think what it is, and to follow it. The next *Memento* is, to remember the Catalogue of your Predeceſſors: for I may be bold to ſay, as many and Reverend Men have been upon the Cuſhion in this Court, as ever ſat on any; eſpecially the remembrance of the beſt is the beſt Inſtruction and Leſſon to your ſelf. Out of my true and hearty affection to you, I wiſh you may often think of them; and ſo think of their Ways, that your Ways may exceed, and out-run the beſt.

An. 1634.

Finch, *Lord Chief-Juſtice of the* Common-Pleas, *his Speech, in anſwer to the Lord* Keeper, *at the time of his Inſtallment.*

May it pleaſe your Lordſhip,

Levis eſt Dolor, qui Conſilium capere poteſt.

‘GReat Joy brings forth no leſs, and breeds no leſs perturbation
‘in their thoughts that enjoy it. How it muſt then be with
‘me, at this preſent, I leave to your Lordſhip to judge. To my
‘ſelf, I muſt confeſs, I appear like one for a long time ſhut up in a
‘dark Room, upon whom a great Light, on a ſudden, hath broken
‘in. I muſe at the conſideration of my own weak acknowledgment
‘of the Kings Goodneſs ſhining upon me at this time. *Ignotus moritur ſibi*,
‘is a ſad finiſhing of a Man's own Courſe. I
‘ſhall crave your Lordſhips Patience; and if I live, ſhew you how
‘unwilling I am to live the one, or die the other. I have now
‘ſpent (I would I could ſay not miſ-ſpent) *Thirty-four Years* in
‘relation and practice of the Common-Law; *Relation* I call it,
‘for the firſt *Six Years* beſtowed by me in the Books of Law, by
‘ſome unhappy means I was diverted, and my Reſolution fitted to
‘another way for Forreign Employment, to which, after *Nine* or
‘*Ten Years*, I was deſign'd: and at that time, the *Great Seal* being
‘put into the Hands of that *High-Treaſurer* of all Learniug and
‘Eloquence, the Lord of St. *Albans*, (pardon my good Lord, if
‘my never-forgotten Favours deſire to revive him, whoſe faults let
‘them be buried with him in the Grave; I remember his Vertues)
‘by him was I invited to the Practice of the Common-Law. His
‘Fall, and other Misfortunes to your Lordſhip not unknown, drew
‘me from my Study: But afterwards, reſolutely turning my Hand
‘to the Plough again, it pleaſed God to ſend your Lordſhip that
‘Place, which now you hold, (which God continue) and my
‘Prayer ſhall be ever from the bottom of my Heart, that I may never
‘ſee it in another Hand: and when *Atalanta-like* I ſtooped at the
‘Ball of Profit, neglecting the Goal of Honour, ſpending my time
‘more in the Service of the Subject, than my own Good; He, in
‘whoſe Hands the Hearts of Kings are, hath bowed the Heart of
‘my Gracious Sovereign and Maſter to me; and I learn to think
‘that is beſt which he doth, and ſo ſubmit my ſelf to His Pleaſure.
‘This hath bred in me ſeveral Meditations, ſome of Comfort and
‘Conſolation. Here ſit by your Lordſhip Three Grave and Learned
‘Judges well-verſed in the ways of this Grave Court; and I
‘am as confident of their particular Affection to me, as certain
‘of my own to them; two of the ſame Society where I was bred,
‘my Ancient Acquaintance; and from the third I ever had a reſpective
‘Carriage. I ſhall think it no diſparagement to ſee with
‘their Eyes, to hear with their Ears, and to ſpeak with their
‘Tongues, till my own Obſervation, and what I ſhall hear by them,
‘may make me more ſubſtantial. In the Goſpel of *Chriſt His Coat*
‘*is ſaid to be without Seam*; and in the *Pſalms*, that the *Queens*
‘*Veſture*

‘*Veſture was of divers Colours*: upon which one of the Fathers makes this Obſervation, *In Veſte varietas, Sciſſura nulla.* Sometimes we may differ in opinion; but our Hearts ſhall be like our Robes. My chiefeſt Comfort is in the confidence of your Lordſhips Noble Favour, whom I ſhall ever ſet as a Mirror before my Eyes. I count it happy, that I ſhall attend your Lordſhip in a Court whereby I may learn, and you ſee my Endeavours to follow your Precepts and Example, which hath ever been accompanied with all Vertues: The aſſurance of the Kings Majeſties Favour is Happineſs, as fit for my Wonder, as for my Words. At His firſt Acceſs to the Crown, He was pleaſed, upon ſome ſmall occaſion to caſt a Princely Eye upon me; after He made me of His Learned Council, and then commended me to the Service of my ever moſt Gracious and Excellent Miſtreſs; and ſtill doubled His Favours in continuing me in His own Service. Afterward He pricked me out to the Parliament to ſerve Him and the Commonwealth; and though my own diſability made me ſeek to decline it, Himſelf gave me means to ſupport it, (a thing before not known) and found out a way to add ſome more value to me, by ranking me above others before me in Place and Merit. Theſe, and more Favours innumerable have comforted me; that nothing but my own demerits can leſſen His Grace to me. I begin to think of what *Demoſthenes* ſaid to the People of *Athens*, when they choſe their Officers:

‘To take up Thoughts and Cogitations fit for the Greatneſs and Dignity of this Place; and in that I cannot but remember thoſe Judges which *Jethro* commended to *Moſes*, (whom your Lordſhips remember) Men *Timentes Deum, & qui oderunt avaritiam.* His Majeſties Love ſhall make me hate all baſe and ſordid Thoughts, and ſtir up in me all Zeal to His Service. For uprightneſs between Man and Man, I ſhall need no other Argument but the juſtneſs of His Royalty, who likes beſt of thoſe Servants that beſt diſtribute His Juſtice to His People; for the reſt, *Levavi oculos meos in montem, unde venit auxilium*; Gods Grace give me aſſiſtance, as he did to the poor Fiſhermen. I ſhall account it your Lordſhips great Favour to make my humble Recognitions and Reſolutions, with the beſt advantage of your Lordſhips Expreſſion, known to the Kings Majeſty.

Carolus Rex, &c.

20. *Octob.* 10 *Car.*
The firſt Writ for Ship-mony.

TO the Major, Commonalty, and Citizens of Our City of London, *and to the Sheriffs of the ſame City, and good Men in the ſaid City, and in the Liberties, and Members of the ſame, Greeting. Becauſe We are given to underſtand, That certain Thieves, Pirates, and Robbers of the* Sea, *as well* Turks, *Enemies of the Chriſtian Name, as others, being gathered together, wickedly taking by force, and ſpoiling the Ships, and Goods, and Merchandizes, not only of Our Subjects, but alſo of the Subjects of Our Friends in the* Sea, *which hath been accuſtomed anciently to be defended by the* Engliſh *Nation; and the ſame, at their pleaſure, have carried away, delivering the Men in the ſame into miſerable Captivity: And foraſmuch as We ſee them daily preparing all manner of Shipping, farther to moleſt Our Merchants, and to grieve the Kingdom, unleſs* *remedy be not ſooner applied, and their Endeavours be not more manly met withal; alſo the dangers conſidered, which, on every ſide, in theſe times of War do hang over Our Heads, that it behoveth Us, and Our Subjects, to haſten the Defence of the Sea and Kingdom with all expedition or ſpeed that We can; We willing by the help of God chiefly to provide for the defence of the Kingdom, ſafeguard of the Sea, ſecurity of Our Subjects, ſafe Conduct of Ships and Merchandizes to Our Kingdom of* England *coming, and from the ſame Kingdom to foreign Parts paſſing; foraſmuch as We, and Our Progenitors, Kings of* England, *have been always heretofore Maſters of the aforeſaid Sea, and it would be very irkſome unto Us, if that* Princely *Honour in Our times ſhould be loſt, or in any thing diminiſhed. And although that Charge of defence, which concerneth all Men, ought to be ſupported by all, as by the Laws and Cuſtoms of the Kingdom of* England *hath been accuſtomed to be done: Notwithſtanding We conſidering, that you Conſtituted in the Sea-Coaſts, to whom by Sea as well great dangers are imminent, and who by the ſame do get more plentiful* Gains *for the defence of the Sea, and Conſervation of Our Princely Honour in that behalf, according to the Duty of your Allegiance againſt ſuch Attempts, are chiefly bound to ſet to your helping hand; We command firmly, enjoyning you the aforeſaid* Major, *Commonalty and Citizens, and Sheriffs of the ſaid City, and the good Men in the ſame City, and in the Liberties, and Members of the ſame, in the Faith and Allegiance wherein ye are bound unto Us, and as ye do love Us, and Our Honour, and under the forfeiture of all which ye can forfeit to Us, That ye cauſe to be prepared and brought to the Port of* Portſmouth, *before the firſt* Day *of* March *now next enſuing, one* Ship of War *of the Burthen of* Nine Hundred Tuns, *with Three Hundred and Fifty Men at the leaſt, as well expert Maſters, as very able and skilful Mariners; One other* Ship of War *of the Burthen of* Eight Hundred Tuns, *with Two Hundred and Sixty Men at the leaſt, as well skilful Maſters, as very able and expert Mariners:* Four other Ships of War, *every of them of the Burthen of* Five Hundred Tuns, *and every of them with Two Hundred Men at the leaſt, as well expert Maſters, as very able and skilful Mariners: And one other* Ship of War, *of the Burthen of* Three Hundred Tuns, *with a Hundred and Fifty Men, as well expert Maſters, as very able and skilful Mariners: And alſo every of the ſaid Ships with Ordnance, as well greater as leſſer, Gun-powder, and Spears and Weapons, and other neceſſary Arms ſufficient for War, and with double Tackling, and with Victuals, until the ſaid firſt of* March, *competent for ſo many Men; and from that time, for Twenty-ſix weeks, at your Charges, as well in Victuals as Mens Wages, and other things neceſſary for War, during that time, upon defence of the Sea in Our Service, in Command of the* Admiral *of the Sea, to whom We ſhall commit the Cuſtody of the Sea, before the aforeſaid firſt* Day *of* March, *and as he, on Our behalf, ſhall command them to continue; ſo that they may be there the ſame day, at the fartheſt, to go from thence with Our Ships, and the Ships of other faithful Subjects, for the ſafeguard of the Sea, and defence of you and yours, and repulſe and vanquiſhing of whomſoever buſying themſelves to moleſt or trouble upon the Sea Our Merchants, and other Subjects, and Faithful People coming into Our Dominions for cauſe of Merchandize, or from thence returning to their own Countries. Alſo We have Aſſigned you, the aforeſaid* Major *and Aldermen of the*

City aforeſaid, or any thirteen, or more of you, within thirty days after the receit of this Writ; to Aſſeſs all men in the ſaid City, and in the Liberties, and Members of the ſame, and the Landholders in the ſame, not having a Ship, or any part of the aforeſaid Ships, nor ſerving in the ſame, to contribute to the expences, about the neceſſary proviſion of the premiſes; and to Aſſeſs and lay upon the aforeſaid City, with the Liberties and Members thereof, viz. *upon every of them according to their Eſtate and Subſtances, and the portion Aſſeſſed upon them; and to nominate and appoint Collectors in this behalf. Alſo we have Aſſigned you, the aforeſaid* Major, *and alſo the Sheriffs of the City aforeſaid, to levy the Portions ſo as aforeſaid Aſſeſſed upon the aforeſaid men and Landholders, and every of them in the aforeſaid City, with the Liberties and Members of the ſame, by diſtreſs and other due means; and to commit to Priſon all thoſe, whom you ſhall find Rebellious and contrary in the premiſes, there to remain until VVe ſhall give further Order for their delivery. And moreover We Command you, that about the Premiſes ye diligently attend, and do, and execute thoſe things with effect, upon peril that ſhall fall thereon: but We will not, that under colour of Our aforeſaid Command, more ſhould be levied of the ſaid men, than ſhall ſuffice for the neceſſary expences of the Premiſes; or that any, who have levied mony for Contribution, to raiſe the aforeſaid Charges, ſhould by him detain the ſame, or any part thereof; or ſhould preſume, by any manner of Colour, to appropriate the ſame to other uſes; Willing, that if more than may be ſufficient ſhall be Collected, the ſame may be paid out among the Contributers, for the rate of the part to them belonging.*

Witneſs My Self, at *Weſtminſter* the 20*th* day of *October*, in the 10*th* year of Our Reign.

The Writs going the next year into the Inland-Counties, theſe Inſtructions following were prepared to be ſent into every County, for the better executing of the ſaid Writ.

Inſtructions and Directions from the Lords of the Council, for the Aſſeſſing and Levying of the Ship-mony againſt this next Spring.

After our hearty Commendations; Whereas His Majeſty hath ſent His *Writ* to you the *High-Sheriff* of the County of *Middleſex*, and to the *High-Sheriff* of the County of *Hartford*; and to the Majors and other Head-Officers of Corporate Towns within the ſaid Counties, to provide one Ship of two hundred and fifty Tuns beſides Tunnage, to be furniſhed with Men, Tackle, Munition, Victuals, *&c.* and other neceſſaries; to be ſet forth for the ſafeguard of the Seas, and defence of the Realm, at the charge of the ſaid Counties, and Corporate-Towns in the ſame.

We are by His Majeſties directions and expreſs Commandment, to let you know, that he hath upon moſt important and weighty Reaſons concerning not only His Majeſties own Honour and the ancient Renown of this Nation, but the ſafety of your ſelves, and all His Subjects in theſe troubleſom and War-like-times, ſent out the aforeſaid *Writ* unto you, and the like into all the Counties, Cities and Towns throughout the whole Kingdom; that as all are concerned in the mutual defence of one another, ſo that all might put to their helping hands, for the making of ſuch Preparations, as (by the bleſſing of God) may ſecure this *Realm*, againſt thoſe dangers and extremities which have diſtreſſed other Nations, and are the common effects of War, whenſoever it taketh a People unprepared: and therefore as His Majeſty doubteth not of the readineſs of all His Subjects to contribute hereunto with cheerfulneſs and alacrity; ſo he doth eſpecially require your care and diligence in the ordering of this buſineſs, ſo much concerning His Majeſtie, and all His People, that no meanalty nor other miſcarriage may either deter or diſgrace the Service, which in it ſelf is ſo juſt, honourable and neceſſary: for which cauſe we have, by His Majeſties like-directions ſent you, together with the ſaid Writs, theſe enſuing Advices and Inſtructions, for your better proceeding: which upon the receit hereof, you the *Sheriff* of the County of *Middleſex* are preſently to communicate with the Head-Officers of the Corporate-Towns in that County.

Firſt, That you meet with the *Sheriff* and Head-Officers in the *Writ* mentioned, and that you make Aſſeſſments how much each of the ſaid particular Counties ſhould pay towards the ſetting forth of the ſaid *Ship* according to the tenor of the ſaid Writ. And becauſe divers of you may be acquainted with the charges of ſuch Maritime preparations, and the miſtaking thereof might hinder the Service, we have thought good to let you know, that upon a juſt and due valuation, we find, that the Charge of a *Ship* furniſhed will be 3300 *l.* whereof we think fit, that the County of *Middleſex* bear 1800 *l.* and the County of *Hartford* 1500 *l.*

3300 *l.*
Midd. 1800 *l.*
Hartſ. 1500 *l.*
Weſtm. 350 *l.*

That the City of *Weſtminſter* and the Liberties bear 350 *l.* and the reſt of the *County* the reſidue of the ſaid ſum of 1800 *l.*

Secondly, When you have ſetled the General Aſſeſſments, we think fit that you ſubdivide the ſame, and make particular Aſſeſſments, in ſuch ſort as other common Payments upon the County and Corporate-Towns aforeſaid, are moſt uſually ſubdivided and aſſeſſed; and namely, that you the *Sheriff* divide the whole Charge laid upon the County into Hundreds, Lathes, and other diviſions, and thoſe into Pariſhes and Towns; and the Towns and Pariſhes muſt be rated by the Houſes and Lands lying within each Pariſh and Town, as is accuſtomed in other Common Payments, which fall out to be payable by the County, Hundreds, Lathes, Diviſions, Pariſhes and Towns. And whereas His Majeſty takes notice, that in former Aſſeſſments, notwithſtanding the expreſs orders given in Our Letters to eaſe the Poor, that have been Aſſeſſed towards this ſervice, poor Cottages and others, who having nothing to live on, but their daily work; which is not only a very charitable Act in it ſelf, and grievous to ſuch People, but can admit no better inſtructions, than that it was done out of an adverſe humour, of purpoſe to raiſe clamour, and prejudice the Service.

Not to Aſſeſs poor Cottages, except means in Mony or Goods, to live over and above their labours.

Wherefore His Majeſties expreſs Command is, that you take effectual care, and order by ſuch Precepts and Warrants as you iſſue for this Service; that no Perſons be Aſſeſſed unto the ſame, unleſs they be known to have eſtates in Mony, or Goods, or other means to live by, over and above their daily Labour: and where you find ſuch Perſons to be taxed, you are to take off what ſhall be ſet upon them, and lay it upon thoſe that are better able to bear it. And that you may the better ſpare ſuch poor People, it is His Majeſties pleaſure, that where there ſhall happen to be any man of ability, by reaſon of gainful Trades, great Stocks of Mony, or other uſual Eſtates, who per-chance, have or occupie little or no Land, and conſequently in an ordinary Landſcot would pay nothing, or very little; ſuch men be rated and aſſeſſed according to their worth and ability: and that the monys which ſhall be levied upon ſuch, may be applied, not only to the ſparing and freeing of the ſuch poor people as aforeſaid, but alſo to the eaſing of ſuch, as being either weak of Eſtate, or charged with many Children, or great Debts, or unable to bear ſuch great charge, as their Lands in their occupation might require, in an uſual and ordinary proportion; and the like cauſe to be held by the Head-Officers in the Corporate-Towns, that a poor man be not ſet in reſpect of the uſual Tax of his Houſe, or the like, at a greater ſum than others of much more wealth and ability; and herein you are to have a more than an ordinary care and regard, whereby to prevent complaints of inequality in the Aſſeſſments, whereby we were much troubled the laſt year.

If Taxed, then to alter it.

Perſons of ability by reaſon of gainful Trades, &c. occupying of no Land, to be rated by their abilities

No man to be ſet by uſual Tax of his Houſe, at a greater ſum than men of great abilities.

Thirdly, To the end this may be effected with more equality and expedition, you the *Sheriff* are to govern your ſelf in the Aſſeſſment for His Service, by ſuch publick payments, as are moſt equal and agreeable to the Inhabitants of that County; and for your more eaſie and better proceeding herein, after you have accordingly rated, the ſeveral Hundreds, Lathes and Diviſions of that County, you may ſet forth your Warrants to the Conſtables, requiring them to call unto them, ſome of the moſt diſcreet and ſufficient men of every Pariſh, Town or Tything, and to conſider with them how the ſum charged upon each Hundred, may be diſtributed and divided as aforeſaid, and with moſt equality and indifferency; and to return the ſame in Writing, under their hands, with all poſſible expedition: which being done, you are to ſign the Aſſeſſment ſet on the ſeveral Perſons of every particular Pariſh, Town or Tything, if you approve thereof; and if for inequality you find cauſe to alter the ſame in any part, yet after it is ſo altered, you are to ſign the ſame, and keeping the true Copy thereof, you may thereupon give order, for the ſpeedy Collection and Levying of ſuch ſums accordingly, by Conſtables of Hundreds, petty-Conſtables and others, uſually applied for Collections of other Common Charges and Payments; and when any ſhall be by them returned to you, either to have refuſed or neglected to make payment,

To proceed according to payments agreeable, and moſt equal to the Inhabitants of the County.

To Aſſign the Aſſeſſment if approved of, otherwiſe to alter and keep a Copy.

The Writ to be executed upon ſuch as refuſe, cauſing diſtreſſes to be taken and ſold for their Aſſeſſment, and their charges, &c.

ment, you are without delay to execute the Writ upon them, cauſing Diſtreſſes to be taken of them, to be ſold for the payment of the Aſſeſſment, and the juſt charges thereupon ariſing, and the overplus of the Diſtreſſes to be rendred back. And you the Head-Officers of the Corporate-Towns aforeſaid, obſerving your uſual diſtribution by Wards, Pariſhes or otherwiſe, as is accuſtomed among you, for your common payments, are to do the like by your ſelf and your ſeveral Miniſters under you reſpectively, as is before appointed to be done by the Sheriff, ſo far forth as may be agreeable to the courſe and ſtate of your Town or Corporation in the ſaid ſeveral Aſſeſſments of each Pariſh; as well you the Sheriff, as you the Head-Officer of the ſaid Towns, are to cauſe to be particularly expreſſed, how much every Clergy-man is rated for his meer Eccleſiaſtical Poſſeſſions, and what for his Temporal and Perſonal Eſtate; and to ſend to this Board under your hands within a month after the Aſſeſſment made, and returned to you, and ſigned by you, an exact and true Certificate, as well what is ſet upon every Pariſh in general, as particularly upon every Clergy-man, in each of them as aforeſaid.

Return a Note to the Board of the Aſſeſſment, and the Names of the Clergy-men within a month.

Clergy to be Aſſeſſed for the preſent.

Upon a complaint by a Clergy-man, the Dioceſan or Chancellor is to hear, &c.

Puniſheth the Complainant, ſo, &c.

Fourthly, Concerning the Aſſeſſment of the Clergy: Albeit His Majeſty is reſolved to maintain all their due Priviledges which they have enjoyed, in the time of his Royal Progenitors; yet being it hath not been hitherto made ſufficiently appear to His Majeſty or this Board, what Priviledges have been allowed to them in former times, touching Payments and Services of this nature; His Majeſty is pleaſed, that for the preſent you proceed to tax and aſſeſs them for this ſervice; and to receive and levy their Aſſeſſments, as you are Authoriſed to do of the reſt of His Majeſties Subjects; but with this care and caution, that you and your Miniſters fail not to bear due reſpect both to their Perſon and Calling, not ſuffering any inequalities, or preſſures to be put upon them. And as His Majeſty is reſolved that ſuch your Aſſeſſments and Proceedings ſhall not be prejudicial in the future to them, or any of their Rights or Priviledges, which upon future ſearch ſhall be done unto them: ſo His Majeſties pleaſure is, that where any Clergy-man ſhall find himſelf juſtly grieved; upon complaint made to the *Dioceſan*, under whom he is, or to his Chancellor, or to ſuch other Perſon as the Dioceſan ſhall appoint; you with ſome of them ſhall hear the ſame complaint, and (if there be cauſe) relieve the Party complaining according to equity; but if the Complaint ſhall be altogether frivolous and cauſleſs, then the *Dioceſan* is to puniſh the Complainant.

Perſons refuſing to do their Office, to bind them over to the Board.

Refuſing to be Bound, to Commit them.

Fifthly, If any Conſtables, Bayliffs, or other Officers, refuſe or neglect to do their duties in obeying your Warrants, either for Aſſeſſing, Collecting, or Levying, or for doing any other thing incident or neceſſary for this ſervice, you are to bind them over to anſwer ſuch their faults, and neglect of the Board; and if any of them refuſe to enter into ſuch Bond, then you are to commit them till they ſhall enter into ſuch Bond accordingly, or perform their Duties according to your Warrants. That you are to take ſpecial care in the mean time, that notwithſtanding their refuſal or refractorineſs, the Aſſeſſing, Collecting and Levying of the mony for the ſaid Service, do proceed by your ſelf, and ſuch others as you ſhall appoint, and find more ready to do the ſame, the doing of the Service being by His Majeſties *Writ* committed to your ſelf. And therefore howſoever for your eaſe and better diſpatch of the buſineſs we like well, that you require the Aſſiſtance of the Conſtables, or ordinary Officers; yet in caſe any of them do not their duties, you are to do yours, and by your ſelf, and ſuch Inſtruments as you like beſt and ſhall chooſe, to ſee the buſineſs effected.

Service Commanded to the ſheriff himſelf.

Sixtly, If you find or underſtand, of any Perſons that are refractory, or do unneceſſarily delay payment of what ſhall be Aſſeſſed upon them for the ſaid Service, whereof you muſt frequently and often call for an account from the Conſtables, Officers and others intereſted under you; you are preſently without any delay, partiality or reſpect of Perſons, to proceed roundly with them, of what quality or condition ſoever they are, according to His Majeſties *Writ*, and not to defer medling with them to the laſt, or until others have paid (as was done by ſome *Sheriffs* in former years) whereby all the trouble and burthen was caſt upon the end of the year, and thoſe that were refractory gained time above thoſe that were well-affected to the ſaid Service.

To proceed againſt any perſons whatſoever.

Laſtly, And for all other matters, not particularly mentioned in the Inſtructions, you muſt upon all occurrences govern your ſelf according to the *Writ* to you directed, and as may beſt accompliſh the Service committed to your truſt; wherein you are to uſe all poſſible diligence to effect the ſame with ſpeed, that the mony for this Service may be ſo truly paid in, as that Proviſion may be ſeaſonably bought and provided to furniſh, and to ſet forth the *Fleet*, at the day expreſſed in His Majeſties *Writ*. For aſſure your ſelf, that whatſoever you ſhall leave unlevied during your *Shrievalty*, will not be caſt upon your Succeſſor, as in former years ſome *Sheriffs* expected, and therefore retarded the ſervice; His Majeſty being reſolved not to put upon the Succeſſor the burthen of his Predeceſſors neglect; but that all ſuch ſums that ſhall be left unlevied by your ſelf after the end of the year, ſhall be levied upon you by Warrant from your Succeſſor, or ſuch other Warrant as ſhall be thought moſt behoveful. And as for the money which ſhall be Levied and Collected for this ſervice, you are from time to time to pay the ſame at *London*, to the Treaſurer of the *Navy* for the time being, who hath Power and Warrant under the *Great Seal*, to receive the ſame from you and your Agent, and to give Acquittances and Diſcharges for what he receives for the ſaid Service. And you are in like manner, from time to time, to call the Head-Officers to the Corporate-Towns, within your *County*, to Aſſeſs and Levy what is reſpectively ſet upon the ſame; and to require him either to ſend the ſum to *London*, to his ſaid Treaſurer of the *Navy*, or to pay it to you in convenient time, to be ſent up with what you are to pay in. And as you ſhall herein perform your duty with diligence, you may be aſſured to receive

Governed according to the Writ.

The mony to be paid in timely, to make proviſion to ſet forth the Fleet at the day.

Not the deferring the Collecting.

To pay the mony to the Treaſurer of the *Navy*.

An. 1634.

both favour and thanks from His Majeſty, and ſo we bid you farewell.

Your Loving Friends,

William Canterbury.
Thomas Coventry Cuſtos.
Guil. London.
Henry Mancheſter.
J. Lenox.
Lynſey.
Arundel and *Surrey.*
Pembrock and *Mountgomery.*
Edward Dorſet.
Edward Newburg.
Francis Cottington.
Henry Vane.
Thomas Germin.
John Cook.
Francis Windebanck.

The *VVrit* for *Ship-mony* being ſent to the Lord Major of *London*, Sir *Robert Parckhurſt* being then Lord Major, it was communicated to the Common-Council in *Guild-Hall*, as appears by the enſuing *Act* of Common-Council: whereupon a Petition was drawn up by the Committee of Aldermen and Common-Council men for that purpoſe appointed.

C*Ommune Concilium tent' in Camera Guilhald' Civitat' Lond' ſecundo die* Decembris *Ann. Dom.* 1634. *Annoq; Regni Domini noſtri* Caroli, *nunc Regis Angliæ, &c. Decimo, coram* Roberto Parkhurſt *Majore Civitat'* Lond', Roberto Maſon *Armigero Recordatore* Lond', Hugone Hamerſley *Milite*, Richardo Dean *Milite*, Jacobo Cambell *Milite*, Georgio Whitmore *Milite*, Nicolao Rainton *Milite*, *& Aldr' o*, Chriſtofero Clethero, Edwardo Bromfeild *&* Ricardo Fenn *Aldr' is*, Mauricio Abbot *Milite & Aldr' o* Henrico Garway *&* Humfredo Smith *Aldr' is*, Willielmo Acton *Milite, & Baronetto ac Aldr' o*, Anthonio Abdy, Roberto Cambell, Henrico Prat *&* Henrico Andrews *Aldr' is*, Johanne Highlord *Aldr' o &* Johanne Cordell *ejuſdem Civitat' vicecom', ac majore parte Conſiliariorum de Communi Concilio ejuſdem Civitat' aſſemblat', ubi tunc & ibidem enactitat' fuit prout ſequitur*, viz.

THis day was read to this Court His Majeſties *VVrit*, directed to the Major, Commonalty and Citizens of this City, and to the Sheriffs of the ſame, for, and touching the providing of ſeven *Ships of VVar*, furniſhed with Men, Victual, and all warlike Proviſions, for the defence of the Seas and other occaſions in the ſaid *VVrit* contained; the tenor whereof enſueth in theſe Words following, *viz. Carolus Dei Gratia, &c.* Whereupon this Court, after due and ſerious conſideration taken of the premiſes, conceiving that by their ancient Liberties, Charters, and Acts of Parliament, they ought to be freed and diſcharged of thoſe things, which by the ſaid Writ are required by them to be done, doth Order and Agree, That the draught of a Petition touching the ſaid Buſineſs, this day read to this Court, ſhall be Engroſſed, and with all dutiful reſpect for, and on this Cities behalf, humbly preſented to the Kings moſt excellent Majeſty.

It is likewiſe Ordered and Agreed upon by this Court, That (for the more full ſatisfaction of the Kings Moſt Excellent Majeſty, whom God long preſerve to Reign over us) the words (*ſo far as in them lieth*) which are inſerted in an Act of Common-Council, made the nineteenth day of *November* laſt paſt, upon a ſubmiſſion made by this Court to His Majeſties moſt gracious Judgement and Award, touching the difference between the Parſons and Vicars, and the Pariſhioners of the ſeveral Pariſhes of this City, ſhall be expunged and put out; and the ſame Act of Submiſſion certified to His Majeſty under the Seal of the Majoralty without

An. 1634. thoſe words, *And that this ſhall be a ſufficient warrant for the Clerk for the doing thereof.*

Item, It is Ordered and Agreed upon by this Court, that Sir *Hugh Hamerſley* and Sir *James Cambell* Knights and Aldermen, Mr. *Recorder*, Mr. Alderman *Cletherowe*, Mr. Alderman *Bromfeild*, Mr. Alderman *Garway*, Mr. Alderman *Smith* and Mr. Alderman *Abdy*, or any four of them, together with *John Wollaſton* Goldſmith, *John Gair* Fiſhmonger, and divers others, or any thirteen of them, ſhall meet together, and take due conſideration of the particular objections and matters complained of by the Parſons and Vicars of *London*, in their Petition exhibited to the Kings Moſt Excellent Majeſty againſt the Pariſhioners of the ſeveral Pariſhes of this City, touching Tythes; and the ſaid Committees not only to conceive of fitting Anſwers to the ſame, but to conſider of what matters and requeſts ſhall be thought fit to be humbly made and preſented by this City, to the Kings Moſt Excellent Majeſty touching the ſaid Buſineſs; and to frame the ſame with advice of Mr. *Recorder*, and ſuch learned Councel, as they ſhall call; and being framed, to preſent the ſame unto His Majeſties Royal Conſideration; and *Edward Renniock* and *Lewis Bromley* to warn the ſaid Committees to meet together, and to attend on them.

Which Committee did agree upon this Petition following.

To the Kings Moſt Excellent Majeſty.

The Humble Petition of Your Faithful Subjects, the Major, and Commonalty, and Citizens of Your City of *London*, moſt humbly ſhewing,

THat where *Your Majeſty by* Writ, *bearing* teſte 20 Octobris *laſt, Commanded Your Petitioners, at their Charge, to provide ſeven* Ships of War, *furniſhed with Men, Victual, and all Warlike proviſions, to be at* Portſmouth *by the firſt of* March *next, and to continue from thence by the ſpace of twenty ſix Weeks in Your Majeſties Service, upon the defence of the Seas and other cauſes in the ſaid* Writ *contained:*

Your Petitioners, do in all ſubmiſſive humbleneſs, and with acknowledgement of Your Sacred Majeſties many Favours unto Your ſaid City, inform Your Majeſty, that they conceive, that by ancient Priviledges, Grants, and Acts of Parliament (which they are ready humbly to ſhew forth) they are exempt, and are to be freed from that Charge.

And do moſt humbly Pray,

That Your Majeſty will be graciouſly pleaſed, that the Petitioners, with Your Princely Grace and Favour, may enjoy the ſaid Priviledges and Exemptions, and be freed from providing of the ſaid Ships and Proviſions.

And they ſhall Pray, *&c.*

Mich. 10 Car.

Star-chamber. *Attorn' Regis vers'* Myn *Eſq;* *& al'.*

THe Defendant *Myn*, by colour of his Office of Clark of the *Hanaper*, demanded and received 4 *s.* 6 *d.* a-piece, for ſeveral Patents of the Sheriff of *Oxon* and *Warwick*; but half thereof being, at the moſt, due *per Stat.* 8 *Eliz.* which made perpetual 13 *Eliz.* He alſo, contrary to an *Act* of *Parliament* 23 *H.* 8. and contrary to a *Proviſo* in a Decree of *Chancery*, for his increaſe of Fees, took 2 *s.* 6 *d.* upon ſeveral Commiſſions of Sewers, as due to him, there being only due to him 2 *d.* upon Each. He alſo took 9 *l.* yearly of the Chafer of Wax for the *Great-Seal*, after the Rate of Six-pence *per Pound*, for paying to him out of the *Hanaper* 360 *l. per Ann'*, which His Majeſty allowed for Wax, no Poundage-mony being due to him in that Caſe; for it was a Debt due by Contract from His Majeſty, and no matter of Bounty. He likewiſe exacted, and took of Mr. *Pulford* 75 *l.* for Poundage-mony, for paying forth of the *Hanaper* 3000 *l.* due from His Majeſty to him. He alſo took 7 *l.* 10 *s.* Poundage-mony, after 6 *d.* the Pound, for paying out of the *Hanaper* 300 *l.* to the uſe of Mr. *Amſtrother* His Majeſties Ambaſſador, none being due in that Caſe; and he alſo took 10 *l.* of him, which he exacted for Intereſt, in reſpect he paid him the Mony ſooner than he uſed to Accompt in the *Exchequer*. He alſo demanded of one Mr. *Gibbs* 50 *l.* for Poundage, after the rate of 6 *d. per Pound* for 2000 *l.* Fine given him by His Majeſty, no part thereof being paid into the *Hanaper*, or to be paid out of the *Hanaper*; and therefore nothing due to the Defendant for it: yet he kept Mr. *Gibb's* Patent ſeven years, and would not let him have it, becauſe he refuſed to pay the Poundage. He alſo exacted, and took 5 *s.* a-piece for ſeveral Patents of *Congé de Eſlyer* and Royal Aſſent, granted for ſeveral Biſhops, no Fee at all being due to him for ſuch Patents. He alſo exacted upon ſeveral Patents of *Denization* 10 *d.* a Name over and above his due Fee; and 14 *s.* 8 *d.* over and above his due Fee for a Patent of Creation of a Baron and Viſcount, and 10 *d.* for ſeveral Prebends and Deanries, beſides his due Fees; and 14 *d.* upon every Name in ſeveral Protections-Royal, more than was due. And the Defendant *Dawe*, by colour of his Office of Deputy to the Defendant *Myn*, took for ſeveral Eſcheators Patents 12 *d.* a-piece more than the due Fee; and alſo extorted greater and more Fees than was due, for Drawing and Engroſſing Eleemoſinary Patents or Protections to Collect Charities for Loſſes by Fire, *&c.* And for theſe ſeveral Extortions both the Defendants were committed to the *Fleet*, *Myn* Fined 3000 *l.* and *Dawe* 300 *l.* and *Myn* ſuſpended from the execution of his Place during His Majeſties Pleaſure.

Extortions in the Clark of *Hanaper*, and his Deputy.

Mich. 10 *Car.*

Star-Chamber.
Attorn' Regis vers' Roper *Knight.*

Depopulation and converting Arable into Paſture.

100 *l.* Reward to the Proſecutor.

100 *l.* to the Miniſter.

100 *l.* to the Poor.

THe Defendant being poſſeſſed of ſeveral Farm-houſes, whereto was commonly uſed in Tillage a great ſtore of Land, and ſeveral Plows kept and maintained thereupon, took all the ſaid *Farms* into his own occupation, and converted all the Lands thereto formerly uſed in Tillage into Paſture, and depopulated and pulled down Three of the *Farm-houſes*, and ſuffered the other Two to run to ruine, and to lie uninhabited, although he might have had as great, and greater Rents for them than he had before; and alſo pull'd down, and ſuffered to go to decay, and be uninhabited, a *Water-Corn-Mill*, which before groun'd ſtore of Corn weekly; and for this he was committed to the *Fleet*, Fined 4000 *l.* and at the Aſſizes in *Kent* to acknowledg his Offence, and the Decree to be then read, 100 *l.* Recompence to the Proſecutor, beſides his Coſts, and 100 *l.* to the Miniſter of the Town, 100 *l.* to be diſtributed to the Poor, and he ordered to repair, and build again within Two years, all the *Farm-houſes*, Out-houſes, and Corn Mill, and make them fit for Habitation and Uſe, as formerly, and to reſtore the Lands formerly uſed to the Farm houſes, and to let them at reaſonable Rents as the *County* will afford.

In *November* the *Prince Elector Palatine* dyed of the Infection of the *Plague*, having been at *Mentz*, where it raged, being eight days after the Enemies rendring of his moſt conſiderable Towns of *Frankendale*, into the Hands of the *Engliſh* Ambaſſadors.

Mich. 10 *Car.*

Star-Chamber.
Attorn' Regis per Relator. Sir George Theobald *Knight vers'* Morley.

Reviling, challenging, and ſtriking one of His Majeſties Servants in the Court at *Whitehall*.

THe Defendant, out of malice to the Relator, and in the Dining-Hall of His Majeſties Palace of *VVhitehall*, (whither His *Majeſty* and the *Queen* were then coming to Dancing) ſhaked his Fiſt, and bent his Brows at the Relator, (then attending His Majeſties coming, being one of His Majeſties Gentlemen-Penſioners) laid hands on his Cloak, ſhaked him, caught him by the Throat, called him baſe Raſcal, baſe Dunghil Rogue, ſwore he would be reveng'd on him, and would cut his Throat, threatned to kick him out of the Houſe, and provoked and challenged him to go out and fight with him the ſaid Defendant: and the Defendant being adviſed by the *Treaſurer* of His Majeſties Houſhold, and the Comptroler, to be adviſed, and conſider where he was; and being told, that they wondred he would abuſe the Relator, being His Majeſties Servant, the Defendant ſlighted their words, anſwered them very intemperately, and called the Relator baſe fellow. And after the Dancing was over, and the King gone out of the Room, the Defendant, in like ſort as before, challenged the Relator, and after, in the Court-yard, took him by the Throat, and gave him divers blows; and for this he was committed to the *Tower* during the Kings Pleaſure, 1000 *l.* Dam'.

Fined 10000 *l.* to acknowledg his Offence, and ſubmit himſelf to His Majeſty, and to Mr. *Treaſurer*, and to Mr. *Comptroler*, to pay the Relator 1000 *l.* Damage, and make ſuch Recognition to him as the Earl-Marſhal ſhould think fit and direct.

Mich. 10 *Car.*

Star-chamber. *Attorn' Regis vers'* Robins *& al'.*

THe Defendant *Allinſon*, at *Ipſwich*, and other Places, reported falſly and maliciouſly to the ſcandal of the Arch-biſhop of *York*, That His Majeſty, in His Journey to *Scotland*, was entertained at the ſaid Arch-biſhop's *Houſe* to His content; and at His going away, wiſhed the ſaid Biſhop to ask ſomething wherewith He might gratifie him; and that thereupon his *Grace* kneeled down, and requeſted His Majeſty, *That the Papiſts might have a Toleration for ſome Churches to exerciſe their Religion in, that His Majeſty was greatly diſcontented thereat, and confined the ſaid Arch-biſhop to his Houſe.* And the Defendant *Robins* likewiſe publiſhed thoſe ſcandalous Reports for News at *Yarmouth*. And for this Offence *Allinſon* was committed to the *Fleet*, bound to his Good-Behaviour during life, and Fined 1000 *l.* and likewiſe to be ſet in the *Pillory* at *VVeſtminſter*, with a Paper on his Head declaring his Offence, and there to acknowledg his Offence, and be whipt; and after be ſet in the *Pillory* at *York*, *Ipſwich*, and *Yarmouth*, with the like Paper on his Head, and at each place to make the like acknowledgment as before. And *Robins* was committed to the *Fleet*, Fined 1000 *l.* to make an acknowledgment at *Yarmouth*, and to pay the Arch-biſhop 1000 *Marks* Damages.

The Parſons *and* Vicars *in the City of* London, *in the Month of* May, *preſented to His Majeſty a* Petition, *Humbly ſhewing,*

The London-Clergies Petition to the King concerning that matter.

T*Hat the Benefices in* London *were a Hundred* Years *ſince very great; That the Decree for Tyths, now in force, provides this* 9 d. *to be paid upon every Pound rent without fraud; That notwithſtanding the ſaid Decree, (the variation of times conſidered) they are now very poor and mean, many of them not worth* 40 l. per Annum, *the moſt not* 100 l. *only one,* Chriſt-church, *a City-impropriation worth* 350 l. *That the Petitioners have not independent maintenance, and for want thereof are daily thruſt upon dangerous and great inconveniences: That this is becauſe the Petitioners have no means aſſigned in the ſaid Decree, for the diſcovering of the true value of their ſaid Rents by the Oath of the Parties, and for that many* London-*Landlords (to the defeating of the Petitioners, and indangering their own Souls) have, and daily do contrive double Leaſes, or make Proviſo's, wherein they call ſome ſmall part of the true Rent by the Name of* Rent, *and all the reſt (which yet is quarterly paid) by the Name of* Fine, Income, *or the like; which Practice, in the Year 1620. was ſignified to be unjuſt and Sacrilegious, under the Hands of the Reverend Biſhops, and Heads of Houſes*

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Houſes of both Univerſities. *And laſtly, for that the Lord* Major *for the time being is our ordinary Judge, and the Petitioners generally want both ability and leiſure to Proſecute and Appeal from him to the Right Honourable the Lord* Keeper, *or otherwiſe to wage Law with Rich and Powerful Citizens.*

May it therefore pleaſe the Great *Patron of the Church, Your* Royal Majeſty, *to take into Your Princely Conſideration theſe Preſſures and* Grievances *of Your Poor Clergy of* London, *with the Cauſes of the ſame, and to take ſuch courſe for* Redreſs *thereof, as to Your Majeſties great VViſdom and Clemency ſhall ſeem meet:*

And Your Petitioners, *&c.*

At the Court at Greenwich.

The King refers the Petition.

H*Is Majeſty is graciouſly pleaſed to refer this Petition to the Lord Arch-biſhop of* Canterbury *his Grace, the Lord* Keeper, *the Earl* Marſhal, *the Lord Biſhop of* London, *the Lord* Cottington, My ſelf, *and the Lord Chief-Juſtice* Richardſon, *or to Five or Three of Vs, (whereof the Lord Arch-biſhop of* Canterbury *to be one) where VVe are to call all Parties before Vs whom this Buſineſs may any ways concern, and after full hearing and examining thereof, to end it if we can; otherwiſe to make report to His Majeſty, where the impediment lies, that ſo His Majeſty may take ſuch further order therein, as in His Princely VViſdom He ſhall think fit.*

Windebanck.

Which came to a Hearing the 5*th* of *November* before the King and Council, and it is thus expreſſed in the ſaid Order.

Tyths within the City of *London.*

‘THis day the Matter in difference concerning *Tyths* within the City of *London*, demanded of ſome particular Citizens then preſent, was heard by His Majeſty ſitting in Council. And whereas, after ſome entrance into the Cauſe, it was conceived by His Majeſty, that the Caſe in queſtion might concern the City in general, and to that end Mr. *Recorder*, and ſome Aldermen were required to attend, to take notice of His Majeſties Pleaſure therein: And foraſmuch as the Caſe in queſtion is not agreed upon, whereby His Majeſty might proceed to hear Arguments, and debate thereupon; and being deſirous, out of His Princely diſpoſition, to reconcile the ſame, he did demand of Mr. *Recorder*, and the Aldermen there preſent, whether they would refer the Cauſe to His arbitrement: but they humbly deſired His Majeſty, in as much as they came not as Parties intereſſed in that Queſtion, but in obedience only attended His Majeſties Pleaſure, they might have time to acquaint the Court of Lord *Major* and Aldermen, and Common-Council of the City therewith, which His Majeſty willed them to do, and thereupon was pleaſed to give them reſpite until *Sunday* the ſixteenth of this Month, at which time they were to attend with full Power.

10 *Caroli.*

‘Now touching the particular Perſons, who did attend according to order, about the Cauſe, It was thought fit they ſhould be diſcharged of further attendance until that time.

Afterwards, on the *16th* of *November*, another Order was made by the Council-Board to this effect.

‘WHereas the Fifth of this Month, at the hearing of the Matter in difference, concerning *Tyths* within the City of *London*, demanded of ſome particular Citizens, His *Majeſty* ſitting in Council, demanded of Mr. *Recorder*, and the *Aldermen* then preſent, whether they would refer the Cauſe to His arbitrement? whereupon they humbly deſired His Majeſty, in as much as they came not as Parties intereſſed in that Queſtion, but in obedience only attended His Royal Pleaſure, they might have time to acquaint the Courts of Lord *Major* and *Aldermen*, and Common-Council of the City therewith; which His Majeſty willed them to do, and thereupon was pleaſed to give them reſpite until this preſent day. They did now accordingly attend, as did alſo they of the other Party, *viz.* ſundry Miniſters of the City of *London*. And the *Recorder* of the ſaid City having related, that the aforeſaid Court of the Lord *Major* and *Aldermen* had been aſſembled, and acquainted with His Majeſties Pleaſure, did farther repreſent unto His Majeſty, That it appeared by Record, that in the Reign of King *Henry* the Eighth, and in the ſame Cauſe which is now in agitation, upon like directions then given by the Council-Board, the ſaid Cauſe was propounded to their ſeveral Wards; and the Common-Council having received their ſeveral Anſwers, did thereupon ſubmit to the courſe ſet down; whereupon he did humbly move, whether His Majeſty would be pleaſed that the ſame courſe be now taken? the rather in regard the Authority of the ſaid Common-Council, is only for matter of Government and ſafety, not medling with the Right or Intereſt of any. But His Majeſty having other Preſidents as ancient as *Edward* the Fourth, alledged by Mr. Attorney-General, that the Common-Council had ordered Buſineſs of this very nature, did abſolutely declare, that he would not wait for the iſſue of ſuch a manner of proceeding, but he would expect a direct and full Anſwer from the Lord *Major* and *Aldermen*, and likewiſe from the Common-Council, which is the repreſentative Body of the City; and that if any would be refractory, and not conform themſelves, they ſhould ſtand to their own hazard, and that he would take notice as well of them, as of thoſe who would ſubmit to His Arbitrement. And His Majeſty was pleaſed further to declare, That His only end in taking this pains, was to ſettle Peace and good underſtanding between the Miniſters and their Pariſhioners; and that he looked not ſo much at any Particular, as at the General, that there may be a firm Order and Accommodation well-eſtabliſhed. Laſtly, His Majeſty was pleaſed to appoint this *day ſevennight*, which was the *23d* of that *Month*, for their next attendance; at which time they were to come with full Power to give their laſt Anſwer.

And afterwards the ſame Matter being taken into conſideration by the King and Council, on the 14*th* of *December*, produced another Order to this effect.

An Order concerning Tyths within the City, of *London* the 14*th* of *December*.

THis day, His Majeſty being preſent in Council, the matter in difference concerning *Tyths* within the City of *London*, and Liberties thereof, was heard at the *Board*: At which time the Lord Biſhop of *London* was there preſent, and ſome of the Miniſters on behalf of themſelves, and the reſt of the Miniſters of *London* on the one part, and ſome of the *Aldermen*, and the *Recorder* on the behalf of the ſaid City on the other part: After ſome debate did mutually ſubmit the ſaid differences to be arbitrated and ſetled by His Majeſty, which His Majeſty was pleaſed withal. And in as much as the ſaid Lord Biſhop, and the ſaid Miniſters, had now by an Inſtrument in writing, under Hand and Seal, tendered their ſaid Submiſſion to His Majeſty; It was thought fit and equal, that by an Inſtrument in writing alſo under the Common Seal of the City, the like ſubmiſſion ſhould be made by the City to His Majeſty, which the *Aldermen* and *Recorder* authorized from the City this day preſented to His Majeſty, being preſent in Council: Whereupon it was reſolved and ordered, That *Sunday* the 18*th* of *January* next ſhould be appointed for the hearing of this Cauſe at large at the Council-Table, before His Majeſty and the Lords; at which time the Parties on both ſides, with their Council learned, were to attend.

The *Dutch* and *French* Churches.

The Arch-biſhop of *Canterbury*, in his Metropolitical Viſitation, ſummoned the Miniſters and Elders of the *Dutch* and *French* Churches to appear before his Vicar-general, who had two Injunctions preſcribed by the Arch-biſhop.

Two Injunctions concerning them.

1. That all the Natives of the *Dutch* and *Walloon Congregations* in his Graces *Dioceſs* ſhould repair to their ſeveral Pariſh-Churches of thoſe ſeveral Pariſhes where they inhabited, to hear Divine Service and Sermons, and perform all Duties and Payments required in that behalf.

2. That the *Miniſters*, and all other of the *Dutch* and *Walloon* Congregations, which were not Natives and Born-Subjects to the *Kings Majeſty*, or any other Strangers that ſhould come over to them, while they remained Strangers, might have and uſe their own Diſcipline, as formerly they have done; yet it was thought fit that the *Engliſh Liturgy* ſhould be tranſlated into *French* and *Dutch*, for the better ſetling of their Children to the *Engliſh* Government.

Feb. 21. 1634. They Petition their Biſhop.

Upon the publiſhing of theſe Injunctions, the *Dutch* and *Walloon-Churches* at *Norwich* preſented an humble Petition and Remonſtrance to the Biſhop of that Dioceſs, that the ſaid Injunctions ſeemed to be oppoſite, not only to the ſundry Orders of His Majeſties moſt Honourable Privy-Council, heretofore upon ſeveral occaſions granted unto ſeveral Congregations of the ſaid Strangers, but chiefly to all the Gracious Priviledges granted unto them of old, and continued during the Reign of three moſt famous *Princes*, King *Edward* the *6th*, Queen *Elizabeth*, and King *James* of Glorious Memory, and confirmed by His now Majeſties *Regal Word*, which He was pleaſed Graciouſly to give unto the Deputies of all the Strange Congregations in *England* proſtrate at His Majeſties Feet the *30th* of *April* 1625. But the Petitioners finding no Redreſs as to their Complaint by the Biſhop of *Norwich*,

They Petition the Arch-biſhop of *Canterbury*.

Afterwards they preſented a Petition to the Arch-biſhop of *Canterbury*, to the effect of that given to the Biſhop of *Norwich*; to which Petition the Arch-biſhop of *Canterbury* gave an Anſwer in a Letter to the ſaid *Dutch* and *VValloon* Churches at *Norwich*, Dated *Aug*. 19. 1635. to this effect.

That His Majeſty was reſolved, that His Inſtructions ſhould hold, and that obedience ſhould be yielded to them by all the Natives after the *1ſt Deſcent*, who might continue in their Congregations, to the end the Aliens might the better look to the Education of their Children, and that their ſeveral Congregations might not be too much leſſened at once; but that all of the *ſecond Deſcent* born here in *England*, and ſo termed, ſhould reſort to their ſeveral Pariſh-Churches where they dwelt, concluding his Letter in theſe words. *And thus I have given you Anſwer fairly in all your Particulars, and do expect all obedience and conformity to my Inſtructions, which if you ſhall perform, the State will have occaſion to ſee how ready you are to practiſe the obedience which you teach: And for my part, I doubt not but your ſelves, or your Poſterity at leaſt, ſhall have cauſe to thank both the State and the Church for this care taken of you; but if you refuſe, (as you have no cauſe to do, and I hope you will not) I ſhall then proceed againſt the Natives, according to the Laws and Canons Eccleſiaſtical, ſo hoping the beſt of your ſelves, and your obedience, I leave you to the Grace of God, and Reſt,*

W. Cant.

By theſe Injunctions the Forreign Churches were moleſted and diſquieted ſeveral years together, for refuſing Conformity, and ſome of their Miniſters and others of their Congregations, deſerted the Kingdom, and went beyond Seas.

Offence taken at the Arch-biſhop his ſetting-up of Pictures in the Church-windows.

This year being the very firſt year after Biſhop *Laud* his Tranſlation from *London* to *Canterbury*, great offence was taken at his ſuddain ſetting-up of Pictures in the Church-windows at his Chappel at *Lambeth* and *Croydon*, the Portraiture of them being made according to the *Roman* Miſſal, and bowing towards the Table or Altar, uſing of Copes at the Sacrament, whereupon the People made a great Clamour, that the Arch-biſhop endeavoured to ſubvert Gods true Religion, by Law eſtabliſhed in this Realm, and inſtead thereof, to ſet up Popiſh Superſtition and Idolatry; aggravating this his Action to be the greater crime, becauſe he was Primate and Metropolitan

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of all *England*, principally intruſted with the care of Religion, who ſhould of all other Men have been moſt vigilant againſt all Popiſh Idolatrous Innovations, and not profeſſedly to ſet up a-freſh thoſe Idolatrous, Superſtitious, Romiſh, Pictures, which were by our Statutes, Homilies and Injunctions purpoſely defaced and broken down at the *beginning of Reformation*, as Monuments of Popery, Superſtition and Idolatry, contrary to the Word of God, and eſtabliſhed Injunctions of the Church of *England*.

The Arch-biſhops Defence.

But let us not be ſo uncharitable to the deceaſed, as not to mention his Defence made when he was living to a Charge of this nature, when he was afterwards queſtioned for the ſame in Parliament; therefore take what he ſaid then in vindication of himſelf, which was to this effect.

The firſt thing the Commons have in their Evidence charged againſt me, is (ſaid he) the ſetting up and repairing Popiſh *Images* and *Pictures* in the Glaſs-windows of my Chappel at *Lambeth*, and amongſt others, the Picture of Chriſt hanging on the Croſs between the Two Thieves in the Eaſt Window; of God the Father in form of a little Old Man, with a Glory, ſtriking *Myriam* with a Leproſie; of the Holy Ghoſt deſcending in form of a Dove; and of Chriſts Nativity, laſt Supper, Reſurrection, Aſcenſion, and others, the Pattern whereof Mr. *Prynn* atteſted I took out of the very *Maſs-Book*, wherein he ſhewed their Portraitures.

To which I anſwer, firſt, That I did not ſet theſe Images up, but found them there before.

Secondly, That I did only repair the Windows which were ſo broken, and the Chappel which lay ſo naſtily before, that I was aſhamed to behold, and could not reſort unto it, but with ſome diſdain, which cauſed me to repair it to my great Coſt.

Thirdly, That I made up the Hiſtory of theſe old broken Pictures, not by any Pattern in the Maſs-Book, but only by help of the fragments and remainders of them, which I compared with the Story.

Fourthly, Though the very reſemblances of them be in the Maſs-Book, yet I proteſt I never knew they were there, till Mr. *Prynn* ſhewed them in it at this Bar: it is but a meer fallacy, the Pictures which I repaired are in the Maſs-Book; *Ergo*, I took the Pattern of them out of it.

Fifthly, Mr. *Calvin* himſelf allows an Hiſtorical uſe of Images, *Inſt. l.* 1. *cap.* 11. *Sect.* 12. where thus he writes, *Neq; tamen ea ſuperſtitione teneor*, &c.

Sixthly, Our Homilies themſelves allow an Hiſtorical uſe of Images, as appears by Page 64, 65.

Seventhly, The Primitive Chriſtians approved, and had the Pictures of Chriſt himſelf; *Tertullian* recording, That they had the Picture of Chriſt engraven on their Chalices, in form of a Shepheard carrying home the loſt Sheep on his back.

Eighthly, I hope the repairing and ſetting up of theſe Pictures is no High-Treaſon by any Law.

Ninthly, Images and Pictures in Arras, or Glaſs-windows, are not againſt the Statute of 3 *E.* 6. *c.* 10. but Statues only.

Reply.

To this was reply'd: Firſt, That he did not find thoſe Images there, compleat or entire, but broken and demoliſhed by vertue of our Statutes, Homilies, Injunctions fore-cited, and that at the beginning of Reformation; ever ſince which time they continued unrepaired, as Monuments of our indignation and deteſtation againſt them, like the Ruines of our Abbies and Monaſteries.

Secondly, We have here *confitentem reum*, the Arch-biſhop plainly confeſſing that we charge him with, *viz.* the repairing of the broken Images of Chriſt, the Holy Ghoſt, in Glaſs-windows; and no ways denying, extenuating, but juſtifying this Popiſh Fact of his againſt our Statutes, Homilies, Injunctions, Writers, yea, his own frequent Subſcriptions to our Homilies, and Articles of Religion: Nay Mr. *Brown*, his own Joiner, atteſted, That he, by the Arch-biſhop's directions, repaired and new-made the broken Crucifix in *Croyden* Chappel, as well as in *Lambeth* Chappel; and the Arch-biſhop plainly confeſſeth, that he had no great devotion to ſerve God in *Lambeth* Chappel, nor yet to reſort unto it, till theſe Images were repaired, and now beautiſied to pleaſe his Eyes.

Thirdly, That himſelf took pains, and gave directions to the Glaſiers to make up the Stories and Pictures in the Windows, out of the broken fragments remaining, and new-made them to his exceſſive Coſt, whereas he might have new glazed them with unpainted Glaſs, for the tenth part of that his painted Pictures coſt him.

Fourthly, He confeſſeth the very Portraitures of the new-furbiſhed Pictures in his Chappel to be all contained in the Maſs-Book, which we made ſo apparent to your Lordſhips, that he could not but with ſhame deny it; but proteſts he knew them not to be in it, and that he took not his Pattern out of it. To which we muſt reply, That he having noted his Maſs-Book, wherein we ſhewed them to be portrayed in every Page almoſt with his own hands, and turning this Book ſo frequently over, muſt of neceſſity ſee theſe Pictures in it, which are ſo large and viſible, unleſs we ſhall ſuppoſe him blind, or ſuch an hater of them, as purpoſely to turn his Eye-ſight from them, which is improbable; and therefore, notwithſtanding this bold proteſtation of his, we hold our Argument both true and ſolid. The new Images in his Chappel-windows exactly agree in all things with the printed ones in his Maſs-Book, which he could not but know, and ſee too, as oft as he noted or peruſed his *Roman Miſſal*; *Ergo*, He took his Pattern from the Maſs-Book in the repairing, as well as his Popiſh Predeceſſors in the firſt making of them, ſince no other Pattern hath been produced by him, by which he gave directions to new-make them but by the *Roman Miſſal*.

Fifthly, We wonder greatly, that he that hath ſo much traduced, reviled Mr. *Calvin* publickly heretofore, ſhould fly thus unto him for ſhelter now; but as he abuſed his Perſon, and Memory then, ſo he miſerably perverts and miſapplies his words now point-blank againſt his meaning. Mr. *Calvin* only affirms, That he is not ſo ſuperſtitious as to think it altogether unlawful to make any Images

An. 1634. of Men or Beaſts for a civil uſe, ſince Painting is the gift of God; from whence the Arch-biſhop hath inferred, *Ergo*, Mr. *Calvin* holds it lawful to make the Picture of Chriſt's Nativity, laſt Supper, Paſſion, Reſurrection, coming to Judgment; of God the Father, like an Old Man; of Chriſt on the Croſs, of God the Holy Ghoſt in form of a Dove, and Cloven Tongues; of the Virgin *Mary*, other Saints, and to ſet them up in Churches, as he did theſe Images in the Chappel: Whereas Mr. *Calvin*, in the ſelfſame place, in moſt poſitive terms, concludes the contrary; witneſs the very next words following thoſe he objects: *Purum & legitimum utriuſque uſum requiro, ne qua Dominus in ſuam gloriam, & bonum noſtrum nobis contulit, ea non tantum polluantur præpoſtero abuſu, ſed in noſtram quoq; perniciem convertantur. Deum effingi viſibili ſpecie nefas eſſe putamus, quia id vetuit ipſe, & fieri ſine aliqua gloriæ ejus deformatione non poteſt*, which he proves at large. Then ſpeaking of Images in Churches, he writes, they were introduced thither, *Non judicio aut delectu, ſed ſtulta & inconſiderata cupiditate.*

This Author hath many ſuch-like paſſages in his other Works, and therefore the Arch-Biſhop's citing of him to juſtifie his Chappel-Images, argues either extreme ignorance, or falſhood.

Sixthly, Whereas he would pray in aid from our Homilies, to juſtifie the Hiſtorical Uſe of theſe Images in his Chappel, the Homilies are ſo point-blank againſt it, as we have proved, that Impudency it ſelf would bluſh to cite them to ſuch a purpoſe, eſpecialally ſince the third part of the Homily againſt the peril of Idolatry, *pag.* 41, 42, 43. expreſly reſolves it unlawful to make the Picture of Chriſt, or any Perſon in the Trinity, much leſs to ſet them up in Churches.

Seventhly, For his averment that the Primitive Chriſtians approved of Images, and had the Picture of Chriſt in their Churches, and engraven on their Chalices, is a moſt notorious falſhood. For *Juſtin Martyr*, *Clemens Alexandrinus*, *Irenaus*, *Tertullian*, *Minutius*, *Felix*, *Origen*, *Arnobius*, *Cyprian*, *Lactantius*, *Gregory Nyſſen*, *Athanaſius*, *Ambroſe*, *Epiphanius*, *Euſebius*, *Hierome*, *Auguſtin*, *Hilary*, *Chryſoſtom*, *Theodoret*, *Theophilact*, and other Ancients unanimouſly agree, that the Primitive Chriſtians had no Images at all in their Churches; together with the *Councils* of *Eliberis*, *Conſtantinople*, *Toledo*, *Frankford*, and *Conſtantine* the Great, *Conſtantius*, *&c.* with ſundry other godly Emperors, utterly demoliſhed and caſt them out of Churches; as Eccleſiaſtical Authors, our own Homilies, Writers, prove at large againſt the Papiſts. *Lactantius* and other Primitive Chriſtians write expreſly, that without doubt there can be no Religion at all in that place whereſoever any Image is; whereupon *Epiphanius* rent the Image of Chriſt, or ſome other Saint, which he found in a Church, painted in Cloth, out of holy indignation, as contrary to the Authority of the Scriptures. In few words, our own Homilies againſt the peril of Idolatry, *Part* 2. *p.* 38. expreſly reſolve, that when Images began to creep into the Church, they were not only ſpoken and written againſt by godly and learned Biſhops, Doctors and Clerks, but alſo condemned by whole Councils of Learned men aſſembled together; yea the ſaid Images by many Chriſtian Emperors and Biſhops were defaced, broken and deſtroyed; which Mr. *Calvin* in the place objected by the Biſhop affirms likewiſe: And therefore it is a moſt deſperate aſſertion in the Arch-Biſhop, thus falſly to affirm the contrary, point-blank againſt our Homilies and his own ſubſcription to them. And whereas he cites *Tertullian*, to prove that the Chriſtians in his days had the Picture of Chriſt upon their Chalices; we anſwer, that if the Book *De Pudicitia* be *Tertullians own*, (of which ſome doubt) yet his words import no ſuch thing, which are theſe, *A parabolis licebit incipias ubi eſt Ovis perdita a Domino acquiſita, &c. Picturæ Calicum veſtrorum, &c.* (not *noſtrorum.*) And that he hath moſt groſly abuſed *Tertullian*, your Lordſhips and his Auditory, in alledging *Tertullian* in defence of Images, and their uſe among the Primitive Chriſtians: certainly *Tertullian* is ſo far from any ſuch opinion, that he hath written a whole Book *De Idololatria*, next before this *De Pudicitia*, wherein he expreſly condemns, not only the having, but making of any Image or Picture for any uſe, and the very Arts of Carving and Painting Images, as contrary to the ſecond Commandment (as the *Jews*, *Joſephus*, *Philo* and others did before him, and the very *Turks* and *Perſians* at this day.) Take but this ſentence of his inſtead of many; *Omnis forma vel formula Idolum ſe dici expoſcit. Idolum* TAM FIERI *quam coli Deus prohibet: quanto precædit, &c.* which he proſecutes at large throughout this Eloquent Book, and therefore his ſophiſtry in citing *Tertullian* for defence of Images in Churches, who is thus point-blank againſt the making of any Image whatſoever, even for civil uſes, is an intolerable, inexcuſable boldneſs.

Eighthly, Whereas he anſwers, that the ſetting up of theſe Glaſs-Images is no high *Treaſon* by the Statute: We grant it not to be ſo ſimply in it ſelf, neither do we urge it to be ſo, but as it tends to ſubvert our Religion, Laws, and ſet up Popery, concurs with his other practices of this nature, ſo it may, and will prove high Treaſon. The ſecond part of the Homily againſt the Peril of Idolatry, *pag.* 37. aſſures us, that the maintenance of Images hath brought in a Sea of Miſchief, horrible Schiſms, Rebellions, Treaſons; and his maintaining them hath done the like.

Ninthly, We conceive that the Statute of 3 *E.* 6. *c.* 10. which commands all Images of Stone, Timber, Alabaſter, or Earth, graven, carved or painted; which heretofore have been taken out of any Church or Chappel, or yet ſtand in any Church or Chappel, to be defaced and deſtroyed, extend to Images in Glaſs-Windows as well as others, which are but painted Earth; and that which confirms us in this opinion is, that the Homilies againſt the Peril of Idolatry (the occaſion of this Law) and the Injunctions of Queen *Elizabeth* made in purſuance of it, extend in direct terms to Images in Glaſs-Windows, as well as to Images of Stone, Timber, and the like: yea, the practice of that time in defacing the Glaſs-Images in *Lambeth* Chappel Windows (which he of late repaired) and in moſt other places, infallibly proves it; together with the Statute of 3 *Jac.* *c.* 5. which reckons up Images and Crucifixes, of what matter ſoever, among the Relicks of Popery, and enjoins them to be defaced: wherefore this evaſion of his is moſt falſe and frivolous, eſpecially ſince Popery may creep in at a Glaſs-Window, as well as at a Door; and our Homilies, Injunctions, Writers cenſure all of them alike, if this Statute do it not.

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After the Reply was made, the Biſhop proceeded in his Defence.

The ſecond thing objected againſt me (ſaid he) as a Popiſh Innovation in my Chappel at *Lambet* , is, my removing and Railing in the Communion-Table there, Altarwiſe, with the ends of it *North* and *South* againſt the Wall; my furniſhing it with Baſons, Candleſticks, and other Furniture, and hanging a Cloth of Arras behind it, with the Picture of Chriſt and his Apoſtles, eating the Lords Supper together.

To which I anſwer; *Firſt*, That the Railing in and Placing the Table Altarwiſe, is warranted by Queen *Elizabeth*'s Injunctions, which preſcribe, that the Holy Table in every Church be decently made and ſet in the place where the Altar ſtood: Now the Altars generally in all Churches, as all Antiquity manifeſts, ſtood at the *Eaſt*-end of the Quire, *North* and *South* cloſe to the Wall, as the Tables were lately placed, and there were Railed in: this therefore is no Innovation.

Secondly, The Furniture on the Altar is no other than ſuch as is in uſe in the Kings own Chappel at *Whitehall*, and had been there uſed ever ſince, and before my time.

Thirdly, That the Arras-Piece at the Back of the Table, containing the ſtory of Chriſt's laſt Supper, was fit for that place and occaſion: that ſuch Images and Repreſentations were lawful, approved by the *Lutheran* Churches, yea by Mr. *Calvin* himſelf, for an Hiſtorical uſe, in the place fore-cited, *Inſt*. *l*. 1. *c*. 11. *Sect*. 12.

Reply. To this the Commons Replied; *Firſt*, That neither Queen *Elizabeths* Injunctions, nor the Rubrick in the Common-Prayer Book, nor any Law or Canon of our Church, preſcribe the Railing in of our Communion-Tables, or placing them Altarwiſe againſt the Wall, with the ends *North* and *South*; there is no ſillable in any of them to warrant any ſuch Popiſh Innovation, preſcribed only by Popiſh Canons, as we have proved: That it cannot be proved that Altars were generally ſo placed and railed in anciently, either in *England* or elſewhere; the contrary whereof we ſhall prove anon: That the makers and executers of theſe Innovations knew beſt of any, where, and how Communion-Tables were to be ſituated by vertue of them; and they generally placed them throughout the Realm, in the midſt of the Quire or Chancel, with the ends *Eaſt* and *Weſt*, ſtanding a convenient diſtance from the *Eaſt* Wall, without any Rail about it, in which poſture they generally ſtood in all Churches, Chappels, and in *Lambeth*-Chappel it ſelf for one, ever ſince theſe Injunctions publiſhed, till this Innovating Arch-Biſhop altered this their ancient Situation. Yet both the Rubrick in the Common-Prayer-Book, the Queens Injunctions, the 82*d* Canon, Biſhop *Jewel*, Biſhop *Babington*, Doctor *Fulk*, and other of our Writers agree, that when the Sacrament is adminiſtred, it ought to ſtand in the Body of the Church or Chancel, of which more hereafter: This therefore is an Innovation, and that a Popiſh one too, tending to introduce private Maſs, to remove the Lords Table as far as poſſible from the view and audience of the common People, when the Sacrament is celebrated at it.

Secondly, We have proved, that this Altar-furniture of Canleſticks, Tapers, Baſons, Crucifixes, and the like, was originally borrowed from the *Roman* Ceremonial, Pontifical, and the Popiſh Council of *Aix*, which enjoyn them; That the 3*d* part of our Homilies againſt the Peril of Idolatry, and Queen *Elizabeth's* Injunctions, (which he cites for placing of the Lords-Table Altar-wiſe) *Injunct.* 2. 23, 25. condemn, cenſure, aboliſh, as Superſtitious, Ethnical and Popiſh, all Candleſticks, Trendals, Rolls of Wax, and ſetting up of Tapers, for that they be things tending to Idolatry and Superſtition, which of all other offences God Almighty doth moſt deteſt and abhor, for that the ſame diminiſh moſt his Honour and Glory: Therefore the Kings Altar-furniture in His Chappel at *Whitehall*, can be no juſtification nor extenuation of his offence, who ſhould have reformed His Majeſties Chappel, (whereof he was the Dean and Superintendent according to our Laws, Homilies, Injunctions, which condemn ſuch Altar-trinkets) not conformed his own Chappel-Altar to the Kings, in theſe meer Popiſh ſuperſtitious Innovations.

Thirdly, The Arras-hanging was rather ſuited to the Crucifixes in the Glaſs-window over it, and other Images of Chriſt in that Chappel, than to the Place or Lords-Table where it hanged; the Table and Sacramental Elements themſelves, with the uſual participation of them every Month, being ſufficient to mind us of our Saviours laſt Supper, Paſſion, Death too, and to ſhew them forth till he come, (who uſed no ſuch Pictures nor Crucifixes, when he inſtituted his laſt Supper) without any ſuch Image or Crucifix; which being condemned by our Statutes, Homilies, Injunctions, Canons, Writers, as we have formerly evidenced, yea by all Antiquity, by Mr. *Calvin* himſelf, and many *Lutherans* too, ought not to have been placed there, the rather, becauſe there is no Warrant nor Precept for it, but only in the *Roman* Ceremonial, *Pag.* 69, 70. his Conformity whereto was the only ground of hanging thoſe Arras-Pictures, which well deſerves another hanging, eſpecially in an Arch-Prelate who profeſſeth himſelf a Proteſtant, and as averſe from Popery as any man whatſoever.

Defence of the Arch-biſhop to the third Innovation.

The third ſort of Innovations in my Chappel charged againſt me, is the ſetting up of a *Credentia* or Side-Table, my own and my Chaplains bowing towards the Table or Altar at our approaches to it, our going in and out from the Chappel; my Chaplains with my own uſing of Copes therein, at the celebration of the Lords Supper, and ſolemn conſecration of Biſhops, atteſted by Doctor *Heywood* my own Chaplain, who confeſſed, that he celebrated the Sacrament at *Lambeth*-Chappel in a Cope; That my other Chaplains did the like, and that he thought I was ſometimes preſent when they did it; That the Bread when the Sacrament was adminiſtred, was firſt laid upon the *Credentia*, from whnece he took it in his hand, and then carried it too, and kneeling down upon his Knee preſented it, laid it on the Lords Table, on which there were Candleſticks, and Tapers, but not burning, as he had ſeen them at *Whitehall*; which Mr. *Cordwell*, once my Servant, likewiſe depoſed: adding that I was preſent ſometimes when this was done, and that my Chaplains

An. 1634. lains bowed down thrice towards the Altar at their approaches to it.

To which I anſwer, *Firſt*, That I took my pattern of the *Credentia* from Biſhop *Andrews* Chappel.

Secondly, That this bowing towards the Altar was uſed in the Kings Chappel, and in many Cathedrals, both in Queen *Elizabeth* and King *James* their Reigns.

Thirdly, That the uſe of Copes is preſcribed by the 24*th* Canon of our Church, *Anno* 1603. which orders thus in all Cathedral and Collegiate Churches, the Holy Communion ſhall be adminiſtred upon principal Feaſt-days, ſometimes by the Biſhop if he be preſent, and ſometimes by the Dean; ſometimes by a Canon or Prebendary, the Principal Miniſter uſing a decent Cope: This therefore is no Innovation.

Reply. To this was retorted in general, that Sir *Nathaniel Brent*, and Dr. *Featly* depoſed, there was no ſuch *Credentia*, bowing towards the Table, Altar, or any Cope at all uſed in *Lambeth*-Chappel, in his Predeceſſors time; therefore all theſe are meer Innovations: In particular it was replied, that it appears not by proof Biſhop *Andrews* had any ſuch Utenſils, Veſtments, or bowing in his Chappel, therefore this is a meer groundleſs evaſion. But admit he had, yet Biſhop *Andrews* Chappel was no Law, Canon, nor pattern for him to follow, againſt our Laws, Common-Prayer-Book, Homilies, Injunctions, which exclude ſuch Innovations: And if the Pattern of the Chappel and its Furniture which we gave in evidence were Biſhop *Andrews*, as he avers, it was as groſly Popiſh and Superſtitious as the Popes, or any Popiſh Prelates Chappel whatſoever. As for the *Credentia*, it is directly taken out of the *Roman Ceremonial* and *Pontifical*, as we have proved, the only Canons we know preſcribing it: and we find the uſe of it only in ſome Popiſh Churches, and mentioned no where but in the *Roman-Miſſal*, among the Rites of celebrating the Maſs; therefore it is a meer Popiſh Utenſil, appropriated to the Maſs, and a forerunner of it.

Secondly, This bowing to and towards the Altar, was never preſcribed by our Statutes, Articles, Homilies, Common-Prayer-Book, Injunctions, Canons, never practiſed by any till of late, but ſome few Popiſh Court-Doctors, and Cathedraliſts; never uſed by his Predeceſſor, or his Chaplains; introduced only by Papiſts at the firſt, in honour and adoration of their Breaden God upon the Altar; and enjoyned only by the *Roman-Miſſal*, Ceremonial and Popiſh Canoniſts, as we have largely manifeſted; therefore not to be juſtified or excuſed.

Thirdly, The Book of Common-Prayer, and Adminiſtration of the Sacraments, and other Rites and Ceremonies of the Church of *England* (the only Directory what Veſtments, Ceremonies are to be uſed, confirmed by our Laws) preſcribes not any of thoſe; warrants not, but excludes the uſe of Copes upon any occaſion: whereupon our Homilies and beſt Writers condemn Copes as Jewiſh, Popiſh, Paganiſh, enjoyned only by the *Roman Ceremonial*, and *Pontifical*, as we have proved, Injunctions deeming them Popiſh: yea, the third part of the Homily againſt the *Peril of Idolatry*, hath this memorable paſſage concerning them, Page 72. *And*

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Se the Homily.

becauſe the whole Pageant muſt throughly be played, it is not enough thus to deck Images and Idols (with Gold, Silver, Rich, Wanton and Proud Apparel, tempting their Paramours to wantonneſs) but at laſt come in the Prieſts themſelves, likewiſe decked with Gold and Pearls; that they may be meet ſervants for ſuch Lords and Ladies, and fit worſhippers of ſuch Gods and Goddeſſes; and with a ſolemn pace they paſs forth before the Golden Puppets, and fall down to the ground on their Marrow-bones before the honourable Idols, (and their gorgeous *Altars* too:) therefore certainly it is impudency for him thus to introduce and juſtifie them againſt theſe Authorities. Now whereas the Arch-Biſhop pleads the *24th* Canon, made in the year 1603, to warrant the uſe of Copes in his Chappel; We anſwer, firſt, That the Canon extends only to Collegiat and Cathedral Churches, not Parochial, much leſs to Chappels: therefore it can no way warrant, but condemns this uſe of Copes in his Chappel.

Secondly, It enjoyns only the chief Miniſter to uſe a decent Cope, not a gaudy one with Images, and rich embroidering upon it ſuch, as the Copes were.

Thirdly, This Canon was never binding to any, but meerly void in Law, being never confirmed by Parliament, and croſſing both the Common-Prayer-Book and Homilies ratified by Parliament; therefore all theſe his Anſwers in juſtification of theſe Innovations diſplay his impudence to the World in juſtifying ſuch Popiſh Reliques as theſe.

At *Edenburgh* there was a Printed Pamphlet diſperſed, reflecting upon the King

Some of the *Scots* who were members of that Parliament which ſate at *Edenburgh Anno* 1633, and were then againſt paſſing of the Act for wearing of Whites, *&c.* remained full of diſcontent; and with ſome of their privity there was put forth in Print, a Pamphlet called a Libel, which reflected upon the Kings proceedings in the ſaid Parliament, charging His Majeſty with gaining of Votes by undue means and practice, to obtain the ſaid Act to paſs in that Parliament: which Libel this Year paſt through many hands till *Spottiſwood* and ſome of the Lords of the Council found out the Author, and it fell upon one *Hagg*, who eſcaped and went beyond Seas; but upon further enquiry it was faſtned upon the Lord *Balmerino*, who was preſently apprehended and committed Priſoner to the Caſtle at *Edenburgh* for Treaſon, afterwards tryed and condemned; but the King was graciouſly pleaſed to reſtore him to his honour, life and eſtate.

Lord *Balmerino* queſtioned for the ſame, and condemned.

His Father had been Secretary to King *James*, who as the Hiſtory ſaith, ſhufled a Letter of his own contriving, from King *James* to Pope *Clement*, in favour of the Catholicks, for which *Balmerino*, the Father was queſtioned by King *James*, and accuſed of High-Treaſon, and condemned to ſuffer death; but aftewards pardoned by King *James*, and reſtored to life, eſtate and honour: ſo both Father and Son had an obligation put upon them by both their Majeſties; yet the friends of *Balmerino* remained diſſatisfied with both the ſentences of death, and would be talking that which might have brought them alſo into danger.

His Father was likewiſe arraigned and condemned in King *James*'s time.

But both pardoned by King *James*.

About this time there hapned a great Battel in *Germany*, of which take a brief account, for the Victory was great.

After the diſorder of the Imperial Army by *VVallenſtines* murder, the King of *Hungary*, ſon to the Emperor, was liberal and bountiful to the Souldiers, giving them plenty of money for Pay; took the Oaths of the Souldiers to be faithful to the Emperor: but the Emperor ſtood in great need at this time of help and aſſiſtance from his Allies and Friends to ſupport the Houſe of *Auſtria*, for the *Swede* at this time had got almoſt half *Germany*; whereupon the Cardinal *Infanto* came from *Milan* with the old *Spaniſh*, *Italian* and *Burgundian* Bands through all *Switzerland:* theſe Forces joyning with the Imperialiſts, marched into the Dutchy of *VVitzemburgh*; but *Nordlengen* being a ſtrong Town and Garriſon in their way gave a ſtop to their Advance.

The Cardinal *Infanto* marches with an Army to the Emperors aſſiſtance.

They came to the Emperors Camp before *Nordlingen* on the 2*d* of *September*, and alarmed the *Swedes*, who gather all their Forces together; *Guſtavus Horn* joyns with the Duke *Bernard*, and adviſes rather to ſpare the Enemy a Town or two, than to hazard the Publick Cauſe upon a Battel.

After this a Second Council of War was called, and it was reſolved again not to fight, but to ſtay till the *Rhinegrave* with his Troops, conſiſting of 4000 men, were arrived; but upon *Munday*, *September* the 4*th*, the Field-Marſhal *Cratz*, together with Major-General *Kagg*, arrived to the Aſſiſtance of the *Swedes*: this prevailed with Duke *Bernard* to put on a Reſolution to Fight, and not to ſtay the coming of the *Rhinegrave* and his 4000 men.

On *Tueſday* the 5*th* of *September* they joyned their Forces, and in the Evening advanced into the Valley under *Gopingen*, half a League from the Imperial Camp.

The Battel near *Norlindgen*.

September the 6*th*, The *Swedes* very early before ſix of the Clock aſſaulted the Imperial entrenched Army, with great fury obtained ſome Standards and Enſigns, and three pieces of Canon, took one of the Sconces upon the Hill; about which were engaged two Regiments of *Swedes*, who loſt their lives, being blown up either by a Mine ſprung, or fire given to Gunpowder in the Sconce. But this loſs did not at all ſtartle the *Swedes*, nor the Enemies great Canon from a Battery; but on they marched to the Body of the Enemy, who had the remainder of their Ordnance, laden with great and ſmall ſhot, hid behind ſome Buſhes on a riſing ground; and when the *Swedes* came ſomewhat near unto them in Battel-array, they diſcharged their Canon behind the Buſhes all at one time, which did incredible ſlaughter, and made partitions in the *Swedes* Army with men that fell like Streets. This much daunted the *Swedes*, and in this confiſion the Horſe of the Imperial Army commanded by the Duke of *Lorrain* and *John de VVert* managed their Armes ſo well, inſomuch as in two hours time they obtained an abſolute Victory over the *Swedes*. 2000 *Swedes* Horſe were cut off, 4000 *VVitzemburghers* were put to the Sword, 2000 loſt at the Sconce; The *Swedes* likewiſe loſt all their Canon, being eighty pieces of Ordnance, 300 colours, their Wagons, Bag and Baggage; and that brave ſoldier *Guſtavus Horn* was taken Priſoner. This great ſucceſs of the *Imperialiſts* anſwered for their loſs at the two Battels of *Lipſwick* and *Lutzen*.

The *Swedes* overthrown.

Duke *Bernard* was wounded, but retired to *Helbrun* to collect again the diſperſed Troops, 1000 *Swedes* Horſe eſcaped and came to the

The *Swedes* rally and get up an Army.

the *Rhinegrave*, where, in a ſhort ſpace, the *Rhinegrave* had an Army of 6000 Men, and joyning with *Baniere*, got up a conſiderable Army, and ſtaying till Duke *Bernard* came to them, they fell into Action to offend the Enemy; and meeting with ſome of the *Infanta's* Army, which he was ſending back by the way of *Briſac*, had thereabouts a brisk Encounter with them, and though the Enemy were Armed *Cap-a-pe*; yet the *Swedes* killed many, and took many Priſoners at that time.

The Queen goes a Progreſs.

This Summer Her Majeſty made a Progreſs North of *Trent*, the King accompanying Her all the way: they had no ſooner paſſed the *Trent*, but were entertained at *Bolſover* Caſtle in *Darby-ſhire* by the then Earl (afterwards Duke) of *Newcaſtle*, where nothing was ſpared which might add Splendor to the Feaſt, ſo highly Honoured with the Preſence of both their Majeſties.

The Earl ſent for all the Gentry of the Countries of *Darby* and *Nottingham* to come and wait upon their Majeſties, who came with great joy and chearfulneſs, and were nobly Treated by the ſaid Earl, for he ſpared for no Coſts to render his Reception of both their Majeſties worthy their Royal Acceptance.

The Expence which the ſaid Earl was at in the preceding year in entertaining the King at *Welbeck*, and at this time at *Bolſover*, was eſtimated by Men of judgment to coſt the ſaid Earl 10000 *l.* and upwards.

All this was but an Earneſt of this Earls Duty and Love to his Prince, for afterwards, when the unhappy Wars broke out, he adventured Life and Fortune for the King; and his Eſtate was ſold by the Parliament as forfeited, out of which was raiſed by the ſale thereof 111593 *l.* 10 *s.* 11 *d.* Beſides, he had other great loſſes out of his Eſtate Real and Perſonal, during thoſe troubleſome times.

Mr. *Cook* ordered to recant his Sermon.

On the 19*th* of *July*, this year, Mr. *Thomas Cook* of *Brazen-noſe* Colledge in *Oxford*, was enjoined Recantation for uſing ſome Paſſages in a Latin Sermon, reflecting upon the *Arminian* Party, wherein he violated the Kings Edicts concerning ſuch Points of Controverſie.

Mr. *Hobbs* ordered to make Recantation.

Likewiſe *William Hobbs*, Fellow of *Trinity* Colledge, for Preaching againſt Falling from Grace, *&c.* and reflecting upon the *Arminian* Party, contrary to the Kings Declaration, was on the 25*th* of *January* enjoined Recantation for the ſame, Recorded in the Univerſity Regiſter *fol.* 54.

Some Privy-Councellors Romiſh-Recuſants.

It was uſual in thoſe days, by the Interceſſion of the Queen, Queen-Mother, and Powerful Privy-Councellors about the King, who then were ſuſpected to be, and afterwards dyed, of the *Romiſh* Religion, *viz.* the Lord Treaſurer *Weſton*, Lord *Cottington*, and ſome others of the Privy-Council of the ſame *Romiſh* Faith, to prevail with the King to grant *Letters of Grace* to ſtay Proceedings againſt Recuſants upon any Indictment, Preſentment or Information, for or concerning Recuſancy. Here followeth the Example of Two or Three of many that were granted in that kind in that year.

By

An. 1634.

By the King.

A Letter of Grace from the King to a Romiſh-Recuſant.

* He was afterwards a great Actor in the *Iriſh* Rebellion.

W*Hereas We have received good Teſtimony of the Loyalty, and Duty and Affection of Our truſty and well-beloved Captain** John Read; *and becauſe he may be ſubject to the Penalties of the Laws againſt Recuſancy, theſe are to ſignifie, That We are graciouſly pleaſed to extend Our Special Grace towards him; and do hereby Will and Command, That no Indictment, Preſentment, Information, or Suit in Our Name, or in the Name of any other, be henceforth commenced, proſecuted, or accepted againſt him by any of Our Officers or Subjects whatſoever, for or concerning Recuſancy. And if any ſuch ſhall happen, then Our Will and Pleaſure is, That upon ſight hereof the ſame ſhall be diſcharged and made void, or otherwiſe not prejudicial unto him. Given under Our Signet the* 13th *day of* July, *in the* 10th *Year of Our Reign.*

To all and ſingular Our Judges of Aſſize, Juſtices of Peace, Majors, Sheriffs, Clerks of Aſſize, Bailiffs, Conſtables, Informers, and all other Our Officers and Miniſters whom it doth or may concern, and to every of them.

Another Letter of Grace of the Kings to a Romiſh-Recuſant.

Charles Rex.

TRuſty and Wel-beloved, *We greet you well. We have been often and earneſtly moved by Our dear Mother the* Queen-Mother *of* France, *to extend Our Favour to Sir* Henry Bedingfeild *Knight, his Wife and Family, who are Popiſh Recuſants, and We are very willing, that for Her ſake they ſhould receive Our Favour, when they ſhall ſtand in need thereof for that Cauſe; yet we muſt ſo perform it, that it may not be of ill example to others, who are or ſhall be in the like kind obnoxious to Our Laws for Recuſancy, nor be ſcandalous to Our Government, whereof We are and muſt be tender: therefore Our Will and Command to you is, That you take knowledge of Our Pleaſure herein, and take ſpecial care to preſerve the ſaid* Henry Bedingfeild, *and his Wife, from the danger of the Laws made againſt Popiſh Recuſants, that Sir* Henry *himſelf ſhall not be impeached any way for any of his Family for being Popiſh Recuſants; for the doing whereof from time to time by ſuch ways you ſhall think fitteſt, this ſhall be your Warrant. Dated the* 20th *of* November 1634.

Another Letter of Grace of the Kings to a Romiſh Recuſant.

Charles Rex.

W*Hereas Our truſty and wel-beloved Sir* Francis Englefeild *Knight and Baronet being a Recuſant, is thereby ſubject to Our Laws and Statutes in that caſe provided; theſe are to ſignifie Our Royal Will and Pleaſure, That no perſon or perſons ſhall at any time hereafter ſue, proſecute, implead, either by way of Indictment, Information, or otherwiſe, againſt the ſaid Sir* Sir Francis Englefeild, *for being a Recuſant, or cauſe or procure him to be indicted or convicted by vertue of any of Our Laws, or Statutes againſt Popiſh Recuſants,* *till We ſhall ſignifie Our Pleaſure to the contrary. Given under Our Signet at Our Palace at* Weſtminſter *the* 6th *day of* December, *in the* 10th *Year of Our Reign.*

To all Our Judges of Aſſize, Juſtices of the
Peace, Majors, Sheriffs, Bailiffs, Conſtables,
Headboroughs, Purſivants, and to all other
Our Officers and Miniſters, whom it may or
doth concern, and to every of them.

Beſides theſe Letters of Grace, Protections were uſually granted, that Courts of Juſtice ſhould not proceed againſt ſuch Popiſh Recuſants, which were ſignified by a Letter from a Secretary of State to the Judges of the Court, that they ſhould not be Eſtreated into the *Exchequer*. Thoſe Protections were in form following.

17. *Ap.* 10. *Car. p.* 157. of the Seſſions-Book.

UPon ſpecial directions given by His Majeſty, and ſignified by a Letter from Mr. *Secretary* to the Right Honourable Sir *Tho. Richardſon* Knight, Lord Chief-Juſtice of His Majeſties Court of *Kings-Bench*, bearing date the ſixteenth day of *April* 1634. and ſhewed now to this Court; it is ordered by this Court, That the Recognizance taken in Court at the Seſſions of Goal-delivery, holden for the County of *Middleſex*, at *Juſtice-Hall* in the *Old-Baily*, the 4*th* day of *October* laſt paſt, wherein *Alexander Baker*, of the Pariſh of St. *Andrews* in *Holborn* in the County of *Middleſex* Gentleman, was bound to His Majeſty with two Sureties for his appearance at the Seſſions of Goal-delivery then next following, at which Seſſions he made default, ſhall not be Eſtreated, but all further Proceedings thereupon ſhall be forthwith ſtayed.

Titles of Proclamations for the Year 1634.

A *Proclamation appointing the time when His Majeſties Subjects may approach to the Court for Cure of the Diſeaſe called the* Kings-Evil. **Whitehall *the* 22d *day of* April.**

A Proclamation commanding all Our Subjects, being Sea-men *and* Ship-wrights, *in the Service of any Forreign Prince or State, to* return home *within a certain time.* **Greenwich *the* 5th *day of* May.**

A Proclamation appointing the Flags, *as well for Our Navy-Royal, as for the Ships of Our Subjects of* South *and* North Britain. **Greenwich *the* 5th *day of* May.**

A Proclamation reſtraining the Abuſes in Gold-weights, fraudulently committed contrary to a former. **Greenwich *the* 5th *day of* May.**

A Proclamation concerning Tobacco. **Greenwich *the* 19th *day of* May.**

An Acquittance to be given by the Kings Commiſſioners for the Contribution-money Collected for the Repair of the Cathedral of St. Pauls.

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A Decree in the Star-chamber *concerning Complaints made about the ſtop and refuſal of* Farthing-Tokens.

Greenwich *the 25th day of* June. *A Proclamation concerning ſaving of* Fuel, *Materials, Labour, and leſſening the great annoyance of* Smoak.

Theobalds *the 13th day of* July. *A Proclamation concerning the well-ordering the Trade of making and ſelling of* Soap.

Hampton-Court *the 23d day of* September. *A Proclamation appointing the time when His Majeſties Subjects may attend to be Cured of the Diſeaſe commonly called the* Kings-Evil.

Hampton-Court *the 17th day of* October 10 Car. *A Proclamation againſt the keeping and uſing of* Setting-Dogs.

Theobalds *the 13th day of* November. *A Proclamation for Reforming and Preventing the Frauds frequently practiſed, as well in the over-weight of* Butter-Casks, *as well as in the falſe packing of Butter.*

Whitehall *the 3d day of* December. *A Proclamation for Reformation of the many Abuſes committed againſt the Corporation of* Gardiners.

Whitehall *the 7th day of* December. *A Proclamation for the better-ordering the* Tranſportation *of* Cloths, *and other* Woolen Manufactures *into* Germany, *and the* Low-Countries.

Whitehall *the 14th day of* December. *A Proclamation forbidding any reſort to His Majeſties Court, for Cure of the* Kings-Evil, *till* Eaſter *next.*

Whitehall *the 20th day of* January. *A Proclamation for the* Prizing of Wines.

Whitehall *the 25th day of* January. *A Proclamation for the well-ordering and ſetling the Manufacture of* Soap, *under a* Rule *and* Government.

Whitehall *the 14th day of* March. *A Proclamation for preſervation of Grounds for making of* Salt-Peter, *and to reſtore ſuch Grounds as are now deſtroyed, and to command Aſſiſtance to be given to His Majeſties* Salt-Peter-makers.

Hiſtorical Collections

for the Year, 1635.

The Arch-Biſhop of Canterburies *Diary.*

April 9. The Arch-biſhop of *Canterburies* Diary.

AND from thence forward all in firm kindneſs between *K. B.* and me.

May 18. *Whitſunday* at *Greenwich* my Account to the Queen put off till *Trinity-Sunday*; *May* 24. then given her by my ſelf, and aſſurance of all that was deſired by me, *&c.*

May, *June*, *July*; In theſe Months the troubles at the Commiſſion for the Treaſury; And the difference which happened between the Lord *Cottington* and my ſelf, *&c.*

Saturday July 11. *Wedneſday July* 22. two ſad meetings with *K. B.* and how occaſioned.

July 12. *Sunday*, at *Theobalds* the Soap-buſineſs was ended, and ſetled again upon the new Corporation, againſt my offer for the old Soap-boilers; yet my offer made the Kings Profit double two years after the new Corporation was raiſed: how it is performed let them look to it, whom His Majeſty ſhall be pleaſed to truſt with His Treaſurers Staff. In this buſineſs, and ſome other of great conſequence, during the Commiſſion for the Treaſury, my old Friend Sir *F. W.* forſook me, and joyned with the Lord *Cottington*, which put me to the exerciſe of a great deal of patience, *&c.*

September 2. *Wedneſday*, I was in attendance upon the King at *Woodſtock*, and went thence to *Cudſden* to ſee the Houſe which Dr. *John Bancroft*, then Lord Biſhop of *Oxford*, had there built, to be a Houſe for the Biſhops of that See for ever, he having built that Houſe at my perſwaſion.

September 3. *Thurſday*, I went privately from the Biſhop of *Oxfords* Houſe at *Cudſden*, to St. *Johns* in *Oxford*, to ſee my Building there, and give ſome directions for the laſt finiſhing of it, and returned the ſame night, ſtaying there not two hours.

September 23. I went to St. *Pauls* to view the Building, and returned that night to *Croyden*.

September 29. the Earl of *Arundel* brought an Old Man out of *Shrop-ſhire*, he was this preſent *Michaelmas*-day ſhewed to the King and the Lords for a Man of 152, or 153 Years of Age.

October 26. *Monday*, This morning between Four and Five of the Clock, lying at *Hampton-Court*, I dreamed that I was going out in haſte, and that when I came into my Outer-Chamber, there was my Servant *W. Pennell* in the ſame Riding-Suit which he had on

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that day ſeven-night at *Hampton-Court* with me: me thoughts I wondred to ſee him, (for I left him ſick at home) and aſked him how he did, and what he made there? and he anſwered me, he came to receive my Bleſſing, and with that fell on his knees; and hereupon I laid my Hand on his Head, and prayed over him, and therewith awaked. When I was up, I told this to them in my Chamber, and added, that I ſhould find *Pennell* dead or dying. My Coach came, and when I came home, I found him paſt Senſe, and giving up the Ghoſt; ſo my Prayers, (as they had frequently before) commended him to God.

November 22. *Saturday*, *Charles* Elector Palatine came to *VVhitehall* to the King.

November 30. St. *Andrews* day, *Monday*, *Charles* Prince-Elector Palatine, the Kings Nephew, was with me at *Lambeth*, and at ſolemn Evening-prayer.

December 14. *Monday*, *Charles* Prince-Elector came ſuddenly upon me, and dined with me at *Lambeth*.

December 35. *Chriſtmas-day*, *Charles* Prince-Elector received the Communion with the King at *VVhitehall*; he kneeled a little beſide on the Left-hand; he ſat before the Communion on a Stool by the Wall, before the traverſe, and had another Stool and a Cuſhion before him to kneel at.

December 28. *Monday*, *Innocents-day*, about Ten at night the Queen was delivered at St. *James's* of a Daughter, Princeſs *Elizabeth*, I Chriſtened Her on *Saturday* following.

Jan. 2. *Tueſday*, *February* 2. *Candlemas-day*, my nearer care of *J. S.* was profeſſed, and his promiſe to be guided by me, and abſolutely ſetled on *Friday* after.

February 28. I Conſecrated Dr. *Roger Manwaring* Biſhop of St. *Davids*.

March 6. *Sunday*, *VVilliam Juxon*, Lord Biſhop of *London*, made Lord High-Treaſurer of *England*; no Church-man had it ſince *Henry* the 7th's time: I pray God bleſs him to carry it ſo, that the Church may have Honour, and the King and the State Service and Contentment by it: And now if the Church will not hold up themſelves, under God I can do no more.

Martis viceſimo primo April' Anno undecimo Caroli *Regis.*
M. Goad.

An Information in the Star-Chamber *againſt divers Perſons of* Quality, *for reſiding in Town contrary to the Kings Proclamation.*

To the Kings Moſt Excellent Majeſty.

Jo. Banks.
Ro. Shelton.
Edw. Littleton
W. Ayloffe.
Jo. Bramſton.
E. Herbert.

SIr *John Banks* Kt. Your Attorney-General, Informeth Your Majeſty, That whereas as well the late Sovereign Lady Queen *Elizabeth*, and the late Sovereign Lord King *James*, Your Majeſties Father of Bleſſed Memory, by ſeveral Proclamations publiſhed throughout the Realm, did command, That Perſons of Livelihood and Means ſhould reſide in their Countries, and not abide or ſojourn in or about the City of *London*, and other Towns, for that hereby the

11 *Caroli.* 1632.

the Countries remained unſerved; and Your Majeſty did by Your Proclamation dated the Twentieth day of *June*, in the Eighth Year of Your Majeſties Reign, publickly proclaim in all the Counties of Your Realm (amongſt other things) declare, That Your Majeſty having obſerved, that of late years a greater number of Nobility and Gentry, and abler ſort of Your People, with their Families, have reſorted to the Cities of *London* and *VVeſtminſter*, and Places adjoining, and there made their reſidence than in former times, contrary to the ancient uſage of the *Engliſh* Nation, which hath occaſioned divers inconveniences: for where by their reſidency and abiding in ſeveral Countries where their Means ariſeth, they ſerved Your Majeſty in ſeveral Places according to their Degrees and Ranks in aid of Government, whereby, and by their Houſe-keeping in thoſe Parts, the Realm was defended, and the meaner ſort of Your People were guided, directed, and relieved; but by their reſidency in the ſaid Cities, and Parts adjoyning, they have not employment, but live without doing any Service to Your Majeſty, or Your People; a great part of their Money and Subſtance is drawn from the ſeveral Countries where that ariſeth, and is ſpent in the City in exceſſive Apparel provided from Forreign Parts, to the inriching of other Nations, and unneceſſary conſumption of a great part of the Treaſure of this Realm, and in other vain Delights and Expences, even to the waſting of their Eſtates, which is not iſſued into the Parts from whence it ariſeth, nor are the People of them relieved therewith, or by their hoſpitality, nor yet ſet on work, as they might and would be, were it not for the abſence of the principal Men out of their Countries, and the exceſſive uſe of Forreign Commodities.

By this occaſion alſo, and of the great numbers of looſe and idle People that follow them, and live in and about the ſaid Cities, the diſorders there grew ſo great, and the delinquents there, became ſo numerous, as thoſe places were not ſo eaſily governed by their ordinary Magiſtrates, as in former times; and the ſaid Cities were not only at exceſſive charge, in relieving a great number of thoſe idle and looſe People that grew to beggery, and became diſeaſed and infirm, but alſo were made more ſubject to contagion and infection; and the Prices of all kind of Victuals both in the ſaid Cities, and in divers other Places, from whence thoſe Cities were ſerved, were exceedingly increaſed, and the ſeveral Countries undefended; the poorer ſort of Your Majeſties People were unrelieved, and not guided or governed as they might be in caſe thoſe Perſons of Quality and reſpect reſided among them. Your Majeſty finding thoſe inconveniences to ariſe from thence, and foreſeeing that more would enſue if timely remedy were not provided, did further, in and by Your ſaid Proclamation, declare Your Highneſs's reſolution for the common Good of Your People, uſe all good ways for preventing of thoſe great evils; and obſerving that Your Noble Progenitors, Kings of this Realm, have uſed, when for the common profit of the Realm that was neceſſary, to command the People as well of the Clergy, as of all ſorts of the Laity, to keep reſidence at their Dwellings in the ſeveral parts of the Realm, where, for defence and good ſafety thereof, was moſt neceſſary, and to reſtrain their departure, or changing their Habitation from thence under divers pains, upon the contemners of thoſe commands, Your Majeſty did theretofore, in and by Your ſaid Proclamation, ſtraitly charge and command Your Lords both Spiritual and Temporal, Your Lieutenants, and Deputy-Lieutenants of Counties, Your Majeſties Juſtices aſſigned for conſervation of the Peace, Baronets, Knights, Eſquires, Gentlemen, and all Clerks having Benefices with Cure, or Prebends, or Dignities in Cathedral, or Collegiate Churches, and all other Your Majeſties Subjects of the ſeveral Parts of the Realm, that had Manſion-Houſes, and Places of Reſidence in other Parts, and were not of Your Majeſties Council, or bound to daily attendance on Your Highneſs, Your deareſt Conſort the Queen, or Your Children, that before the end of forty days next after the publiſhing of the ſaid Proclamation, within Your City of *London*, they with their Families ſhould depart from the Cities of *London* and *Weſtminſter*, the Suburbs and Liberties thereof, and places adjoyning, and reſort to their ſeveral Counties, where they uſually reſide, and there keep their Habitations and Hoſpitality, attend their Services, and be ready for the defence and guidance of thoſe Parts, as their Callings, Degrees, and Abilities ſhould extend, upon ſuch pains as were to be inflicted upon thoſe that ſhould neglect the publick Service and Defence of the Realm, in contempt of Your Majeſties Command; and that thoſe as well thereby commanded to return to their ſeveral Countries, as thoſe which were already there, ſhould upon the ſame Pain continue the Reſidency of themſelves and their Families there, and do their Duties and Services as aforeſaid. And Your Majeſty did further, in and by Your ſaid Proclamation, declare, That it was Your Majeſties firm reſolution to withſtand ſuch great and growing evil as aforeſaid, by all juſt ways, and by a conſtant ſeverity towards the Offenders in that behalf; for which cauſe Your Majeſty gave ſuch timely warning, that none ſhould hereafter preſume to offend, nor put themſelves to unneceſſary charge in providing themſelves to return in Winter to the ſaid Cities and Places adjacent, but that they ſhould conform themſelves to Your Royal Commandment expreſſed in Your Highneſs's ſaid Proclamation, as they tendered their Duties to Your Majeſty, or the Good and Wel-fare of their Countries and themſelves; as by the ſaid Proclamation, which the one and twentieth day of the ſame Month was publickly Proclaimed in Your ſaid Cities of *London* and *VVeſtminſter*, and elſe-where, more at large appeareth.

Yet nevertheleſs ſo it is, may it pleaſe Your Moſt Excellent Majeſty, That the Right Honourable *John* Earl of *Clare*, *Henry* Viſcount *Newark*, *VVilliam* Viſcount *Mounſon*, *John* Lord *Mohun*, *Thomas* Viſcount *Fitz-williams*, Lord *Tunbridge*, and *Henry* Lord *Stafford*, who hold, and long have holden, Places of Imployment under Your Majeſty in ſeveral Counties of this Realm; and Sir *Thomas Stiles* Knight and Baronet, Sir *Thomas Staples* Knight and Baronet, Sir *John Symonds*, Sir *James Stonehouſe*, Sir *John Ayres*, Sir *Anthony Bruggs*, Sir *Peregrine Bartye*, Sir *Edmond Lenthall*, Sir *Ralph Gore*, Sir *Henry Hart*, Sir *Thomas Littleton*, Sir *Thomas Thynne* Knights, Sir *Humphry Foſter* Baronet, Sir *Ralph Maddiſon* Knight, Sir *Gregory Norton* Knight and Baronet, Sir *Edward Payton*, Sir *Robert Harlowe*, Sir *John Telbye*, Sir *George Vane*, Sir *VVilliam Playter*,

Playter, Sir *VVilliam Hewett*, Sir *John Savage*, Sir *VVilliam Mounſon*, Sir George *VVindham*, Sir *Francis Godolphin*, Sir *VValter Devoreux*, Sir *Henry Bowſer*, Sir *Francis VVinſon*, Sir *Henry Appleton*, Sir *Thomas Pope*, Sir *John Suckling*, Sir *John Everett*, Sir *Matthew Mince*, Sir *VValter Smith*, Sir *Francis Thornehill*, Sir *Michael Sands*, Sir *Edward Bullock*, Sir *Thomas Fanſhawe*, Sir *Thomas Cannon*, Sir *Henry Compton*, Sir *Baſil Brooke*, Sir *John Ogle*, Sir *Robert Napper*, alias *Tundye*, Sir *Henry Atkin*, Sir *David Roberts*, Sir *Thomas VValſingham*, Sir *Thomas Harlowe*, Sir *Henry Gilford*, Sir *Theobald Gorge*, Sir *Lenthropp Francke*, Sir *Fowke Grivell*, Sir *Thomas Gardiner*, Sir *Peter Oſborne*, Sir *Robert Needham* Knights; *John Brownlowe*, *Thomas Pitts*, *Thomas Luſon*, *Richard Moyle*, *Edmond Pye*, *Richard Griffith*, George *Laſſells*, and about a Hundred Eſquires more, and divers Counteſſes, and Ladies of Quality, as the Counteſs of *Oxford*, Dame *Jane Lambert*, Dame *Ellenor Terrhet*, &c. *John Board*, *Edmond Bradſhawe*, *George Muſtion*, *Simon Everye*, *VVilliam Tyrwell*, *Thomas Sandye*, *John Dennye*, *Thomas VVytheringe*, *Richard Bellamy*, *John Forteſcue*, *Valentine Caſtillian*, *Richard Price*, *John Pymme*, *VVilliam Atkinſon*, *James Joſſee*, *Thomas VValler*, *James Greene*, *VVilliam Quatkins*, *Thomas Vachill*, *Thomas VVroughton*, *John Cowper*, *Thomas Mathewe*, *Edmond Nicholſon*, *John George*, *James VVetherbone*, *John Hambleton*, *Charles Care*, *Edward Bennet*, *Hugh Fulwood*, *John Light*, *Francis Cawe*, *Thomas Blake*, *Thomas Gifford*, *Geoffrey Brown*, *Richard Brent*, *Robert Fiſte*, *Daniel Roper*, *VVilliam Mowre*, *George Therley*, *Richard Foſter*, *Thomas VVinchfeild*, *Robert Hutton*, *Richard Vane*, *Thomas Arrundel*, *James Belfore*, *VVilliam Mathews*, *Thomas Gotts*, *Sturley Bowes*, *Nicholas Stonehouſe*, *Robert Lovell*, *John Borndell*, *Edward Edwards*, *Roger North*, *John Nevill*, *Richard Butler*, *Robert Brewſter*, *Giles Foſter*, *John Glover*, *Henry Johnſon*, *John Carrell*, *Edward Eldrington*, *Thomas Ellis*, *Humphry Oaker*, *John VVebb*, *Peter Honywood*, *Robert Jaſon*, *Edward Rookewood*, *James Barker*, *John Chamberlyn*, *Rich*, *John Pepes*, *John Keeling*, *Adams*, *Charles Cockaine*, *George Bowers*, *Henry Oxford*, *George Courtopp*, *Proſper Raynsford*, *Abraham Blackleich*, *Hugh Awdley*, *John Griffith*, *Edmond Cotton*, *Robert Cutts*, *John Adye*, *Richard VVhite*, *John Pinchback*, who ſerve in ſeveral Offices and Places in ſundry Counties of this Your Realm, and ought not to deſert their Countries or Places where their Revenue ariſeth, and are fit and able to do Your Majeſty and the Realm ſeveral Services in their Countries: And Counteſs of *Oxon*, Dame *Jane Lambert*, Dame *Ellenor Terrett*, Dame *Urſula Barty*, Dame *Chriſtian Maven*, Dame *Deborah Mowdye*, Dame *Alice Butler*, Dame *Lucie*, Dame *Kinſmel*, Dame *Egerton*, Dame *Anne Everett*, Dame *Urſula Bartye*, Dame *Jane Hannagh*, Dame *Frances Manwood*, Dame *VVilford*, Dame *Gardiner*, Dame *Mary Offley*, Dame *Mountague*, Dame *VVinter*, *Anne Cotton* Widow, *Grace Dennet*, *Philippa Gill* Widow, *Margaret Cooke*, *Elizabeth Murrey*, and divers others, who ſtill ſecretly remain, and abide within the ſaid Cities of *London* and *VVeſtminſter*, and the Suburbs thereof; whoſe Names, when they ſhall be diſcovered, Your Majeſties Attorney prayeth, he may have liberty to inſert into this Information: and none of them are of Your Majeſties Council or Servants, or Ser-

vants

An. 1635. vants to Your Deareſt Conſort, the Queen, or Your Children.

All which ſaid Perſons before-mentioned have divers Manors, Lands, Tenements, and Hereditaments in ſundry Counties of this Your Majeſties Realm of *England*; and albeit all the ſaid Parties are able at their pleaſure to provide for themſelves meet Places of habitation in other places, than the City of *London* and Places adjacent, and other Cities and Corporate Towns, and be able to keep Houſe, and relieve and comfort poor and needy People in ſeveral Parts; yet have all of them, being more led and guided by their own Wills, than any ways affected to yield obedience to Your Majeſties Proclamation, unlawfully agreed together how, and in what manner to oppoſe, reſiſt, and withſtand Your Majeſties ſaid Proclamation, and Royal Pleaſure therein expreſſed; and have had ſeveral Meetings, and therein adviſed and conſulted, how and in what manner they might effect the ſame, and have promiſed each other to aid, aſſiſt, and countenance each other in ſuch their contempt and diſobedience. And the ſaid parties afore-named, according to their ſaid Agreements, unlawfully, and contrary to the tenor of Your Majeſties ſaid Proclamation, and in contempt thereof, did ſeverally and reſpectively ſtay, reſide, and inhabit in the ſaid Cities of *London* and *VVeſtminſter*, and in the Suburbs and Places near thereunto adjoyning, with their Families, for the ſpace of many Months after the publiſhing of the ſaid Proclamation, and after the forty days therein mentioned were expired, though they had Houſes and Places of Reſidence in ſeveral Counties of this Your Majeſties Realm of *England*, as aforeſaid, with Lands of good value, and were able in other places to provide Places of habitation where they might, and ought to reſide for Service of Your Majeſty, according to their Rank, and to guide, direct, and relieve the meaner ſort of Your Majeſties People, and to ſerve in the ſeveral Places and Offices, wherein they were truſted, (as by the ſaid Proclamation they were enjoyned to have done) and have made ſhew of leaving the ſaid Cities and Places adjacent, and reſorted into Cities and Corporate Towns abroad, and there made ſmall ſtay, and returned again to the ſaid Cities and Places adjoyning: and by means of ſuch their ſtaying and reſiding in and about the ſaid Cities of *London* and *Weſtminſter*, and Suburbs thereof, thoſe Places have been diſordered and diſturbed, and the Service of Your Majeſty and Your People in the ſeveral Countries, have been neglected and undone. And the ſaid Parties afore-named, long after the ſaid forty days were expired, being occaſioned by ſome neceſſary Buſineſs and Imployments of their own to repair unto their Houſes, or other Places in ſeveral Counties in this Your Majeſties Realm, did moſt unlawfully, and contrary to Your Majeſties ſaid Proclamation, and in contempt thereof, in further execution of ſuch their unlawful Agreements, and in performance of ſuch unlawful Promiſes as they had made the one to the other, as aforeſaid, after ſuch time as they had ſeverally diſpatched their own occaſions in the Country, did contemptuouſly return again to Your Majeſties ſaid Cities of *London* and *Weſtminſter*, and the Suburbs thereof, where they have ever ſince, and do ſtill remain and dwell, with themſelves and their Families, in high contempt of Your Majeſty, and contrary to the tenor of the ſaid Proclamation, and againſt the Laws; all which ſeveral unlawful Meetings and Agreements, Treſpaſſes, Contempts, and other the Offences and Miſdemeanors aforeſaid, are of a high nature, and deſerve ſevere and exemplary puniſhment, and remain unpardoned. May it pleaſe Your Majeſty to grant Your Majeſties Writ of *Subpœna* to be directed to the ſaid *John* Earl of *Clare*, *Henry* Viſcount *Newark*, *William* Viſcount *Mounſon*, *John* Lord *Mohun*, *Thomas* Viſcount *Fitz-williams*, Lord *Tunbridge*, *Henry* Lord *Stafford*, Sir *Thomas Stiles*, Sir *Thomas Staples*, Sir *John Symonds*, Sir *James Stonehouſe*, and to all the Perſons before-named, commanding them, and every of them, at a certain day, and under a certain Pain therein to be limited, perſonally to be and appear before Your Majeſty, and the Lords of Your Majeſties Honourable Privy-Council, in Your Majeſties High Court of *Star-Chamber*, then and there to anſwer the Premiſſes, and to ſtand to and abide ſuch further Order and Direction, as to Your Majeſty and Your ſaid Council ſhall be thought meet. And Your ſaid Attorney ſhall pray for Your Majeſties long and proſperous Reign over Us.

Examinatur & concordat cum Originali.

Hooker.

A Letter to the Arch-biſhop of *Canterbury*.

From my Lord of St. *Andrews* and other Biſhops about the *Scotiſh* Liturgy and Canons.

May it pleaſe your Grace,

We have put our Brother the Biſhop of Roſs *to the pains of a long Journey, for aiding the* Liturgy *and* Canons *of the Church, and as we have found your Graces Favour both to our Church in General, and our ſelves in divers Particulars, for which we are your Graces Debtors, ſo we are to entreat the continuance thereof in this, and our common Affairs.* We all wiſh a full Conformity in the Churches; *but your Grace knoweth, that this muſt be the* Work of Time. *We have made, bleſſed be God,* a further Progreſs, *than all have here expected in many years, by His Majeſties Favour, and your Graces Help; and hope ſtill to go further, if it ſhall pleaſe God to continue your Grace in Health and Life, for which we pray continually. And ſo remitting all things to our Brothers Relation, we take our leave.*

Dated *April* 2. 1635.

Your Graces affectionate
Brothers and Servants,

St. *Andrews*,
Glaſcow,
J. B. of *Murray*,
Ad. B. of *Dunblane*,
Tho. Brechine.

Thomas

An. 1635.

Thomas *Lord* Coventry, *Lord Keeper of the Great-Seal of* England, *his Speech at the delivery of his Charge, as he received it from his Majeſty, to all the Judges of* England, *Judges of Aſſize in the* Star-Chamber, *June* 17. 1635.

June 17. 1635. The Lord Keeper *Coventry's* Speech to the Judges in the *Star-Chamber.*

My Lords the Judges,

‘THe Term being done and ended, the Aſſizes near at hand, you are to divide your ſelves for your ſeveral Circuits. Circuits are for the ſervice of the King, and the good of the people. They are the execution of the Kings Laws, and the adminiſtration of Juſtice. In the Term the people follow and ſeek after Juſtice, in the Circuit juſtice followeth and ſeeketh after the People. So gracious is the frame and conſtitution of the Kings Government, that twice a-year, at the leaſt, Juſtice followeth the Subjects home to their own Doors, which as it is a great eaſe of the trouble, charge and travel of the Country: ſo it giveth the People a better knowledge of Juſtice, and the ends of it, that they may bleſs God and the King for the ſame. It hath been the cuſtom, that before your Circuit you ſhould receive ſuch Directions, as the King, or his Council think ſeaſonable to impart unto you for the Service of the King, and Weal of the People; in the declaring whereof, I ſhall ſay but little of the Juſt Acts you are to do between Party and Party, only that you do equal Right between Poor and Rich, the particulars are left unto your ſelves, as they happen in your Circuits: but ſince you are ſent by the King to hear the cauſes of the people, it is his Majeſties pleaſure that you ſo hear and order, that they may have no cauſe to complain to His Majeſty, either for denial, or for delay of Juſtice. Of the tryal of Capital Offenders I ſhall ſay as little; that part of Juſtice moveth in a frame, and if all Officers under you did their parts, you ſhould walk in ſo ſtreight a path, that you would find it very hard to tread awry; therefore you had need to heed them narrowly, leſt they prevent Juſtice.

‘Look to the corruptions of the Sheriffs and their Deputies; the partiality of Jurors; the bearing and ſiding with men of Countenance and Power in their Country: when you meet with ſuch, your proceedings ought to be ſevere and exemplary againſt them, otherwiſe Juſtice ſhall be overbron, howſoever you in your own Perſons bear your ſelves with never ſo much uprightneſs. And becauſe the time of Aſſizes is very ſhort, and expireth in a few days, it is neceſſary, that you afford as much time as may be, unto thoſe buſineſſes that are moſt general, and moſt concern the publick. The Tryal of *Niſi prius*, and particular cauſes, they are in the number of thoſe things that are not to be left undone; but thoſe things that concern the general and publick good, you are to account them as the weightier matters of the Law, and therefore you are to take them into prime and chief care and cogitation. Now, among thoſe I ſhall commend unto you, in the firſt place, the preſenting and convicting of Recuſants: for as it concerneth Religion, ſo it hath Relation to His Majeſties profits, which are 'two great Motives. To which you may add a third, becauſe the King hath, many years ſince, aſſigned thoſe Forfeitures to the publick defence.

'2. In the next place, I do require you, that you make a ſtrict inquiry after Depopulations and Incloſures; a crime of a crying nature, that barreth God of his Honour, and the King of His Subjects; Churches and Houſes go down together. His Majeſty knoweth, and taketh notice, that according to former directions given to you in this place, you have given it in charge unto the grand Inqueſts to inquire, but to little effect; and without doubt, the Free-holders of *England* do hate and deteſt them. Depopulation is an oppreſſion of a high nature, and commonly done by the greateſt Perſons, that keep the Juries under and in awe; and that is the cauſe there are no more preſented and brought in queſtion: but howſoever your Charge and Inquiry, touching this point, hath not taken effect worthy His Majeſties Care, and your Pains; yet His Majeſty willeth, that you do not ceaſe, but inquire on ſtill: for it is His Reſolution, againſt all oppoſition to make all men ſee, that he hath a care of this over-ſpreading evil, and of the means of his People; to have Churches and Towns demoliſhed, and his People eaten up like Bread, to ſatisfie the greedy deſires of a few, who do waſte as profuſely, as they do gather together unconſcionably, and bring unto their Poſterity that Wo, which is pronounced to thoſe that lay Houſe to Houſe, and Field to Field, to dwell alone in the midſt of the Earth.

'3. The next thing that I ſhall mention to you is, the rectifying, and reforming of Ale-houſes and Tipling-Houſes; and thoſe I account one of the greateſt peſts of the Kingdom. *Firſt*, Therefore let none be enabled, either to ſet up, or continue without Licenſe. There are a kind of People that do take upon them Licenſes, Recognizances, or Laws, or what you will; who have been a great deal the worſe, becauſe they ſee a great multitude tolerated, that have no Licenſe. And for the Licenſed Ale-houſes, let them be but a few, and in fit places; if they be in private Corners, and Ill-places, they are become the Dens of Thieves; they are the publick ſtages of Drunkards and diſorder. In Market-Towns, or in great Places, or Roads, where Travellers come they are neceſſary.

'Next unto this, let thoſe that be Licenſed, be held ſtrictly according to the Law. It hath been obſerved, and very truly, that in the Taverns, Inns, and Ale-houſes in *England*, by the falſhood of their meaſure, and unjuſt prices, they have drawn more from the Gueſt, than out of the ſizes of Ale and Beer is exacted by the States in *Holland*. A ſtrange thing! that People for a publick Work, for any thing that is Good, ſhould be loth to part with any thing; and yet with open eyes to ſee themſelves deceived by ſuch baſe and lewd people.

'Next unto this, let care be taken in the choice of Ale-houſe-keepers, that it be not appointed to be the Livelihood of a great Family; one or two is enough to draw Drink, and ſerve the People in an Ale-houſe; but if 6, 8, 10, or 12 muſt be maintained by Ale-houſe-keeping, it cannot chooſe but be an exceeding diſorder, and the Family by this means is unfit for any other good works, ‘or employments. I have not skill enough to underſtand all the inconveniences that come from this one Ill-fountain, and my Memory will not contain what I have ſo many times obſerved of them my ſelf; but your Lordſhips have a knowledge and experience of them, therefore I will leave them unto you. Only this, becauſe in many places theſe ſwarm by the default of the Juſtices of Peace, that ſet up too many; and there are none (except your ſelves at the Aſſizes) all the year long can meet with this evil, but the Juſtices of the Peace: and if the Juſtices of Peace will not obey their charge herein, certifie their default, and Names, and I aſſure you, they ſhall be diſcharged. I once did diſcharge two Juſtices for ſetting up one Ale-houſe, and ſhall be glad to do the like, upon the like occaſion.

‘4. In the next place I will commend unto you the puniſhment of Vagabonds and Wanderers, to rid the Ale-houſes of ſuch unruly Gueſts; it would make ſome way of amendment to thoſe Ale-houſes: and it cannot be denied but the Law hath appointed hands enow to do this work; the Conſtable, Headborough, Tithingmen, and the reſt of the inferiour Officers, and Watchmen, who may do all with a particular Warrant from the Juſtices of the Peace: and the Juſtices of the Peace are bound to call them to an account, and puniſh them for their neglect. If this were done, and other Officers choſen as they ought to be (not people of little wealth, and as little underſtanding) but that they were elected out of the better ſort of Yeomanry, and the Wathces kept by able-men; I am aſſured theſe looſe people that wander up and down would quickly be gone: therefore you may do well to let it be known in the Country, that the Lords of Leets, and thoſe that have the Election of Conſtable and Officers, they are by the Law anſwerable for their Choice. There have been Precedents, that where an inſufficient Coroner hath been choſen by a County, the whole County hath been Anſwerable to the King for the Coroner's fault; and if the Lords of Leets, and their Homagers, and thoſe that make choice of the Conſtable and Officers, were ſometimes awakened by ſome ſeizing of their Leets, or Fines, or *Quo Warranto*, I make no doubt but the Countries would be better ſerved many years after, for ſome ſuch ſervice done. Therefore I could wiſh, that this were made known to the Country, that the Lords, and thoſe that chooſe them were Anſwerable for their default.

‘5. Now for the bringing of looſe people in order, the Houſe of Correction had need to be looked unto, and be put in readineſs, that thoſe that are Idle may not want work; *Ducere Volentes, Trahere Nolentes.* And for the Houſes of Correction (as it is in ſome Countries) it were convenient they were placed near the Gaol, that not only Idle perſons, but that the Priſoners of the Gaol might be made to eat the labour of their own hands. This, as it hath been formerly, ſo it is now commended by His Majeſty to ſee it effected as ſoon as may be.

‘6. The binding of Apprentices is a thing fit to be preſſed throughout all the Circuits. Oppoſition hath been made againſt it by ſome, though without any ground, or Law. Sometimes the Parents are not willing to leave their Children, though they

‘have

11 Caroli.

‘have not meat to feed them at Home; ſometimes the Pariſhioners not willing to give them Cloaths, and ſometimes the Maſters refuſe them, and thoſe that bind them are negligent: but all theſe muſt be over-ruled, and made to ſmart for their oppoſition. In a word, you are to call upon all to whom it belongeth, but eſpecially the Juſtices of Peace to ſee His Majeſties Printed Orders be put in execution. You are to ſatisfie your ſelves what Juſtices of the Peace are diligent in it, and who neglect it, and ſo to certifie to the Lords of the Council.

‘7. I have but one thing more to give you in charge, and it is a thing of great weight and importance. It concerneth the Honour of His Majeſty and the Kingdom, and the ſafety of both. Chriſtendom is full of Wars, and there is nothing but rumors of Wars. What hath been done of late years abroad by Fire and Sword, it were a pity and grief to think of; yet we have had the goodneſs of God, and His Majeſties Providence all this while, and have enjoyed a moſt happy Peace and Plenty. As it is a good Precept in Divinity, ſo it holdeth in Polity too ——— *Jam Proximus Ardet*; which if we obſerved to defend our ſelves, it would be a warning to all Nations, and we ſhould be the more aſſured to enjoy our Peace, if the Wars abroad do make us ſtand upon our Guard at home. Therefore no Queſtion, it hath ever been accounted the greateſt wiſdom for a Nation to Arm, that they may not be inforced to fight; which is better then not to Arm, and be ſure to Fight. The one is Providence, the other is Neceſſity. Therefore His Majeſty in theſe doubtful times, hath not only Commanded, that all the Land-Forces of the Kingdom ſhould be ſet in Order and Readineſs, but to ſet to Sea a Royal Fleet, at His Majeſties great charge, but with the Aſſiſtance of the Maritain-places of this Kingdom. The cauſes, occaſions and times of War, with the preparation and ordering of them, is proper to the King; and dutiful obedience in ſuch things doth beſt become the Subject: and yet His Majeſty hath vouchſafed, even by his Writs, to declare enough to ſatisfie all well-minded men, and to expreſs the clearneſs of His Princely Heart in aiming at the general good of His Kingdom. The Dominion of the Sea, as it is an ancient and undoubted right of the Crown of *England*, ſo it is the beſt ſecurity of the Land; for it is Impregnable, ſo long as the Sea is well-guarded: therefore, out of all queſtion, it is a thing of abſolute neceſſity, that the guard of the Sea be exactly looked unto; and thoſe Subjects, whoſe minds are moſt fixed upon the Honour of the King and Country, will with no patience endure to think of it; that this Dominion of the Sea, which is ſo great an Honour, ſhould be either loſt or diminiſhed: beſides, for ſafeties ſake, the Dominion of the Sea is to be kept, and the Sea guarded.

‘The *Wooden-Walls* are the beſt Walls of this Kingdom: and if the Riches and Wealth of the Kingdom be reſpected, for that cauſe the Dominion of the Sea ought to be reſpected; for elſe what would become of our Wool, Lead and the like, the prices whereof would fall to nothing if others ſhould be Maſters of the Sea. There is a caſe in the Book of Aſſize, 43. which putteth me in mind of certain men, that went down into the Country,

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'try, and carried a report, that no Wooll ſhould paſs over the Sea 'that year; upon this they all fell to ſo low Prices, that the men 'that carried the Report were Queſtioned and Fin'd. Now if a 'Report alone, and that a falſe one too, wrought ſuch an effect 'upon the Woolls of *England*, think what would be wrought by a 'real loſs of the Dominion of the Sea in all our Commodities, if 'our Trade ſhould be at the Command of other Princes and States. 'Therefore as His Majeſty out of His Great Wiſdom, hath found 'it expedient to ſet to Sea that Fleet, that is now upon the Sea; 'ſo His Majeſty being engaged, both in His Honour, and the Honour of the Kingdom, he findeth it to be of abſolute neceſſity 'to ſtrengthen this with a greater ſtrength, and more Shipping 'the next year. Therefore upon advice he hath reſolved, that he 'will forthwith ſend forth new Writs for the preparation of a greater Fleet the next year; and that not only to the Maritime Towns, 'but to all the Kingdom beſides: for ſince that all the Kingdom is 'intereſſed, both in the honour, ſafety and profit, it is juſt and reaſonable, that they ſhould all put to their helping hands.

'Now that whcih His Majeſty requireth from you, and doth command is, That in your Charges at the Aſſizes, and in all places 'elſe, where opportunity is offered, you take an occaſion to let the 'People know how careful and zealous His Majeſty is to preſerve 'his own Honour, this Kingdom, and the Dominion of the Sea, 'and to ſecure both Sea and Land by a powerful Fleet, that foreign 'Nations may ſee, that *England* is both able and ready to keep it 'ſelf, and all its Rights. And you are to let them know how juſt 'it is, that His Majeſty ſhould require this for your defence, and 'with what Alacrity and Cheerfulneſs they ought, and are bound 'in Duty to contribute unto it; that foreign Nations may obſerve 'the Power and Readineſs of this Kingdom, which will make them 'ſlow to contend with us, either by Sea or Land; and that will be 'the beſt way to confirm unto us a firm and ſure Peace. This is 'the ſubſtance of all that which I received in Commandment from 'His Majeſty. There are many things elſe that concern the publick; but your Judgements are well known in them. Theſe are 'the particulars I had Command to mention unto you; ſo I will 'trouble you no farther, but leave them to your Grave Conſiderations.

July 21: A reſtraint of the King's Subjects *departing out of the Realm without Licenſe.*

FOr as much as it is one of the Principal Duties of all the Kings Subjects to attend at all times, the Service and Defence of their King and Native Country, when they ſhall be thereunto required; and foreſeeing what danger might enſue to this State, if People might at their pleaſure paſs or depart out of this Realm into foreign Parts: for prevention whereof, the King doth Command and forbid all his Subjects, that they, nor any of them, other than Soldiers, Mariners, Merchants and their Factors, and Apprentices, ſhall at any time, without the *King's Licenſe*, or of ſix of the Privy-Council, depart out of this Kingdom, or any the King's Dominions into the Kingdom, or Country of any Foreign Prince, State or Potentate.

July 28.
For the ſuppreſſing of Prophane *Curſing and Swearing.*

WHereas at a Parliament held at *Weſtminſter* the 9*th* of *February*, in the 21*ſt* year of King *James*, it was Enacted, That no Perſon, or Perſons, ſhould from thenceforth prophanely Swear or Curſe, under the penalties therein contained; We taking into Our Princely Conſideration the great increaſe of thoſe ſins, which are more audaciouſly practiſed and frequently committed by looſe and wicked perſons; hath therefore for the better ſuppreſſing thoſe odious ſins, by Letters-Patents, dated the 21*ſt* of *July* laſt paſt, erected an Office for the receiving of the Forfeitures incurred by ſuch Prophane Swearers and Curſers: and hath thereby appointed *Robert Leſley* Eſquire, one of the Gentlemen of the Kings Privy-Chamber; by himſelf and his Aſſigns, that he ſhall in every Pariſh within this Kingdom attend that Service and Office, for a certain number of years therein contained; and ſhall and may receive the Penalties appointed by the ſaid Statute, from all Perſon and Perſons offending againſt the Tenure of the ſaid Act; and that the monies ariſing thereby ſhall be paid to the Biſhops of the Dioceſſes, to be diſtributed among the Poor of the ſeveral Pariſhes. And all perſons employed herein ſhall be exempted and freed from bearing any other Office, or Charge in the Pariſhes where he and the reſt ſhall dwell.

July ult.
The King ſettles the *Letter-Office* of *England*, and *Scotland.*

TO this time there having been no certain or conſtant Intercourſe between the Kingdoms of *England* and *Scotland*, His Majeſty hath been pleaſed to Command his Servant *Thomas Witherings* Eſquire, His Majeſties Poſt-maſter of *England* for foreign Parts, to ſettle *one Running-Poſt*, or two, to run night and day between *Edenborough* in *Scotland* and the City of *London*, to go thither and come back again in ſix days; and to take with them all ſuch Letters as ſhall be directed to any Poſt-Town in the ſaid Road, and the Poſts to be placed in ſeveral places out of the Road, to run, and bring and carry out of the ſaid Roads the Letters as there ſhall be occaſion, and to pay two-pence for every ſingle Letter under fourſcore Miles; and if one hundred and forty Miles, four-pence; and if above, then ſix-pence. The like rule the King is pleaſed to Order to be obſerved to *Weſt-Cheſter*, *Holyhead*, and from thence to *Ireland*: and alſo to obſerve the like Rule from *London* to *Plimouth*, *Exeter*, and other places in that Road; the like for *Oxford*, *Briſtol*, *Colcheſter*, *Norwich*, and other places. And the King doth Command, that no other Meſſenger, Foot-Poſt, or Foot-Poſts ſhall take up, carry, receive or deliver any Letter, or Letters whatſoever, other than the Meſſengers appointed by the ſaid *Thomas Witherings*; except Common known Carriers, or a particular Meſſenger to be ſent on purpoſe with a Letter to a Friend.

Whereas

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Auguſt 24. The King declares his Royal Grace and Pleaſure to confirm to his Subjects their *Defective Eſtates*, in their Lands and Poſſeſſions, by His Commiſſion lately renewed and enlarged to that purpoſe.

WHereas for the good of the Subjects the King hath been graciouſly pleaſed to renew and enlarge his former Commiſſion of Grace, and hath thereby Authorized the Lords, and others of His Privy-Council, and ſome of the Judges and Learned Council to Sell, Grant and Confirm to the People their Defective Eſtates, Poſſeſſions and Titles, being void by inſufficient Grants, or By-Patents of Concealments; and notwithſtanding the Subjects ſlackneſs in taking hold of that favour, yet the King, out of a deſire to ſettle His Subjects in their Eſtates and Poſſeſſions, is once more pleaſed, to make known theſe His Royal Intentions of favour to ſuch as ſhall timely embrace the ſame, upon moderate Compoſitions, and that they repair to the Kings Commiſſioners in *Fleetſtreet* before *Hillary Term* next; and ſuch as do neglect, the courſe of Law ſhall be taken againſt them, to reduce thoſe Lands to the Crown again.

The Caſe of the Church-Wardens of *Beckington* in *Somerſetſhire*.

THe Church-Wardens of *Beckington* in *Somerſetſhire* were *Excommunicated* by the Biſhop of *Bath* and *Wells*, for refuſing to remove and Rail in the Communion-Table, and pull down the Seats that ſtood above at the *Eaſt* end of the Chancel. They *appealed* to the *Arches*, and after much ſolliciting, procured from Sir *John Lamb*, Dean of the *Arches*, a Letter to the Biſhop to *abſolve* them for a certain time; which he did for a few Weeks, and afterwards excommunicated them *again*. The Church-Wardens *appealed* to the Arches the ſecond time, with a Petition to the Arch-Biſhop, and a certificate from the Pariſh, that their Communion-Table had ſtood time out of mind in the midſt of the Chancel, being the moſt convenient place; and that *near Threeſcore years* ago the Pavement of the Chancel, whereon the Table ſtood, was new made and raiſed a foot above the reſt of the Chancel-ground, and incloſed with a Decent Wainſcot-Border, and none went in thereat but the Miniſter, and ſuch as he required. Their Appeal was rejected, and they threatned with the *High-Commiſſion*, and commanded to obey their *Dioceſan*. After this they petition the King, but with no ſucceſs; for it was ſuggeſted, that if thoſe men had their Wills, many of the Pariſhes which had already conformed would fall back, and others would never come in. The Church-Wardens ſtood excommunicated a whole year, and afterward were taken, and caſt into the *Common-Goal*, where they lay a long time. Whence at length they were releaſed by the Biſhop, upon their publick Submiſſion and Penance, performed in the Pariſh-Church of *Beckington* and two other Churches.

Septemb. 6. The King declares for preventing the Abuſes of Informers, Clerks and others in their Proſecutions upon the Laws and Statutes of this Realm.

WHereas for the more due execution of the Laws and Statutes of this Realm, and for the better reformation of the abuſes of *Common-Informers*, in their unjuſt Proſecutions and Vexations of our Subjects; the King by His Letters-Patents under the Great Seal, dated the 20*th* of *February*, 5 *Car.* 1. did confirm the Office of Receiver and *Collector of Fines* and *Forfeitures* due *upon penal Laws*, formerly erected by King *James*, in the 18*th* year of His Reign; and thereunto the King united and annexed the Surveying, Regiſtring, Collection and Receipt of Fines and Forfeitures, for tranſgreſſing the Common-Law of this Realm, and of all Recognizances thereupon grounded, which ſhould be forfeited in any Courts of Juſtice and Judicature, and of all ſums of Mony due or growing, by reaſon of any Information, Bill, Plaint, Suit, Action, Preſentment, Compoſition, Verdict, Judgement, Execution, or other Proceeding Commenced by the King's Attorney-General, or by any common Informer againſt any Offender for Tranſgreſſing the Laws, ſince the 31*ſt* of Queen *Elizabeth*; except the Collecting of Fines and Forfeitures due, or to be due by any Sentence of our Court of *Star-Chamber*, or of the Court holden by the Lord Preſident and Council in the Marches of *Wales*, and in the *North* part of this Kingdom, or in any Court Leet, *&c.* whereof the Collection was by any Letters Patents granted to any other Perſon before the 15*th* of *October*, in the 18*th* of King *James*.

And whereas the King hath by *Letters Patents*, Granted the ſaid Office to *James Chambers* Doctor of Phyſick, and *Edward Brown*, Eſquire, for term of their Lives, to be executed by themſelves or their Deputies; but notwithſtanding the ſeveral proviſions made in the ſaid Letters Patents, for preventing Fraud and Abuſes, committed by the ſubtile practiſes of Common Informers, Combining with under-Clerks, they have proſecuted the Kings Subjects, for their private Gain: for preventing of which Abuſes for time to come, the King doth Charge and Command, that the Directions following be obſerved, upon pain of the Kings high diſpleaſure.

Which being very long, ſee at large in the Appendix.

November 1. A Reſtraint of Exceſſive Carriages to the deſtruction of the High-ways.

THat in the Reign of King *James*, and ſince the King's acceſs to the Crown, ſeveral Proclamations have been publiſhed for the reſtraint of exceſſive Carriages, to the deſtruction of the High-ways; and yet by daily experience thoſe great Abuſes are ſtill continued and increaſed to the publick Nuiſſance, and likely to hinder the general Commerce of People, and become unrepairable, without exceſſive charge and burden to the Country: The King therefore by the Advice of the Lords, and others of the Privy-Council doth Command, that no common Carriers or other Perſons, do upon the Common High-way, go, or Travel with any Wagon, Cart, *&c.* whereon is, or ſhall be laid at once above two thouſand weight, nor to uſe above five Horſes, or above four Oxen and two Horſes, or above ſix Oxen without Horſes at any one time; and becauſe ſuch extraordinary Carriages, have heretofore, by the opinion of the Judges, been held to be general Nuiſſances, the King doth Command all Judges and Juſtices diligently to inquire after theſe Offences.

IN the month of *November*, Mr. *Samuel Ward*, a Miniſter in *Ipſwich*, Preached againſt the common Bowing at the Name of *Jeſus*, and againſt the King's Book of Sports; and further ſaid, that the Church of *England* was ready to ring Changes in Religion, and the Goſpel ſtood on tip-toe, as ready to be gone. For this he was cenſured in the High-Commiſſion, and there ſuſpended, injoyned publick Recantation, which he refuſing was committed to Priſon, where he lay a long time.

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November 10. 1635.

The Charge of the Bill is for a groſs deceit and coſenage by Sir *James Bagg* of the Plaintiff, and in that of the abuſe of the Name of the Lord Treaſurer *Weſton.*

Star-Chamber. Sir *Anth. Pell* Plaintiff. Sir *James Bagg & Alios* Defendants.

THe Caſe was thus; Sir *Anthony Pell* being Surveyor and Keeper of his late Majeſties Hawks *Aug.* 2. *Car.* the King gave direction for the payment of 7000 *l.* unto him, as due from His Majeſty.

Quarto Car. this was unpaid, and to prove this the Plaintiff lent the King 3000 *l.* more, and had an Order of the Council-Table for the payment of 4000 *l.* part of his great debt upon the farm of the Cuſtoms, which was paid accordingly; and the 6000 *l.* reſidue to be paid by levying of Tallies of the firſt monys that ſhould come into the Exchequer, upon the impoſition of *Coales*, benefit of *Soap*, *Recuſancy*, or otherwiſe; failing of all theſe, notwithſtanding his attendance on Sir *Richard Weſton* Lord Treaſurer, 12. *October* 5. *Car.* he did Petition the King, acquainting him with the ſaid Order, and that he had received no Payment or Aſſignment of the 6000 *l.* His Majeſty anſwered, That he found great reaſon in the Plaintiffs requeſt, and commiſerated his hard Eſtate, and referred the conſideration thereof to the Lord Treaſurer, to take the beſt and moſt ſpeedy courſe which might ſtand with His Majeſties other affairs for the Plaintiffs ſatisfaction, with which he acquaints the Lord Treaſurer; That the other Defendant Sir *James Bagg* often reſorting to the Lord Treaſurers Houſe, and there meeting with the Plaintiff, ſubtilly inſinuated himſelf into the Plaintiffs acquaintance, and told him that he had a great and inward relation with the ſaid Lord Treaſurer, and was a great negotiator of buſineſs which paſſed the Lord Treaſurers hand, and offered himſelf an Agent on the Plaintiffs behalf to the Lord Treaſurer for procuring Aſſignments for the 6000 *l.* and did ſcandalouſly pretend to the Plaintiff that there was no hope for him to obtain ſatisfaction for his 6000 *l.* and damage for forbearance thereof, but by giving ſome reward to the Lord Treaſurer; and did affirm to the Plaintiff that he had former experience thereof, and had laid many a thouſand pound upon the ſaid Lord Treaſurers Table, and under his Beds head for buſineſs of like nature; and told Sir *Anthony*, that if he would promiſe him the ſaid Sir *James* 500 *l.* on the ſudden to ſupply the Lord Treaſurers preſent occaſions, he would forthwith procure from the Lord Treaſurer good Aſſignment to be made for the 6000 *l.* and damage for forbearance, and all other monys due from His Majeſty to the Plaintiff for arrear of Wages, which amounted to above 12000 *l.* Whereupon in *December* 8. *Car.* he procured a Friend to lend 500 *l.* for the ſaid Lord Treaſurers uſe, as Sir *James* pretended, and took a bond of Sir *James* and one *Harris* to pay the ſame at ſix months; notwithſtanding this promiſe the Plaintiff attended above a year, and nothing could be done. Then Sir *James Bagg* by conſederacy with the other three Defendants, did in *November* 9 *Car.* affirm to the Plaintiff, that if he would give 2000 *l.* more to the Lord Treaſurer for a gratuity (whereby to draw 2000 *l.* from the Plaintiff, and then to ſhare it among themſelves) he would procure the Lord Treaſurer to make Aſſignments before St. *Thomas* day next following for all the Plaintiffs Debts, Arrearages of Wages and Damages; whereupon 4 *Decemb.* 500 *l.* was borrowed at Intereſt of Sir *William Acton*, and 500 *l.* of others, and Sir *James Bagg*, and Sir *Richard Tichburn* were bound for the payment of this 1000 *l.* 21 *Decemb.*

The 21*ſt* of *December* came; then Sir *James* affirmed to the Plaintiff, that the buſineſs was diſpatched and aſſignments made: but yet the Lord Treaſurer would have the other 1000 *l.* in hand before the Plaintiffs ſhould have the Aſſignments, and *ult. January* he ſhould not fail of them. The Plaintiff upon the engagement of his whole eſtate procured 1000 *l.* more, and alſo upon Sir *James Bagg* and Mr. *Gibbon's* Bond to repay the ſame 30 *January*; which Bond to Sir *James* and *Gibbons* was in truſt to the Plaintiff, that upon ſuch Aſſignments to be made 30 *January*, both his laſt Bond and his other Bond to Sir *Richard Tichburn* ſhould be delivered up to be cancelled: beſides this 2000 *l.* delivered to the hands of Sir *James* for the Lord Treaſurers uſe, as he falſly pretended, he cauſed the Plaintiff to undertake to pay *Owen Brett* and *Charles Eſcourt* 760 *l.* which Sir *James* owed to them, which was to be a reward for his own pains for procuring the Plaintiff his Aſſignments, he ſtill affirming that the 2000 *l.* was paid to the Lord Treaſurer for a gratuity.

Nov. 10. 1635. Sir *James Bagg* his Anſwer.

The Defendant Sir *James Bagg* in his Anſwer denied the charge of the Bill to be true in any part of it, and thereupon the Plaintiff and Defendant went to Iſſue, and examined Witneſs, and the Cauſe was brought to Hearing, which held the Court ſeveral days; and this day was appointed for the Lords to give their Judgement and Opinion in the Cauſe, the debate and conſideration whereof, and the many Speeches made by the Lords, held the Court ſitting from nine in the morning till four in the afternoon; and then the Court was divided equally in Judgement, there being Nine of the Court for Sir *Anthony Pell*, and nine for Sir *James Bagg*. The diviſion was in manner following.

1. Lord *Cottington*,	*pro Bagg.*	10. Lord of *Carlile*,	*pro Bagg.*
2. Chief-Juſtice *Finch*,	*pro Pell.*	11. Lord of *Dorcett*,	*pro Bagg.*
3. Chief-Juſtice *Bramſton*,	*pro Pell.*	12. Lord *Marſhall*,	*pro Bagg.*
4. Secretary *Windebanck*,	*pro Bagg.*	13. Lord of *Lindſey*,	*pro Pell.*
5. Secretary *Cook*,	*pro Pell.*	14. Duke of *Lenox*,	*pro Bagg.*
6. Sir *Henry Vane*,	*pro Pell.*	15. Lord *Privy-Seal*,	*pro Bagg.*
7. Biſhop of *London*,	*pro Bagg.*	16. Arch-Biſhop of *York*,	*pro Bagg.*
8. Lord *Barret*,	*pro Pell.*	17. Arch-B. of *Canterbury*,	*pro Pell.*
9. Lord of *Holland*,	*pro Pell.*	18. Lord *Keeper*,	*pro Pell.*

It was at this time diſcourſed by the Auditors then preſent in the Court, that the Speeches then made, were rather *pro Amico*, than *pro Quer' aut Deff.*

AT the hearing of this Cauſe the Queen was preſent in a Room that had a Window looked into the Court, ſhe came in favour of Sir *James Bagg*, as was Conceived.

Memorandum, That Mr. *Arthur* the Regiſter, before he had drawn up the Decretal-Sentence received a Warrant under the Kings hand to forbear Entring the Cenſure of the Court in this

An. 1635. Cauſe, as regularly His Majeſty might do by the Rules of this Court, for Informations in the *Star-Chamber* are directed to the Kings Majeſty himſelf; and accordingly the Decretal Order was ſtopt from being Entred: But how the Matter was compoſed afterwards we know not.

It is to be obſerved as another Rule in that Court, that if the Court be equal in Voices, the Lord Keeper hath the Caſting-voice, in like manner as the Speaker hath in the Houſe of Commons, who being in his Judgment for Sir *Anthony Pell*, the ſame was to have been Decreed, and entred accordingly for *Pell*.

It would be too tedious to the Reader to have all the Harangues and Speeches made this day ſet down at large, and the Repetitions upon Repetitions, by ſome Lords, of what others did ſpeak, would take up time to repeat; we omit them therefore at large, only to ſatisfie the Readers curioſity we inſert theſe two.

Lord Chief Juſtice Finch *his Cenſure.*

Sir *Anthony Pell* Plt'.	Sir *James Bagg*, Sir *Richard Tichborne*, *William Lake*, and *Gibbons*,	Defendants.

My Lords,

THe Charge of the Bill is for a groſs deceit and coſenage by Sir *James Bagg* of the Plaintiff, and in that the abuſe of the Name of an Honourable and Great Lord. Take theſe two Charges aſunder, or ſeverally, there is not one of them but of great weight and conſequence: and put them both together, and it is of as great a weight as any Cauſe in this Court. Take them ſeverally, I will not ſay, that every coſenage or deceit is fit for this Court: But if a fraud or coſenage be accompanied with a publick inconvenience, or reflecting upon the Juſtice of the King, it hath ever been held fit for this Court to take notice of it.

My Lords,

In matter of Bargain and Contract between Man and Man, if he will make his fraudulent Conveyance, he hath his remedy at Law and in Equity, and yet of late many Preſidents your Lordſhips have made, becauſe it tendeth to the publick damage of the Common-Wealth; and in many other Caſes I hold this Bill, as it is laid, to be of danger and conſequence, not only in regard of the Publick, but of the reflection upon the King. For the Publick, there is nothing more dangerous, or of leſs comfort to the Common-Wealth, than when there ſhall be Panders and Brokers about Judges, for the adminiſtration of Juſtice.

My Lords,

For my part, let him be a Miniſter of Juſtice, or of the Kings Revenues, that ſhall have any Servant or Familiar, who will take upon them, in the name of their Maſter, under ſhew of carrying on their Buſineſs, to take a Reward, but for the procuring of juſt and due Debts: My Lords, I ſhall ever hold it to be of that danger and conſequence, that I had rather ſee both puniſhed, than one to eſcape.

My Lords,

And for that part which concerneth my Lord Treaſurer, it is true, I will not ſay if that had been the ſole Charge of the Bill, I would have held Sir *Anthony Pell* a fit Party to complain in this, or to be the Judge of this, or to manage it: But I ſhall leave that to be followed in ſuch courſe as the Kings Attorney ſhall direct.

And where in this Caſe, or any other Caſe it ſhall be accompanied with any deceit to the Party, that will enable any private Man to be a fit Complainant in this Court; therefore for the ſcandal, which I hold of a great and eminent nature, if it had been the ſingle Charge of the Bill, I ſhould have given my voice to have thrown it out; but as the Charge of this Bill is laid, it is a groſs coſenage of the Plaintiff. This is drawn in by an aſperſion upon the great Lord; and in this caſe I cannot but hold Sir *Anthony Pell* to be a fit perſon to complain in this Court, and to mingle that with the ſcandal upon my Lord: It was therefore wiſely done of the Defendants to wage their demurrer. My Lords, in this Caſe I do find the Parties intereſſed are the Plaintiff and Four Defendants; but it is true, there is another intereſſed in this Cauſe, and that is the Honour of a great Lord, who as he did bear an Office of great Truſt, ſo he had great Truſt repoſed in him. And I do not blame my Lord of *Portland*, that he is eager in vindicating the Honour of his Father, which hath deſcended unto him, and to diſcover that this Bill was put in as a Cloud to hang over his Father. I ſhall, as my Lord that laſt ſpoke, leave him freely to take his courſe, be it againſt whom he will.

In truth, my Lords, I do remember what that great Lord did here in Court earneſtly move your Lordſhips, that this Cauſe might receive all the expedition that could be, that this Cloud might not hang over him, that when it came to a hearing, to repair him by ſome exemplary Sentence. This I know your Lordſhips do remember, and will be as ready to do for him, as if himſelf was living.

For, my Lords, in this Cauſe I muſt deal clearly, that I hold it little better than a *non liquet*, either to be puniſhed by ſome exemplary Sentence upon the Plaintiff, or Defendants, or ſome of them, let it light where it will: For, my Lords Honour all this while having been a Defendant in the Hearing of the Cauſe, is now juſtly, upon the Hearing, become Plaintiff. The Bill layeth it plainly to be a ſcandalous aſperſion caſt upon my Lord Treaſurer by Sir *James Bagg*, but no part of the Bill doth trench upon my Lord Treaſurer; ſo that the Honour of that great Lord, in ſtead of a Defendant, is now worthily before your Lordſhips a Plaintiff, and requireth as

An. 1635. much vindication, which muſt be by ſentencing the Plaintiff or Defendants, for a foul and ſcandalous Libel.

My Lords,

In this Cauſe I muſt ſay ſomething for a general delivery of my ſelf to your Lordſhips, before I deſcend to the Particular parts of my Sentence.

Under favour, I hold it a great error, that any ſhould think, that in every Cauſe in this Court, a Man muſt for every Particular, or Phraſe that doth countenance to prove the Bill, have two Witneſſes. If one be charged with oppreſſion, you do never condemn without two Witneſſes.

I conceive witneſs in the ſame, though but *ſingularis Teſtis* ſhall ſerve.

For to ſay, that Sir *James Bagg* did utter theſe and theſe words, every Phraſe in this is not to be expected to be proved by two Witneſſes, by the courſe of the Court. In any Caſe it is an error to think, that two Witneſſes are of neceſſity, for one Witneſs and Circumſtances, (as others do aver) amount to a further Witneſs, to draw on your Lordſhips to your Sentence: But I do hold in this Caſe, there will fall upon ſome of the Defendants a full Proof upon two Witneſſes.

For the Defendant, Sir *Richard Tichburne*, near in Blood to the late Lord Treaſurer, I do hold him a Man of worth, and I am glad I do find him ſo. And for my part, if the courſe of the Court will allow him remedy here, I ſhall willingly condeſcend; but however, I ſhall deſire that there may be mention made of his clearneſs.

For Mr. *Gibbins*, I find him clear in this Caſe, and ſo I leave him.

For Mr. *Luke*, I find ſome touches of him, but not ſuch as ſhall any ways move me to a Sentence. Mr. *Luke* did direct the making of the Petition; I clear him.

My Lords,

For Mr. *James Bagg*, I ſhould be as glad to acquit him as any of the reſt, but I muſt deal clearly. I cannot, I will not ſay, that Sir *James Bagg* is guilty of every Particular in the Bill. I do wonder to find ſo much in a Caſe of this nature; I do not think it neceſſary, that every Particular in the Bill be proved; Circumſtances may perhaps be added by Councel, put in to draw out interrogation of the Party to make the Truth appear: And yet I muſt needs ſay, that of ſome words in the Bill there is no proof made. As that Sir *James Bagg* ſhould ſay, *He had laid many a Thouſand Pounds under my Lord Treaſurers Pillow for Buſineſs in that kind*; for which I ſhould ſentence him.

My Lords, In this Caſe that doth concern *Bagg*, it is very hard to divide the oppreſſion ſeverally from the ſcandal on my Lord Treaſurer. I cannot make any thing of the Cauſe and take it all aſunder.

The firſt thing I begin withal, is the Particulars of the Money. 2. the 500 *l.* borrowed of Sir *William Acton Dec.* 4. 1633. I find it is proved the Plaintiff did not intend to borrow it for himſelf, but for Sir *James Bagg* ; I find that Sir *James* ſaid, the helping him to this Money would be a means to help him to the Aſſignments. Sir *James Bagg* ſaid it would do the Plaintiff a curteſie. If Sir *James* had done no more, but drawn a Man to lend him Money for ſuch a diſpatch, I would have held it a Crime fit for the Sentence. *Hem, hem, hem, hem, Leave that faſhion,* (meaning of *heming*) I only ſpeak of this to this purpoſe, to ſhew how this Money was borrowed, and that the application of borrowing it, was in relation to the Aſſignments. The Money was borrowed 4. *Dec.* to be paid the 21*ſt* of *December* ; ſo it was but a borrow for ſeventeen days. And if it were Sir *James Baggs* own Money, why did he tell him, *Pell* ſhould be his Pay-maſter. When 21. *December* came, *Bagg* did deſire continuance of the Money till the latter end of *January*, and in that time he would effect his buſineſs.

Next Sum was the 500 *l.* borrowed of Mr. *Herne*, of which the Plaintiff was never poſſeſſed ; it was delivered to Sir *James Bagg's* Man, and this was payable long after the time of the Aſſignments : Their Sum is 300 *l.* in *Dec.* 21. upon a Letter 17. of *Dec.* Sir *Anthony Pell, I pray you ſend me* 500 l. *to my Lodging.* It ſeems he had the Plaintiff in a String. *It is objected by Sir* James Bagg, *the Plaintiff was ſo careful of good Security, that he would not part with the Money, unleſs Mr.* Eſcourt *would be bound, that Mr.* Gibbins *ſhould Seal. If never ſo good Security, if they were in his hands, how might he have handled Sir* Anthony.

When Sir *James* was that night at the *Kings-Head*, and ſaw the Money did not come ; ſaith one Witneſs, Sir *James*, ſaid he (meaning the Lord Treaſurer) *could not ſleep* ; he ſaid alſo at that time, *If it were not delivered, the Plaintiffs Buſineſs would be daſhed, and fall more backward than ever it was, the Plaintiff would be undone it ſtaid ſo long.*

Your Lordſhips finding this Depoſition not to agree, appointed *Marſh* to be heard, as it was in the Caſe between *Vaughan* and *Vaughan*, and ſent for the Witneſs hither, who did explain the Depoſition, and your Lordſhips gave credit to that Explanation ; ſo for *Marſh*, for my part I muſt deal clearly, I ſhall take his Explanation according to the Rules of this Court, to be clear and expreſs, that he ſaid, *My Lord Treaſurer could not ſleep that night* : yet not to forget Mr. *Examiner* by the way, I find that he hath committed as great an abuſe, as could be put on the Court. I find many Depoſitions very obſcurely ſet down ; for Sir *William Actons* Depoſition, and his variation afterwards, adds little credit to his Perſon. I find cunning enough in the *Examiner*, to excuſe the entertaining of Sir *James Bagg* at a Tavern. I do not forget his threatning of *Marſh* about his Explanation, *That my Lord Treaſurer could not ſleep.* I cannot in my Conſcience be ſatisfied of his carriage in this Cauſe, I ſhall never hold him a perſon fit to bring things to a clear Judgment before your Lordſhips.

When this 100 *l.* came at laſt, and he had put it up : *Come let us make haſt to* Wallingford-houſe, *for I muſt pay it away preſently, and if it had not come, the Plaintiffs buſineſs had been loſt.* So I ſee ſtill, if he might not have the Money when he would, and how he pleaſed, your Buſineſs would be undone.

For

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For the 500 *l.* of *Harries*, what was between *Bagg* and *Harries*, I know not; it may be poſſible, that *Pell* might help *Bagg* to this for *Harries's* good and his own; but this was lent at the Plaintiffs inſtance, and ſaid he would not have lent it, but to be a means to help the Plaintiff to his Aſſignments.

This was but a Mask that Sir *James* put upon the buſineſs, to draw him up and down with a hook in his Noſe which way he would.

For the 700 *l.* owing to *Owen Brett*, it was very true that *Pell* was not ingaged for this; for I remember the reaſon why he put him off, for perhaps he might come ſhort of it.

Thus for the Particulars I have run through. There are two other things untouched; I am very tender to enter into theſe things that concern the Revenue of the Kingdom; but coming neceſſarily before your Lordſhips in Judgment, I cannot but take notice of the 7000 *l.* that it ſhould be cut off by the agreement of Sir *Anthony Pell*, I find that is ſo by His Majeſties Letter *omni exceptione*; and that my Lord Treaſurer did teſtifie that it was ſo: Therefore, my Lords, to enter into the conſideration or diſcuſſion of that, I will not; but this, my Lords, I will ſay, that in the Books I find no proof it was Sir *Anthony Pells* agreement: If I did, I hope it not material.

It is apparent by Sir *Robert Pyes* Certificate, that 13000 *l.* was due to him; and I preſume that Man is of ſo great worth, that I think he looked narrowly unto it, before he would make any Certificate; but to ſay the Debt was full ſo much, I dare not, but leave it to thoſe to whom it doth belong under the King to do it.

It is true, I find it teſtified likewiſe, that 3000 *l.* was to be advanced for the Kings Service: Whether Sir *James Bagg* informed my Lord thus, or he ſpoke with *Pell*, I know not; but for *Bagg's* advancing of 2000 *l.* truly my Lord I muſt deal clearly, whether he did or not it is not material; but I find if he did, it could not be in reſpect of *Pells* breaking with my Lord Treaſurer, and failing to perform for this Bill under my Lord Treaſurers Hand of the Receipt of *Bagg's* 2000 *l.* was 9. *July*. And Mr. *Lake* writ a Letter to Mr. *Bond* 15. *July*, to keep Sir *Anthony Pell* to 3000 *l.* and then the Aſſignments were not Cancelled. But would Sir *James Bagg* ſuffer poor Sir *Anthony Pell* to be undone for the want of a Thouſand Pounds? for *Bagg* had 2000 *l.* in his Hands of his, and for 1000 *l.* more he might have been able to have advanced 3000 *l.* to get the Aſſignments. Suppoſe *Pell* was but his Broker, to take up Money for him, would *Bagg* ſuffer the Plaintiffs Buſineſs to periſh, or his Aſſignments to go back in ſuch a ſtrait? I muſt needs in my own Conſcience ſay, it was one of the hardeſt paſſages in the Cauſe, and I do wonder that Sir *James Bagg*, who hath been ſo careful to prove every thing that he is wanting as to the Privy-Seal; my Lords, it is objected that there is no proof of a Reward, I ſhould hold *Bagg* a Fool if Sir *Anthony Pell* ſhould prove a Contract. And for the delay, I ſhall not trouble your Lordſhips, you have ſeen his many Letters; but I wonder Sir *James Bagg* would be ſo zealous to neglect the Kings Service of ſpecial Truſt, and attend here ſeven Months to effect and diſpatch this buſineſs for the Plaintiff, and all this for nothing. And when he had been ſeven Months, and brought the buſineſs to an effect for the changing the 2000 *l.* he had but in the name (meaning to ſay it was *Pells* 2000 *l.* and not his) to make this poor Gentleman loſe all. I cannot in my Conſcience let this paſs, the very Act of the managing of the buſineſs doth much reflect upon the Juſtice of the King, who gave a moſt Gracious Anſwer to Sir *Anthony*'s Petition, in ſaying *He commiſerated his Caſe*, and gave ſpecial direction for the ſpeedy payment of his Monies. And yet by *Baggs* deceit and coſenage, I pray God no Man have occaſion to ſay that it is an Epidemick Diſeaſe: It hath been ſaid, (meaning my Lord *Cottington*) ſuppoſe he had the Money, is it a crime if a Man undertake to effect a Buſineſs for another, will not the Court of Juſtice allow him for his pains? For my part, I will be none of thoſe Judges to give my opinion ſo; and I think if he come into *Chancery*, he will have but ſmall comfort.

Now my Lords I will come to the Point of Scandal.

The firſt Proof for this, that this was with a Judgment, (ſaith *Baxter*) *He muſt give a Reward to my Lord Treaſurer, for he had experience of it.* This cometh not very ſhort of the Scandal, *of laying many a Thouſand under my Lords Pillow.* The ſubſtance of the Proof cometh cloſe to it; and though *Baxter* be *Singularis Teſtis*, yet I ſhall joyn him with others. I ſhall in the next place obſerve all the cunning expreſſions of the Defendants: *He could not ſleep that night, he muſt to* Wallingford-houſe, *the Buſineſs will be undone, and go more backard than ever.* He that hath Wit, and knoweth how to carry himſelf, to put ſuch odious reflections upon my Lord Treaſurer, deſerves to be ſeverely puniſhed. I am ſatisfied in my Conſcience he did this cunningly, to make the Plaintiff believe my Lord Treaſurer was to have it: Then (my Lords) laying all theſe together, and that of *Owen Brett*, it is apparent from him and the other Witneſſes. I find none of them diſcredited, though it is a dangerous Caſe; and I do not know how any Cauſe of the King may periſh if ſuch a gap be opened, as never to take exception to a Witneſs, but juſt at the hearing to blow upon them, (meaning by Sir *James's* Councel) and to ſay *they were Serving-men or Foot-men*; who but Servants can beſt tell of any Paſſages between their Maſter and others? I do take them to be upright and good Witneſſes; he that ſweareth Sir *James* took that Execration upon him (meaning God damn me) *that he was never a Peny better for his Money, my Lord Treaſurer had it all.* Add this to *Marſh*, *that my Lord Treaſurer could not ſleep till he had the Money*: And that of *Owen Brett*, it will add a little Grain to the Ballance, whom I do find no ways diſparaged. I do find it confirmed by *Turner*, that *Bagg* and *Lake* told *Jones*, (as *Jones* ſaid) that My Lord Treaſurer had the Money, and ſo *Jones* ſpared not to tell them his mind; and this ſpoken from a Man that was in a Conſumption, to another, I do crave pardon if I do not altogether decline this.

I do hold Sir *Anthony Pell* in this Cauſe ſo far from having an Impoſition of Fine *pro falſo clamore* or *non liquet*, as that I conceive he hath juſt cauſe for this Bill, and to hold Sir *James Bagg* guilty in this

An. 1635. this Cauſe foully. I do adjudge him to pay 5000 *l.* to the King, and Impriſonment during the Kings Pleaſure, and that in the *Tower*; and for the Offices which he doth hold, Two of great Truſt and Weight about the King, truly, my Lords, I know the King doth underſtand the worth and value of his Servants, as well as ever any King in Chriſtendome did; I will not take upon me the boldneſs to diſplace a Servant of the Kings, or take him from his Service, but in all humility ſhall offer my advice to His Majeſty, that I do not hold Sir *James* a fit Man to be truſted in a Place of that Importance, or to meddle with any Actions of the King, in which how he hath carried himſelf I know not; I ſhall leave your Lordſhips to conſider of the condition of the Treaſury.

I can do no leſs than adjudge *Bagg* to repay the 2000 *l.* which is not yet paid, and for which the Plaintiff is ingaged. I do find 500 *l.* paid to *Acton*, and ſince the Bill came in or about that time; and I do adjudge him to pay to the Plaintiff for Damages Fifteen Hundred Pounds.

Some Notes of my Lord of Canterburies *Cenſure.*

My Lords,

THis is a Cauſe of great danger, I ſhall be as ſhort as I can, (before I ſpeak of the Defendant) I ſhall ſpeak of the great Miniſter of State. If the Court think fit to leave it to my Lord of *Portland* to vindicate his Fathers Honour, I ſhall do ſo too. I do remember what both my Lord Chief-Juſtices have ſaid, whether this Charge can be ſevered from the Scandal or not? whether a neceſſity to name the Lord Treaſurer or not? I do conceive it to be unavoidable. If a neceſſity in uſing his name, then what fault in Sir *Anthony Pell?* If no neceſſity, I muſt condemn *Bagg* for being in a far greater fault, that by his open mouth ſo much vilified the Honour of the Name of my Lord Treaſurer. I deſcend to the delivery of my Judgment clearly, and am of opinion that my Lord Treaſurers Honour ſtandeth right in this Court, there being nothing by way of Proof or aſperſion that can faſten upon him. If any thing, it muſt ariſe from the Plaintiff, or from the Defendants. And I ſhall be as ready as any Man to protect the Honour of that great Lord, be it againſt *Pell* or *Bagg*, or whom-elſe ſoever. But (*My Lords*) if it be a fault in Sir *Anthony Pell* for the ſpreading of this, the fault muſt light upon Sir *James Bagg*, for he gave the occaſion of all theſe Reports.

My Lords,

Having, as far as lyeth in me, done the Duty I owe to the Dead, whom I hold to be clear in all, I ſhall fall upon the Particulars. Firſt, for the Examiner, I never knew ſo many groſs abuſes in any Cauſe by an Examiner, as in this. If this Courſe be held, any Cauſe of the Kings may be overthrown. Since I had the honour to ſit in this Court, never ſuch groſs abuſes were committed by an Examiner. That Order may be taken with this baſe Examiner, I hold him to be the moſt unworthy fellow, and a Cut-throat of any Mans Cauſe.

For Sir *Richard Tichburne*, I hold him innocent from any aſperſion; but I can give no reparation. What if Five or Six Defendants, and only Proof be brought againſt them, One or Two, ſhall this fall foul upon the Plaintiff for want of Proof?

For the Plaintiffs Debt, I ſhall not ſay any thing, nor think it a Crime, that *Pell* was delayed in the payment of his Money; for the King hath a great many very great publick and important occaſions, that he cannot pay all upon demand: And withall conſidering that the original Debt was but 7000 *l.* and it ſuddenly grew to above 13000 *l.* therefore the Lord Treaſurer had need to look about him. God forbid, that upon main occaſions, when the King promiſeth a Suit (perhaps directly) of ſo much Money, and is not preſently paid, that the King muſt pay Intereſt for this; this is no fair uſage of the King.

The thing that troubleth me is this, of the Attendants on the Lord Treaſurer. If the Lord Treaſurer have a near Kinſman, or Secretary, or any other imployed for him, if thoſe Men ſhall be corrupt, or do thoſe Acts which ſhall make the World believe it is ſo, it ſhall be as much as if they were really guilty. For by this means the People will run on with an opinion of Bribery and Corruption: They cannot have it out of this great Mans Hand, but they muſt go that way of Bribery to the Secretary for it. It ſhall not only bring great Men into deſpite, who perhaps never heard of it; but Men when they cannot have their Money without going this way, care not what they do.

Becauſe he nameth the great Officer in the Bill, is it a ſcandal? muſt this be a Terror to any Man for doing the Kings Service? Oh, but there is medling with the Kings Revenue! What hath Sir *Anthony Pell* to do with it? If there be but a poſſibility of fraud, ſhall the King have no Court of Juſtice to do him right? If it come to this paſs, that no abuſe concerning the Revenue muſt be queſtioned, the King ſhall never know what the Eſcheat is.

Here are four Defendants.

For Sir *Richard Tichburne*, the Lord Treaſurer had no diſhonour by him; a Gentleman of an ancient Family, and very worthy as any Man: therefore I ſhall concur, that the Sentence may be drawn up with a fair mention of his manifeſt Innocency throughout the Cauſe.

For the Second Defendant, Mr. *Gibbins*, I do clear him.

For the Third Defendant, his Secretary Mr. *Lake*, I an very ſorry to meet him here upon this occaſion, not that I ſhall Cenſure him, but yet ſomewhat ſticketh with me, and that is his Letter to Mr. *Bond*, that upon his Faith and Credit he had Aſſignments of 6000 *l.* in keeping for the Plaintiff. Should he be ſo adventurous as to write ſo without his Lords privity? It troubleth me the more, partly for the Proof of it, becauſe there are Six days between Sir *James Baggs* Advancement of 2000 *l.* and Mr. *Lakes* Letter to *Bond* to help Sir

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Anthony to 3000 *l.* therefore a fraud is contrived in ſome kind: Yet I ſhall acquit Mr. *Lake*, though I cannot think ſo well of him as I have done.

My Lords,

Now as for Sir *James Bagg*, I do not ſtand upon it, whether Sir *Anthony Pell* is damnified in this Buſineſs, yea or no? the Queſtion is, what fraudulent Practiſes here are by Sir *James Bagg*? And if there be but an Intention to do the ſame, I hold him as guilty as if he had done it. Joyn this together with his uſing of my Lord Treaſurers Name to lend theſe Monies, that ſo he might be inticed by that meerly to get the Aſſignments; I do hold this Practiſe to be criminal in this Court.

The Proof is, That he had Experience in Buſineſſes of this nature; he was to have but Seven Hundred Pounds for his pains. He muſt to *Wallingford-houſe*: though in anſwer to this it was wittily obſerved by Sir *James Bagg's* Council, this Conſtruction, (*ſenſu diviſo, ſenſu compoſito*) that he muſt pay the Money, and then preſently to *Wallingford-houſe* and pay the Money there.

If Two Witneſſes not concurring in Time and Place, yet if they concur in proving the Crime, they are of force to me, they all come home to this Plot and Practice. I ſhould be of opinion with my Lord of *London* if theſe things were ſeveral.

But conſider the Shooe-horne they draw on by the Name of the Lord Treaſurer, and the Plot will appear.

I find this Money pretended to be for my Lord Treaſurer, though it was never paid back again, nor ever tendred; and yet what a glorious defence at Bar was offered, that *Bagg* would not pay it till the Bill came in. For why? becauſe that the World ſhould not take notice, that he was afraid of the Bill. This is but a gloſs and weakning of himſelf. All the World may ſee, if it had not been for the Bill, Sir *Anthony Pell* ſhould never have had his Money. It is even as if one fall upon another in the High-way, and they rob him, and make him enter into Bond, that he will not queſtion him hereafter; and then others come and ſee them, then he that robbed him anſwers, Here is your Money, I did but borrow it. I conceive the getting of the Money by *Bagg* from *Pell* as bad, as if he had gone away with the Two Thouſand and Five Hundred Pounds.

I agree in one thing with my Lord *Finch*, That *Bagg* was a moſt unnatural Man, that had drawn *Two Thouſand Five Hundred Pounds* for the uſe of himſelf and his friends, from the Plaintiff: And whereas Sir *Anthony* was in a ſtrait how to advance *Three Thouſand Pounds*, that he ſhould be ſo hard-hearted, (that Two Thouſand Five Hundred Pounds being in his Hands) as not to help him at ſuch a time, I would have Sentenced him for this unnatural part alone: Poor Sir *Anthony* muſt ſuffer all this, while it is likely *Bagg* would never have been gull'd in a Buſineſs. He was an Ingenious Man, Sir *Anthony* was a ſingle plain Man.

If *Bagg* had put this Bill in, I ſhould have conceived the worſt of it; but I ſhall never believe poor Sir *Anthony* had in him that malice, as if *Bagg* had put it in: For his Councel to take Exceptions againſt Witneſſes at the Hearing, is of dangerous conſequence; any Cauſe of the Kings may be ſo ſpoiled. They ſay one of Sir

Anthonies witneſſes was but ſeventeen years of age; if it were ſo, yet he was of age enough to tell and receive mony. They except againſt them becauſe they are Sir *Anthonies* Servants. Who are ſo proper to be Witneſſes as his men? Why is here no exceptions taken to Sir *James Baggs* Witneſſes? for he had two Servants ſworn as well as Sir *Anthony*.

For Mr. *Eſcourt*, they ſay he was then preſent, and heard no ſuch words as *Marſh* ſweareth; that might be true, and he not hear, for they might be ſpoke and not in his hearing. What if *Pell* did fail in the proof of his Bill, not only in the matter but in the manner?

I will not look upon *Pell*, but upon the Publick: but I hold this proved both in matter and manner; for it would not have been ſufficient for *Pell* to have proved, he was coſened thus much, but in this *manner*. That which is worſt of all, and is ſo foul, that his Councel offered no defence at all, and that was *Baggs* own anſwer; where he ſweareth, that he never did deſerve any ſuch kindneſs of Sir *Anthony Pell* for to do ſo great Curteſie, as to lend him theſe monys. Look but upon, and ſee the many Letters he writ; *James Bagg, your moſt real Friend, your buſineſs will be better done if you leave it to your Friend* James Bagg. Here is his Hand againſt his Oath, and his Oath againſt his Hand. He was a moſt baſe fellow to ſay, *your moſt real Friend*, and to ſerve Sir *Anthony* as he did. I have now done with that bottomleſs *Bagg*, and my cenſure; I leave my Lord of *Portland* to do what he thinketh fit againſt him. I hold it as dangerous a practice of him as ever was in this kind. I fine him at 5000 *l.* and Impriſonment during the Kings pleaſure; and for his Office leave it to the Kings pleaſure: only pray, that a man whoſe Hand and Oath cannot be taken may not be in truſt, eſpecially in places concerning His Majeſty. The Plaintiff hath a loſs perſonal and real, and ingaged himſelf in many thouſand pounds for the obtaining of mony, therefore I fine *Bagg* 500 *l.* damages to Sir *Anthony Pell*.

The Lord *Cottington*, who firſt began according to the courſe of the Court, was of opinion Sir *James Bagg* ought to be acquitted, and Sir *Anthony Pell* to be cenſured *pro falſo Clamore*, for caſting an aſperſion upon my Lord Treaſurer, by putting thoſe paſſages of ſcandal into his Bill.

And the Earl of *Dorſet* declared he did not think it to be a crime for a Courtier that comes up to Court for His Majeſties ſervice, and lives at great expence in his attendance, to receive a reward to get a buſineſs done by a great man in Power, and was of opinion with my Lord *Cottington*, to fine the Plaintiff *pro falſo Clamore*.

An. 1635.

The Biſhop of *Canterburies* Letter to the Arch-Biſhop of St. *Andrews* in *Scotland.*

My very good Lord,

F*Or the Particulars entruſted by the Church to the Lord Biſhop of* Brechen, *and namely about the* Abbacie of Lindores, *you muſt expect them from the Lord Biſhop himſelf, and from ſuch relations as you will receive by my Lord and the Earl of* Traquair. *Now at this time you ſhall receive nothing, but that which is commanded me by the King, and muſt be my part to act in the preſent and future buſineſs for the Church of* Scotland.

My Lord, For the preſent the King is reſolved, upon ſome great reaſons of State, which have prevailed with him, not to meddle with the Abbacy *of* Lindores, *or any other of that nature, as yet, but to leave them in that ſtate in which they now are, till ſuch time as he may conſider the Decrees, and the Act or Acts of Parliament which concern them; and till he can find a way to order them better, both for his own profit, and the contentment of His people there: aſſuring you in the mean time, that both in this and all other buſineſs, he will be very careful both of the credit, and of the maintenance of the Church; whereof if your ſelf or any other Biſhop or Clergy-man, ſhall make doubt, I am commanded to tell you, that therein you will not only do His Majeſty wrong, but hurt your ſelves and the Church, which you ſeek to benefit. And in this very particular, you are to know, and make known to others, that it is not the diſlike of any perſon or perſons, or of the thing it ſelf, that cauſes this preſent ſtay, but reaſon of ſtate only, and the care which the King hath that all proceedings may go on according to Law. As for the Biſhopricks His Majeſty will take their wants into as Provident care as he can, and hath ſetled* Arbroth *upon the Biſhoprick of* Brechen, *but in what form I am not able to tell you, as not being ſo well acquainted with the Cuſtoms and Conſtitutions of that Kingdom, and therefore leſt I ſhould miſtake in any circumſtance, I leave that wholly to the Biſhops own Relation.*

For all the buſineſs of that Church in future, which muſt come to the Exchequer or any other publick Audience, or any other buſineſs that may reflect upon the Church, or any thing that belongs to the Kings ſervice, in which Church-men are truſted, you are immutably to hold this Rule, and that by his Majeſties ſtrict and moſt ſpecial Command, namely that your ſelf, or the Lord Roſs, *or both of you together, do privately acquaint the Earl of* Traquair *with it, before it be propoſed in publick, either at the Council-Table, or the Exchequer, or elſewhere: and the Earl hath aſſured the King in my preſence that he will ſtrictly obſerve and hold the ſame correſpondency and courſe with you; and further, that he will readily and faithfully do all good Offices for the Church, that come within his power, according to all ſuch Commands as he ſhall receive, either immediately from the King, or otherwiſe by direction of his Majeſty from my ſelf. And if at any time your Lordſhips, and my Lord* Traquair *ſhall upon any of the forementioned buſineſs ſo differ in Judgement, that you cannot accord it among your ſelves, let it reſt, and write up either to His Majeſty, or to my ſelf, to move His Majeſty*

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ſty for further direction, which once received you are all to obey, that ſo this little unhappy difference, which lately aroſe about Lindores, *may be laid aſleep; and that no other may hereafter riſe up in the place of it, to diſturb either the Kings or the Churches ſervice, or diſorder any of your ſelves, who are known to be ſuch careful and direct Servants to both. And to the end this may go on with better ſucceſs, His Majeſty preciſely commands, that this mutual Relation between the Earl of* Traquair *and you, be kept very ſecret, and made known to no other Perſon, either Clergy or Laity, for the divulging of theſe things cannot but breed Jealouſies amongſt men, and diſſervices in regard of the things themſelves; and therefore the King bids me tell you, that he ſhall take it very ill at his hand, whoever he be, that ſhall not ſtraightly obſerve theſe his directions. This is all which I had in command to deliver to you, and I ſhall not mingle with it any particulars of my own; therefore wiſhing you all Health and Happineſs, and good ſpeed in your great affairs, I leave you to Gods Bleſſed Protection, and reſt,*

Your Graces very Loving Friend
Novemb. 10. 1635. and Brother,
W. Canterbury.

December 1.
The Arch-Biſhop of *Canterburies* Letter to the Lord Arch-Biſhop of St. *Andrews.*

My very good Lord, S. *in Chriſto.*

I Have but one thing at this preſent to trouble you with, but that hath much diſpleaſed the King, and not without very juſt cauſe; for now while the King is ſetling that Church againſt all things that were defective in it, and againſt the continuance of all unwarrantable cuſtoms unknown to, or oppoſed by the ancient Church of Chriſt, the now Biſhop of Aberdeen, *hath given way to, and allowed a* publick Faſt *throughout his Dioceſs, to be kept upon the Lords-Day, contrary to the Rules of Chriſtianity, and all the ancient Canons of the Church. I was in good hope that Church had quite laid down that Ill-Cuſtom: but ſince it appears the now Biſhop of* Aberdeen *hath continued it, and perhaps others may follow his example, if this paſs without a check; therefore His Majeſties Expreſs Will and Command to your Grace is, That you and my Lord* Glaſcow, *take order with all the Biſhops in your ſeveral Provinces reſpectively, that no man preſume to Command, or Suffer any Faſt to be upon that day, or indeed any publick* Faſt *upon any other day without the Spetial Leave and Command of the King, to whoſe Power it belongs, and not to them. And further His Majeſties Will and pleaſure is, that if the Canons be not already Printed (as I preſume they are not) that you make a Canon purpoſely againſt this unworthy Cuſtom, and ſee it Printed with the reſt; and that you write a ſhort Letter to the Biſhop of* Aberdeen, *to let him underſtand how he hath over-ſhot himſelf, which Letter you may ſend together with theſe of mine, if you ſo pleaſe. This is all which for the preſent I have to trouble you with; therefore leaving you to God's Bleſſed protection, I reſt*

Your Graces very Loving
Friend and Brother,
Will. Canterbury.

An. 1635.

Mr. Chancey queſtioned in the High-Commiſſion.

Mr. *Chancey* Miniſter of *Ware* in *Hertfordſhire* for oppoſing the making of a Rail about the Communion-Table in that Pariſh-Church, as an Innovation and Snare to mens Conſciences, was brought into the High-Commiſſion, and there pronounced guilty of contempt of Eccleſiaſtical Government, and raiſing a Schiſm; and was ſuſpended from his Miniſtry, till he ſhould make in open Court a Recantation after a preſcribed form, acknowledging his great offence in uſing the invective Words, and proteſting that he was perſwaded in his Conſcience, that kneeling at the Sacrament was a Lawful and Commendable Geſture, that the Rail ſet up in the Chancel with a Bench thereunto annexed, for kneeling at the Holy Communion, was a decent and convenient Ornament, and promiſing never by Word nor Deed to oppoſe either that, or any other Laudable Right and Ceremony preſcribed in the Church of *England.*

He is condemned in great coſts of Suit, and was impriſoned till he paid the ſame, or performed the order of the Court.

Afterwards Mr. *Chancey* having made the enjoyned Recantation, was diſmiſſed with a judicial admonition given by the Arch-Biſhop to live Peaceably and Conformably to the Doctrine, Diſcipline and Ceremonies of the Church of *England*, and neither by Word nor Deed to oppoſe, or to bring into a diſeſteem any of them.

January 19. Againſt Hackney-Coaches in and about *London*, giving diſturbance in the Streets.

The Kings Majeſty took into conſideration, the reſtraint of the multitude and promiſcuous uſe of Coaches about *London* and *Weſtminſter*. His Majeſty perceiving that of late the great numbers of Hackney-*Coaches* were grown a great diſturbance to the King, Queen and Nobility through the Streets of the ſaid Citys, ſo as the common paſſage thereby was hindred, and made dangerous, and the Rates and Prices of Hay and Provender, and other Proviſions of the Stable thereby made exceeding dear, hath thought fit, with the advice of His Privy-Council, to publiſh His Royal Pleaſure for Reformation therein; and therefore doth Command and Forbid, that from the Feaſt of St. *John* the Baptiſt next coming, no Hackney, or hired Coach, or Coaches be uſed or ſuffered in *London*, or *Weſtminſter*, or the Suburbs or Liberties thereof, except the ſame Hackney-Coach or Coaches be to travel at the leaſt three miles out of *London* or *Weſtminſter*, or the Suburbs thereof, or farther. And alſo that no Perſon or Perſons ſhall go in a Coach in the Streets of *London* or *Weſtminſter*, or Suburbs or Liberties thereof, except the Owner of the ſame Coach ſhall and do conſtantly keep within the ſaid Cities and Suburbs thereof four ſufficient able Horſes or Geldings fit for His Majeſties Service, whenſoever His Majeſties occaſions ſhall require them, upon great Penalties contained in the ſaid Proclamation; and for the due execution thereof, His Majeſty doth Command all Juſtices of Peace, Majors, Bailiffs, Conſtables of the ſaid Cities and Suburbs, to be aiding and aſſiſting, whereby ſuch as wilfully do offend in the Premiſes, may be brought and preſented to His Majeſties Privy-Council, to be proceeded againſt according to the demerits of the Offenders.

It is worth obſervation, that in the firſt year of the Reign of King *Charles*, no Hackney-Coaches did ſtand in the Streets, but at their Stables, and they were ſent unto to come abroad by thoſe who had occaſion to uſe them: and there were not above twenty Hackney Coaches at that time, to be had for hire in and about *London*.

The grave Judges of the Law conſtantly rid on Horſeback, in all weathers, to *Weſtminſter*: All Lawyers in thoſe days pleaded in Ruffs, falling-bands came afterwards in faſhion.

February 1. **The Priſing of Wines.**

THe King by the advice of His Privy-Council, according to a Statute made in the fourth year of King *Edward* the third did publiſh and declare, that for one year following, *Canary-Wines*, *Muſcadels* and *Alicant* be ſold in groſs at 17 *l.* the Pipe, and at 12 *d.* the Quart; *Sacks* and *Malagoes* at 15 *l.* the But in groſs, and 10 *d.* the Quart by retail; *Gaſcoin* and *French Wines* at 18 *l.* the Tun; the *Rochel-Wines* at 15 *l.* the Tun, and at 6 *d.* the Quart by retail.

February 25. A Proclamation for the ſuppreſſing of *Felons and Out-laws, their Aydets & Abettors*, by bringing them to be anſwerable to the ſeveral Laws of the ſeveral Realms of *England* and *Scotland*.

WHereas the Kings Majeſty was informed by the Chief Landlords and Inhabitants of the Lands and Poſſeſſions next adjoyning to the Out-bounds of his Kingdoms of *England* and *Scotland*, that by the great and general Intercourſe, ſecret Practiſes and Combinations of Out-Laws, Felons and Malefactors of both thoſe Kingdoms, divers and ſundry Outrages and Felonies have been by them committed; The King hereupon taking into His Princely Conſideration the reformation of ſuch Miſchiefs; and calling to mind that ſundry the Chief Landlords of the Lands and Poſſeſſions next adjoyning to the Frontiers of the ſaid two Kingdoms, were contented to undertake to King *James*, that thoſe Tenants under them ſhould be anſwerable to the Kings Laws for any Felony or Capital Crime they ſhould be charged with; and if the Party Delinquent ſhould happen to fly, before he, or they ſhould be apprehended, and the Party grieved ſhould by courſe of Law Indict and Convict the Party or Parties Delinquent of the ſaid Felony or Felonies, that then the ſaid Landlord, to whom the Forfeiture of ſuch party Convicted ſhould accrew, ſhould make Reſtitution to the Party Grieved of ſuch Goods as were ſtolen from him by the ſaid Party or Parties Convicted; the ſaid Landlord being Authoriſed himſelf and Officers to ſearch for, and apprehend any Felons, Fugitives, Abettors, Out-putters, or any ſuſpected Perſons ſecretly lurking, remaining, or being within the ſaid Landlords Bounds or Limits, and him, or them to bring to anſwer to the ſeveral Laws of the Land: of which ſaid Undertaking the King did well approve; and did therefore command all Chief Landlords in the Counties of *Cumberland* and *Northumberland*, to put the ſame in Execution, to the utmoſt of their Power.

Titles of Proclamations for the Year 1635.

Whitehall the 11th day of April.

A *Proclamation prohibiting the uſe of the* Net *or* Engine; *called a Trawle.*

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Oatelands *the 21ſt day of* July.

A Proclamation to reſtrain the Kings Subjects departing out of the Realm *without Licenſe.*

Oatelands *the 26th day of* July.

A Proclamation for the ſuppreſſing of profane Swearing *and* Curſing.

Oatelands *the 28th day of* July.

A Proclamation for the better ordering of thoſe who repair to the Court, for their Cure of the Diſeaſe called the King's Evil.

Bagſhot July *the 31ſt.*

A Proclamation for the ſetling of the Letter-Office *of* England *and* Scotland.

Oatelands *the 24th day of* Auguſt.

A Proclamation declaring His Majeſties Royal Grace and Pleaſure to confirm to His Subjects their defective Eſtates *in their Lands and Poſſeſſions* by his Commiſſion *lately renewed and enlarged to that Purpoſe.*

Windſor *the 6th day of* September.

A Proclamation for preventing of Abuſes of Informers, *Clarks, and others in their* Proſecutions *upon the Laws, and Statutes of this Realm.*

Hampton-Court *the 30th day of* September.

A Proclamation Prohibiting the Importation of Purles, Cut-works, Bonelaces, *made in foreign Parts, and for the* ſealing *of ſuch as are made within the Realm of* England *and Dominion of* Wales.

Royſtone the *14th day of* October.

A Proclamation prohibiting the Importation of all ſorts of Glaſs *whatſoever made in Foreign Parts.*

Hampton-Court *the 1ſt. day of* November.

A Proclamation to Reſtrain the Landing of men; goods, out of ſuch Ships as ſhall come from the parts of France, *or the* Low-Countries, now infected *with the Plague, till they have warrant from the Officers or Farmers of His Majeſties Cuſtomers.*

Hampton-Court *the 1ſt. day of* November.

A Proclamation for reſtraint of Exceſſive Carriages *to the deſtruction of the* High-Ways.

Whitehall *the 18th day of* January.

A Proclamation for the reſtraint of the Conſumption of the Coyn *and* Bullion *of this Realm, and the deceitful making of* Gold and Silver Thread, *and for the regulating thereof for the time to Come.*

Weſtminſter *the 19th day of* January.

A Proclamation for the reſtraint of the Multitude and Promiſcuous uſe of Coaches *about* London *and* Weſtminſter.

New-market *the 1ſt day of* February.

A Proclamation for the Priſing *of* Wines.

Weſtminſter *the 25th day of* February.

A Proclamation for the ſuppreſſing of Felons *and* Out-laws, *their Aiders and Abettors, by bringing them to be anſwerable to the ſeveral Laws of the ſeveral Realms of* England *and* Scotland.

Whitehall *the 1ſt day of* March.

A Proclamation concerning Farthing-Tokens.

Hiſtorical Collections

for the Year, 1636.

The Arch-Biſhop of Canterburies *Diary.*

April 7. The Arch-biſhop of *Canterburies* Diary.

T*Hurſday,* ~~the~~ Bill came in this day that Two dyed of the Plague at *White-Chappel*, God bleſs us through the Year.

May 16. *Monday*, the ſettlement between *L. M. St.* and me: God bleſs me.

May 17. *Tueſday*, I viſited the Dean and Chapter of St. *Pauls London*, &c.

May 19. *Thurſday*, the Agreement between me and *L. K. Ch.* which began very ſtrangely, and ended juſt as I thought it would.

June 21. *Tueſday*, my Hearing before the King about my Right to viſit both the Univerſities *jure Metropolitico*, it was ordered with me; the Hearing was at *Hampton-Court*.

June 22. *Wedneſday*, the Statutes of *Oxford* finiſhed, and publiſhed in Convocation.

Auguſt 3. *Wedneſday*-night towards the morning, I dreamed *L. M. St.* came and ſhewed me all the Kindneſs I could aſk, and that *Thurſday, Auguſt* 4. he did come and was very kind towards me, *ſomniis tamen haud multum fido*.

Auguſt 19, *Friday*, I was in great hazard of breaking my Right-Leg.

Auguſt 19 *Monday*, King *Charles* and Queen *Mary* entred *Oxford*, being to be there entertained by me as a Chancellor of the Univerſity.

Auguſt 30. on *Tueſday* I entertained them at St. *Johns* Colledge, it was St. *Felix* his day, and all paſſed happily. *Charles* Prince-Elector-Palatine, and his Brother Prince *Rupertus* was there; theſe Two were preſented in Convocation, and with other Nobles were made Maſters of Arts.

Wedneſday Auguſt 31. they left *Oxford*, and I returned homewards the day after, having firſt entertained all the Heads of Houſes together.

October 14. *Friday*-night I dreamed marvelouſly that the King was offended with me, and would caſt me off, and tell me no cauſe why: *Avertat Deus*, for cauſe I have given none.

November 20. *Sunday*-night my fearful dream, Mr. *Cob* brought me word, *&c.*

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December 24. *Saturday* at night, *Chriſtmas-Eve*; that night I dreamed I went to ſeek *M. St.* and found him with his Mother ſitting in the room, it was a fair Chamber, he went away, and I went after, but miſſed him, and after tired my ſelf extreamly; but neither could I find him, nor ſo much as the Houſe again.

March 26. To Inroll *Mare Clauſum.*

HIs Majeſty this day in Council taking into Conſideration a Book lately Publiſhed by *John Selden* Eſq; Intituled *Mare Clauſum, ſeu de Dominio Maris,* written by the Kings Command, which he had done with great Induſtry, Learning and Judgment, and hath aſſerted the Right of the Crown of *England* to the Dominion of the *Brittiſh* Seas. The King requires one of the ſaid Books to be kept in the Council-Cheſt, another in the Court of *Exchequer*, and a third in the Court of Admiralty, as faithful and ſtrong Evidence to the Dominion of the *Brittiſh* Seas.

April 5. Mariners.

THe Kings Majeſty being informed, that divers Marriners being Preſſed for His Service at Sea, have lately withdrawn themſelves from His Majeſties Ships, and are entertained by Merchants and others, doth require and command, That all ſuch Marriners do immediately repair to His Majeſties Service, for which they are or ought to be entertained for His Majeſties uſe. And the King doth inhibit and forbid all Merchants and Maſters of Ships whatſoever, to receive or continue any Mariner in their Service, who have deſerted the Kings Ships.

April 7. Plague.

THurſday the 7*th* of *April*: The Bill came this day, that Two dyed at *White-Chappel* of the Plague; and it appears by the Bill of Mortality given in *December* this Year, that there dyed in the whole of the Plague to the number of

His Majeſty, as to Mare Clauſum, *further expreſſeth His Pleaſure on the* 15th *of* April.

April 15.

Mare Clauſum Printed beyond Sea.

‘WHereas there was heretofore by the Kings Command Publiſhed a Book Intituled *Mare Clauſum, ſeu Dominio Maris,* for the manifeſting of the Right and Dominion of the King and His Royal Progenitors in the Seas, which incompaſs the Realms and Dominions of *Great Brittain* and *Ireland*. And whereas, ſince the Publiſhing thereof, ſome have cauſed the ſaid Book to be Printed in ſome Place beyond the Seas, and to the ſaid Impreſſion have added more than what was therein printed at firſt, and hath falſly put in the name of the City of *London* for the place of the Impreſſion.

‘The King doth require, that no perſon whatſoever, do, or ſhall import, publiſh, ſet to ſale, any of the ſaid Books of the ſaid Forreign Edition, either in *Latin* or *Engliſh*, except only ſuch as have, or ſhall be licenſed by the Laws and Cuſtoms of this Realm.

April 18. An Order againſt counterfeit Jewels.

THe Kings Majeſty having taken into conſideration the great quantity of Money exhauſted from His Subjects, and exported out of His Dominions into Forreign Parts for counterfeit Jewels, of Pearl, Pendants, Chains, and falſe Stones, carrying only a ſhew and ſemblance of Precious Stones, Pearls and Jewels. Doth, by the Advice of His Privy-Council, charge and command, That from henceforth no Perſon or Perſons whatſoever, do wear or uſe any counterfeit Jewels, Pearls, Pendants, Chains, or falſe Stones, upon pain of Forfeiture of the ſame, and ſuch other Pains as ſhall be inflicted upon them.

Upon the 19th *of* April *His Majeſty, as to the Liturgie deſigned for* Scotland, *thus expreſſed His Pleaſure*

Liturgy in *Scotland.*

Charles Rex,

‘I Gave the Arch-biſhop of *Canterbury* Command, to make the Alterations expreſſed in this Book, and to fit a Liturgy for the Church of *Scotland*; and whereſoever they ſhall differ from another Book Signed by Us at *Hampton-Court*, *September* 28. 1634. Our Pleaſure is, to have theſe followed rather than the former, unleſs the Arch-biſhop of St. *Andrews*, and his Brethren, who are upon the Place, ſhall ſee apparent reaſon to the contrary.

April 22. Plague.

THe Kings Majeſty finding, that the Infection of the Plague hath begun to break forth in ſome Places, near unto the City of *London*, and ſome other Parts of the Kingdom:

Doth, out of a provident Care, and for the ſafety of his People, (a timely uſe of good means being required to prevent the diſperſing thereof) take notice, that in the time of the laſt Plague, there were divers good Orders publiſhed, with Rules preſervative, and Directions againſt the Infection; His Majeſty is pleaſed that the ſaid Orders, Rules and Medicines ſhall be again now publiſhed and renewed. And doth therefore require all Juſtices of Peace, Majors, Sheriffs, and other Officers and Miniſters, to take knowledge of His Majeſties Pleaſure herein: and that every one in their ſeveral Places, where the Infection ſhall happen to be, uſe all care and endeavours effectually to prevent the ſpreading of the ſame.

1. *May* 1636. To prevent the *Printing of Books beyond Sea*, which were firſt Printed at the Univerſities in *England.*

‘THe King doth declare His Pleaſure, That whereas in His *Univerſities* of *Oxford* and *Cambridge*, and in His City of *London*, divers Books not elſe-where Printed and Publiſhed, at the Coſts and care of ſome of the Kings Subjects, and afterwards ſome of the ſaid Books have been re-printed in the Dominion of Forreign Princes, or States, and from thence Imported, and put to Sale here; by which the Subjects (at whoſe Coſt the firſt Impreſſion was made) have been much prejudiced in the Sale of ſuch their ſaid Impreſſion.

‘The King being deſirous to give ſpecial encouragement to all good and lawful endeavours, uſed to advance good Arts and Learning, and to prevent the like Importation, doth charge and command,

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'mand, That no perſon whatſoever ſhall import into the Realm of '*England* or *Ireland*, or Dominion of *Wales*, out of the Dominions 'of any Forreign Prince, or ſhall offer to put to Sale any Forreign 'Edition, or any Books or Copies, either in *Latin* or *Greek*, or in 'the *Hebrew*, *Caldea*, *Syriack*, and *Arabick* Tongues; the firſt Edi'tion of publiſhing whereof hath been firſt come out of any Preſs 'or Houſe of Printing in the ſaid Univerſities, or out of the 'City of *London*.

The King appeared this Year with a formidable *Armado* in the Narrow-Seas, *Algernoune* Earl of *Northumberland* being Admiral, had 60 Sale under his command, who ſet out from the *Downs* towards the *North*, where the *Dutch Buſſes* were Fiſhing upon the Coaſts of the Iſles, part of the King of Great *Britain's* Dominions; but the Admiral requiring them to forbear, they ſeemed indiſpoſed thereunto; whereupon the Admiral fired at them; ſome of them were taken, other ſunk, and the reſt fled: And the *Dutch* immediately hereupon prevailed with the Admiral to mediate with the King, that they might by His Permiſſion go on this Summer to Fiſh upon the Coaſts, and agreed to give the King for this Year 30000 *l.* which was paid accordingly; and the *Dutch* expreſſed their willingneſs to obtain a Grant from the King, for their Permiſſion to Fiſh for time to come, paying a yearly Tribute.

His Majeſty thought fit at this time to declare His Pleaſure for Reſtraint *of* Fiſhing *upon His Majeſties Seas and Coaſts without Licence.*

10. *May* 1636.

'WHereas King *James* did, in the Seventh Year of His Reign 'of Great *Britain*, ſet forth a Proclamation touching Fiſh'ing; whereby, for the many important Reaſons therein expreſſed, 'all Perſons of what Nation or Quality ſoever, (being not His Na'tural-born Subjects) were reſtrained from Fiſhing upon any the 'Coaſts and Seas of *Great Britain*, *Ireland*, and the reſt of the '*Iſles* adjacent, where moſt uſually heretofore Fiſhing had been, 'until they had orderly demanded and obtained Licences from the 'ſaid King, or His Commiſſioners in that behalf, upon pain of ſuch 'chaſtiſement as ſhould be inflicted upon ſuch wilful Offenders: 'Since which time, albeit neither the ſaid King, nor His Majeſty 'have made any conſiderable execution of the ſaid Proclamation, 'but have with much patience expected a voluntary conformity of 'His Neighbours and Allies to ſo juſt and reaſonable Prohibitions 'and Directions, as are contained in the ſame.

'And now finding by experience, that all the inconveniences 'which occaſioned that Proclamation, are rather increaſed than 'abated: His Majeſty being very ſenſible of the Premiſſes, and well-'knowing how far he is obliged *in Honour to maintain* the Rights of 'His Crown, eſpecially of ſo great conſequence, has thought it 'neceſſary, by the advice of His Privy-Council, to renew the afore'ſaid Reſtraint of *Fiſhing*, upon His aforeſaid Coaſts and Seas, '*without Licence firſt obtained from Him*; and by theſe Preſents do ‘make publick Declaration, That His Reſolution is, (at times convenient) to keep ſuch a competent ſtrength of Shipping upon His Seas, as may (by Gods Bleſſing) be ſufficient both to hinder ſuch further encroachments upon His Regalities, and aſſiſt and protect thoſe His good Friends and Allies, who ſhall henceforth, by vertue of Our Licences, (to be firſt obtained) endeavour to take the benefit of Fiſhing upon His Coaſts and Seas in the Places accuſtomed.

16. May 1636. The King inhibits the Importation of Whale-Oyl or Whale-Fins.

‘WHereas His Majeſty King *James*, by His Proclamation dated the 18*th* of *May*, in the 17*th* Year of His Reign, for the incouragement of His Subjects, the Company and Merchants Trading for *Muſcovy*, *Greenland*, and the Parts adjoyning, commonly called the *Muſcovy-Company*, did inhibit the Importation of Whale-Fins by any perſon, other than by that Company:

‘The King being now minded to give the like incouragement, which, by the increaſe of Navigation, conduceth much to the common Good of the King and People, doth now think fit to prohibit all Aliens, and Strangers whatſoever, as well as the Kings Natural-born Subjects, that they, nor any of them, other than the *Muſcovy* Merchants, only Import, or bring any Whale-Oyl or Whale-Fins into any of the Kings Dominions, upon penalty of forfeiture of the ſame, and upon pain of ſuch other puniſhment as by the Court of *Star-chamber* ſhall be thought fitting, and that none do preſume to buy, utter, ſell, barter, or contract for any Whale-Oyl or Whale-Fins of any others than of the *Muſcovy*-Merchant.

27. May 1636. The King by Two Proclamations *Adjourns* part of *Trinity-Term*.

‘THe Kings Majeſty finding that the Infection of the *Plague* is at this preſent ſcattered and diſperſed in the Cities of *London* and *Weſtminſter*, and the Suburbs of ſome Pariſhes adjoyning to the ſame, and weighing the danger and inconvenience, which may fall out by the reſort of His Subjects from all Parts of the Kingdom to His Cities of *London* and *Weſtminſter*, for their neceſſary Cauſes and Suits the next Term, hath thought fit, by the advice of His Privy-Council, to *Adjourn* ſome part of *Trinity-Term* next, from the ſecond Return thereof, until *Tres Trinitatis*, being the laſt Return of the ſame; and that to be for ſuch Cauſes as are hereafter expreſſed.

‘See this Proclamation at large in the Appendix.

June. 1636. Trin'-Term. Sir *R. B.* Knight refuſed to let the Caſe of Ship-money be argued.

WHereas *Richard Chambers* Merchant, having commenced a Suit for Treſpaſs and falſe Impriſonment againſt Sir *Edward Bromfeild*, for impriſoning him the ſaid *Chambers*, for refuſing to pay *Ship-money* in the time that Sir *Edward Bromfeild* was Lord Major of the City of *London*; in which Suit the ſaid Sir *Edward Bromfeild* did make a ſpecial Juſtification: Sir *R. B.* Knight being then one of the Juſtices of the Court of *Kings-Bench* in *Trinity-Term* 1636. then ſitting on the Bench in the ſaid Court, upon debate of the ſaid Caſe between the ſaid, *Chambers* and Sir *Edward Bromfeild*, ſaid openly in Court, That there was a *Rule of Law*, and a *Rule of Government*, and that many things which might not be done by the Rule of Law, might be done by the Rule of Government, and

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and would not ſuffer the Point of Legality of *Ship-money* to be argued by *Chambers* his Councel.

June 6. The opinion of all the Judges, whether the Books written by *Burton* and *Baſtwick* did amount to High-Treaſon

Upon *Tueſday* the *6th* of *June* 13 *Caroli*, all the Judges met at *Serjeants-Inn*, and all the Kings Council, about ſeditious Books written and diſperſed by Mr. *Burton*, and Dr. *Baſtwick*. After ſeveral Speeches made by the Kings Councel, endeavouring to prove that there were divers Paſſages in the Books that amounted to High-Treaſon: The Judges in their abſence debated the Buſineſs, and reſolved as followeth.

1. That if there were any thing in the Books that amounted to Treaſon, no Indictment would be found good for Treaſon, unleſs it was grounded upon the Statute of 25 *Edw.* 3. either for compaſſing the Kings Death, or imagining the ſame, or elſe for levying of War.

2. If any Man ſeditiouſly, maliciouſly, and of purpoſe to raiſe Rebellion, and to incite Rebellion, did take Arms to reduce the courſe of Government, of the State, either Eccleſiaſtical or Civil, and thereby to compaſs the Kings deſtruction, this was Treaſon.

3. That the Indictment was to be framed upon the ſaid Statute of 25 *Edw.* 3. and further the Judges went not that day. And this was delivered by the Lord Chief-Juſtice to the King and Council, and ſo they parted at that time.

About this time the *New-Statutes* for the Univerſity of *Oxford* were finiſhed and publiſhed in Convocation.

The Preface to thoſe Statutes diſparaged King *Edwards* Times and Government, declaring, that the Diſcipline of the Univerſity was then diſcompoſed and troubled by that Kings Injunctions, and the flattering novelty of the Age, and that it did revive and flouriſh again in Queen *Maries* days, under the Government of Cardinal *Poole*; when, by the much to be deſired felicity of thoſe Times, an in-bred Candor ſupplied the defect of Statutes.

THis ſame Year there aroſe a Difference between the Arch-biſhop and the Two Univerſities, *Oxford* and *Cambridge*, concerning the Right of Viſiting thoſe Univerſities; the Arch-biſhop claiming it *Jure Metropolitico*, and they Pleaded that it was ſetled in the King alone, as King, and their Founder. This Cauſe came to a Hearing before His Majeſty, ſitting in Council; Sir *John Banks* the Kings Attorney-General Pleading for the Arch-biſhops Right, and the Kings; the King then in Perſon arguing and giving Judgment againſt himſelf.

The Buſineſs debated in the Kings Preſence.

At *Hampton-Court*, on the 21*ſt* of *June*, the King and Council being ſat, the Lord Arch-biſhop ſtanding at the Right-Hand of the King, ſpake to this effect. That by Letters he had acquainted the Two Univerſities, that he conceived he had power to Viſit them, as being within his Province, and Metropolitical Juriſdiction, and deſired to know their Anſwers. To this a civil Anſwer was returned, both from *Oxford* and *Cambridge*, That to yield to ſuch a Propoſition by their own Power, without a Command from His Majeſty, were a wrong to the Univerſities. Thereupon he delivered a Petition to His Majeſty, and deſired a Gracious Hearing; and now he humbly beſought His Majeſty to do him the favour to hear this Cauſe; for the Church of *England* ſhould never be able to ſettle things right without ſome Power over the Univerſities.

Then the Earl of *Holland*, Chancellor of the Univerſity of *Cambridge*, ſtanding at the Left-Hand of the King, ſpake, and ſaid, That he hoped His Majeſty would not ſuffer that Univerſity to loſe its ancient Priviledge; it being never wont to be Viſited, ſave by His Majeſty, and thoſe by Commiſſion from him, and ever exempted from the Viſitation of any Biſhop or Arch-biſhop.

The Kings Attorney argueth for the Arch-biſhop.

Then the Attorney-General argued, as followeth.

The Queſtion in ſhort is, whether the Arch-biſhop of *Canterbury*, as Metropolitan, ought to Viſit the Univerſities of *Oxford* and *Cambridge*, as being within his Province? This doth no way intrench upon Your Majeſty, for it muſt be acknowledged, that Your Majeſty is the Supreme Ordinary, and hath Supreme Juriſdiction, and may Viſit both Univerſities by Your Commiſſion, notwithſtanding You may do it by Your Lord Arch-biſhop; this is an undoubted Right. My Lord Arch-biſhop hath a double Capacity; the one as Arch-biſhop, the other as Chancellor of *Oxford*. He deſires to do equal Juſtice, and to offer no otherwiſe to that Honourable Perſon, the Chancellor of *Cambridge*, than to himſelf. Biſhopricks and Arch-biſhopricks are all of them of Your Majeſties, and Your Royal Progenitors Foundation, originally Donative, long before the Conqueſt, and before time of memory: And as ancient as the Arch-biſhop is, ſo ancient is the Juriſdiction. The Viſitation of the Arch-biſhop is of Common Right, and not of ſpecial Perſons, but of the Clergy, and the People in all Cauſes that be Eccleſiaſtical, and in all Places within his Province, without any manner of Exception. By the Statute of 21 *H.* 8. it doth appear, that all Houſes of Religion, all Colledges, *&c.* are within the Viſitation of the Arch-biſhop of the Province. And by another Statute expreſs Proviſion is made, that in all Places, as well exempt, as not exempt, the Arch-biſhop ſhall have Power to Reform, and puniſh thoſe that do ought againſt the Orders of the Church, Common-Prayer, *&c.* 13 *Eliz.* a Statute which confirmeth the 39 Articles, entruſteth the Lord Arch-biſhop to ſee the Doctrine of the Church maintained. It will appear, that in the time of *Edw.* 1. *Rich.* 2. *Edw.* 4. the Arch-biſhop Viſited the Univerſity in his own Metropolitical Right, and not by any *Bull* from the *Pope*; and there is as urgent neceſſity in theſe Times. Many things may be omitted by the Chancellors, that are commonly great Men, and many things to be Reformed concerning the Adminiſtration of the Sacraments, and the Orders of the Church. In *Cambridge* there may be Chappels that were never yet Conſecrated. In the review of all Eccleſiaſtical Laws appointed by Act of Parliament in the Times of *H.* 8. and *Edw.* 6. which ſhew the opinion of the Times; it appeareth expreſly, there ſhould be no Exemption of Colledges from the Arch-biſhop's Viſitation.

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Sir *John Lamb* ſeconds the Kings Attorney.

Sir *John Lamb* ſeconded the Kings Attorney, and ſaid, The Archbiſhop Viſiteth of common Right, and the Univerſities are parts of his Province, and the Burthen is caſt on the other ſide to prove the Exemption. That in Cauſes handled in the Univerſities they had a Remedy to appeal to the Arch-biſhop, who heard the Complaints of the Parties, and Viſited them; this he ſaid he would ſhew by Record, which had been kept many Hundred Years.

Hereupon His Majeſty commanded the Univerſities to ſhew their Exemption, and propoſed that one ſhould ſpeak for both; but it was anſwered, that the Defences for both were different one from the other.

Then Mr. *Gardiner*, Recorder of *London*, ſpake on the behalf of *Cambridge*.

The Recorder of *London* on the behalf of the Univerſity of *Cambridge*.

In ſtating this Queſtion it's thus far agreed, That Your Majeſty hath power of Viſitation; but the Queſtion is, whether Your Majeſty hath the ſole Power, or my Lord's Grace a Power concurrent with Your Majeſty.

No, ſaith the King, the Queſtion is, whether he hath not Power to Viſit there as within his Province.

The Recorder thus proceeded. I ſhall tell your Majeſty what I conceive of Metropolitical Viſitations, and then of the manner of Government, and Rule of the Univerſity; and then how the Rule of the one will ſtand with the other. And laſtly, I ſhall offer what we have for Exemption.

In *England* there be Arch-biſhops, Biſhops, and Arch-deacons. The Biſhop hath his Viſitation every Three Years; my Lord's Grace hath his Viſitation once in his time, and he Viſiteth thoſe of the Province; to the end they may be ſubordinate, and in all their Cauſes and Sentences they Appeal to him as Superiour.

Here the Arch-biſhop interpoſed, ſaying, I may Viſit as oft as I will.

Mr. *Gardiner* went on. For the Government of the Univerſity there is a Chancellor, Vice-chancellor, Proctors, *&c.* They may proceed by way of Excommunication; they may impriſon and baniſh, which is more Power than appertains to any Metropolitical Viſitation. Only one Biſhop of *Ely* did Excommunicate one of this Univerſity; but the Biſhop was afterwards Excomunicated; and the Cauſe being heard before Cardinal *Wolſey*, he was made to ſubmit himſelf. Further than this we find no Preſident, that either the Ordinary of the Dioceſs, Arch-deacon, *&c.* did ever meddle.

5 *R.* 2. In the Petition to the Parliament. We are ſtil'd an Univerſity founded by Your Majeſties Progenitors: wherefore the Power of Viſitation doth of right belong to Your Majeſty, and this is an Exemption from any ordinary Juriſdiction. For other Exemptions, We have *Bulls* from the *Pope*, and Charters: about the beginning of King *Richard* the 2d's Time moſt of the Charters were burn'd by an Inſurrection in the Town; but many of them were Confirmed to the Time of *H.* 6. upon a Suit made to the Pope, to give ſome Confirmation to their Priviledges, in regard their Charters were burn'd. Whereupon the *Pope* granted a Commiſſion, and Witneſſes were examined, which Examination was a

means to produce Two ancient *Bulls*, exempting them from Metropolitical Viſitation; the one bearing date *Anno* 624. the other 699.

The Arch-biſhop ſaid, Theſe Exceptions were not to be found in any Priories, or Nunneries at the firſt Foundation; but as ſoon as they got any Money, they ſent preſently to *Rome* to get an Exemption; and by that means the Biſhops loſt their Reputation, and Juriſdiction, even the Council of *Trent* and *Spaniſh* Biſhops have all plaid their part herein. And this is the Complaint of whole Chriſtendom againſt the Council of *Trent*; of which, next to Purgatory, the Pope of *Rome* hath made his great Advantage. Unto this the King ſaid, I dare ſay the Pope doth as much to beat down Biſhops, as any Puritan doth in *England*.

In the Cloſe the Arch-biſhop proceeded thus.

There are Three Chappels in *Cambridge* not Conſecrated. I demanded why they were not? Dr. *Chadderton* made anſwer, He hoped they were Conſecrated by Faith and good Conſcience. They come into the Chappel without Surplices, and other dangers are growing, and the Univerſity will be paſt remedy before any Complaint be made.

The Earl of *Holland* anſwered, All this may be Reformed in the way that we deſire. If you will Viſit, you may do it by Commiſſion; the King can grant it. The Biſhop replied, No; I deſire to have my own Power.

Upon the Hearing of the whole Cauſe, it was declared by the King, with the Advice of the Privy-Council, That it was granted on all Hands, that the King had an undoubted Right to Viſit the Univerſities; and that the Arch-biſhop, in the Right of his Metropolitical Church in *Canterbury*, had Power to Viſit the whole Province, in which the Univerſities were ſituated, and were under the ſame Power, unleſs they could ſhew Priviledge and Exemption.

That the Exceptions then alledged were not ſuch as could give ſatisfaction. That they could be Exempted by no Papal Bull; and that they were Exempted by none of their Charters. That the long omiſſion of the Arch-biſhops to Viſit, could be no preſcription to bar the Right of the Metropolitical See. That it appear'd, that both Univerſities had been Viſited by Three Arch-biſhops, his Predeceſſors *Jure Metropolitico*, and not by a Legative Power. That this coming in queſtion, upon the reſiſtance of the Univerſity of *Oxford*, it was, upon full Hearing of both Parties, adjudg'd for the Arch-biſhop by King *Richard* the 2*d*, and afterward, upon the like Hearing and Re-examination by King *Henry* the 4*th*, and both of their Judgments eſtabliſhed by Act of Parliament 13 *Hen.* 4. And the Arch-biſhop produced before His Majeſty the Original Renunciation of all Priviledges from any *Pope*, made by the Univerſity of *Cambridge* under the Hands of the Heads of Houſes.

So the King and Council adjudg'd the Right of Viſiting Univerſities, and Chancellors Scholars, and all Perſons enjoying the Priviledges thereof, to belong to the Arch-biſhop, and Metropolitical Church of *Canterbury* by themſelves or their Commiſſaries.

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Whereupon the Arch-biſhop made this motion to the King: Firſt, for himſelf, that His Majeſty would be Graciouſly pleaſed, that he might have the Sentence drawn up by the Advice of His Majeſties Learned Councel, and put under the Broad Seal, to ſettle all differences that hereafter might ariſe. Then on behalf of both the Univerſities, that they ſhould remain free and exempt from the Viſitation, and Juriſdiction of the Biſhop of the Dioceſs, or Arch-deacon.

Alſo, ſeeing it was declar'd to be his Right to Viſit Metropolitically, and it was not limited by Law how often; therefore, notwithſtanding the laſt Cuſtom of Viſitation *ſemel in vita tantum*, that he might Viſit the Univerſities by himſelf, or his Commiſſary, as often as any great emergent cauſe ſhould move him: provided that neither he, nor any of his Succeſſors, ſhould, after the firſt Viſitation, Viſit upon ſuch emergent Cauſes, unleſs it be firſt made known to His Majeſty and His Succeſſors. All which was granted by the King, and ſo ſetled.

Laſtly, Whereas it was alledged, that the Chancellors of either Univerſity were, and are like to be Perſons of great Honour and Eminencie; and therefore it might be inconvenient, that they ſhould be call'd to ſuch Viſitation: It was declar'd by His Majeſty, that in the courſe of Law the Chancellor would be allowed to appear by his Proxie.

Serjeant Thin *deſired leave of His Majeſty to ſpeak a few words for the Univerſity of* Oxford, *which was to the effect following, he being the Mouth of the reſt of the Councel.*

Serjeant *Thin.* THat it was an ancient Univerſity, and had as ancient Priviledges, and, by Bulls from the Pope, was ever exempt from the Viſitation of any Arch-biſhop as in his Metropolitical Right; for as none can Found an Univerſity but Your Majeſty, and Your Progenitors, ſo none have Power but Your Majeſty to Viſit there. But that which concerneth us is, that it was a Foundation long before the Conqueſt; from the time of the very Foundation of this Univerſity unto this day, we conceive there was never any Viſitation made by any Arch-biſhop, as being within his Province.

King. *Never any*, (ſaith the King:) As the Univerſity is ancient, ſo likewiſe Our Cuſtom is as ancient, which for many Hundred Years we may preſcribe (the King anſwered) *but a bare Preſcription in this Caſe will not prevail.*

Thin. We have no Records ſo old, yet this we have, divers Recitals in *E. 3d's* time, which ſheweth, that they had ſome original Grant of Exemption. Pope *Boniface* 8. did grant to the Univerſity of *Oxford* a particular Exemption from all Archiepiſcopal Juriſdiction; but I know well that there will be an Objection made, that the Pope did grant a Juriſdiction there. This Difference came before the King, and the King then did declare, That the Viſitation did belong to the Arch-biſhop of Right.

King. *What is that? Did the King declare that it did of right belong to the Arch-biſhop to Viſit there? that's very hard for you to anſwer.*

Thin. I object thus againſt my ſelf (to ſhorten the Caſe) for if I do not, they will.) This was in King *Rich.* 2d's time. The occaſion was upon the Queſtion touching *Wicliffe* his Caſe grounded upon a miſtaking of the Law. Before that time there was never ſo much as a Challenge to Viſit this Univerſity Metropolitically.

King. *I will not grant that (Mr. Serjeant) that my Predeceſſor did miſtake the Law, perhaps he was miſ-informed of the Law.*

Thin. Pardon me for the Phraſe; the King was miſ-informed as we conceive of the ancient uſage and manner there.

King. *You muſt ſuppoſe the King did know it.*

Thin. The Arch-biſhop was then a Potent Man in thoſe days.

King. *My Lord Arch-biſhop doth not intend to Viſit the Statutes of the Univerſity, nor of any particular Colledge.*

Arch-biſhop. I do intend to Viſit Metropolitically. I am to Viſit, as I conceive, the Body of the Univerſity, and every Scholar that is in it, for his obedience to the Doctrine and Diſcipline of the Church of *England*; and this is the extent I intend, and not to meddle with the Statutes of Colledges or Univerſity, or particular Viſitors of any Colledge.

King. *I do underſtand why you do not meddle with that, becauſe it is my foundation.*

Arch-biſhop. I do ſuppoſe they do tell you of that which they will not make appear to be your foundation.

Thin. There was never ſince the firſt foundation of this Univerſity any Viſitation made by any Arch-biſhop; ſeveral have been made by the Kings themſelves, but never by the Arch-biſhop.

King. *As I remember you did confeſs he did Viſit once.*

Thin. No, only an attempt to Viſit was made by Arch-biſhop *Arrundel*, who was reſiſted by the Univerſity I will give up the Cauſe if he can ever find any Appeal of any Cauſe to the Arch-biſhop of *Canterbury* from that Univerſity. I find it in *Fitz. N. Bre.* that the Chancellor of *Oxford* may certifie an Excommunication. From whom had the Chancellor that Juriſdiction, but from the King? then thoſe Acts are not to be Viſited by any Power but by the King.

King. *That is no good Inference, for every Biſhop hath Power to Viſit.*

Thin. Since *de facto* the Arch-biſhop did never Viſit *Oxford*, but was ever Viſited by Your Majeſty, or by Commiſſion from Your Majeſty, and withal, their ancient Charters they have loſt, which might (if they had them) ſhew their Priviledge; and ſince there is ſo memorable a Preſcription in this Caſe for ſo many Hundred Years, we humbly deſire (with Your Majeſties Favour) to be ſtill Viſited by Your Majeſty.

Arch-biſhop. Theſe Exemptions were not to be found in any *Nunneries* or *Priories* at the firſt Foundation; but as ſoon as ever they got any Money, they preſently ſent to *Rome* to get an Exemption, and then by that means the Biſhops loſt their Reputations, and ſo brought down the Juriſdiction of the Biſhops, even at the Councel of *Trent*; and *Spaniſh* Biſhops have all plaid their parts herein. And this is the Complaint of whole Chriſtendome againſt the Councel of *Trent*, of which, next to Purgatory, the Pope of *Rome* hath made his greateſt advantage.

An. 1636. King. *I dare ſay the Pope doth as much to beat down Biſhops as any Puritane I have in* England *doth.*

Arch-Biſhop. King *H.* 8. by Statute thruſt out all, and whatſoever power the Pope had given in *England* by Bull, *&c.* all is gone at one blow by that Statute? Now I will ſhow you a Bond from the Univerſity of 1000 *l.* that if they oppoſe my Juriſdiction then to be forfeit, I ſpeak it upon my Reputation and Duty to Your Majeſty. *Ann.* 1506. *Chriſts Colledge* was ſubject to the Biſhops Viſitation: I am able to ſhow the very original *Deed* in *H.* 8's time, where the Univerſity of *Cambridge* have ſubmitted themſelves to the Arch-Biſhop, and here is the Original-Deed (which was read and ſhowed to His Majeſty) being a ſubmiſſion of the Univerſity to the Arch-Biſhop, and to diſclaim any right by Bull or the like. If I ſhould have put them to have ſubmitted upon this evidence, they would have ſaid either for fear, or one reſpect or other, they had ſubmitted to your Arch-Biſhop without any hearing. Therefore not to put this upon either Univerſity, I got Your Majeſty to hear it, if you have any thing to ſhow for it, God forbid I ſhould deſire it if you have better evidence. If not, then I hope His Majeſty will give me leave to carry it.

King. *Read the date of the Deed my Lord ſtands ſo upon* (which being read was dated 27 *H.* 8.

Arch-Biſhop. So your Majeſty may ſee before the Common-Law did take that away, they did ſubmit themſelves a year before. I will make it appear that the Arch-Biſhop did viſit *Cambridge* as in Metropolitical right three whole years together, and that it is ſo expreſſed in the Act.

King. *They ſay that the Biſhop was then a powerful man, and the times were troubleſome.*

Biſhop. They tell you indeed 20 *R.* 2. was a troubleſome time, but of 12 *H.* 6. they do not tell you what a troubleſome time that was.

King. *But was* Cambridge *viſited three whole years.*

Recorder. It is true, we did continue it for three whole years. I did in the opening of it mention as much, that he did viſit *Ann.* 1401. and did continue it till 1404, and that in the ſtory of that time, he did it by a Metropolitical right (as it is ſo mentioned) but how dangerous thoſe times were, we have opened, and ſince that time never any ſuch offer was made.

Kings Attorney-General, Sir *John Banks,* May it pleaſe your Majeſty, their main objections conſiſts of Bulls. Now concerning any Bull or Exemption from the Pope, they are of no force, and though thy here plead it verbally, yet they will not do it upon Record; for that Statute which bringeth them in a power, that Statute doth make all void: It is true, there is a ſaving of ſome that are confirmed under the Great-Seal, but they make no ſhew of them, ſo as clearly they are out of the exception of that Act of Parliament of 28 *H.* 8. Then they object, that the Univerſity is of the foundation of the King, and there the Biſhop hath no Metropolitical Viſitation. 1 *E.* 6. The Deanry of *VVells* was diſolved, upon that a new Foundation, and *E.* 6. the Founder, and to him was the Donation of the Deanry; yet in that caſe it is expreſly adjudged, that the Arch-Biſhop in his Metropolitical Viſitation may viſit the

Deanry: It is true, he may not viſit their Lands and local Statutes. It was further objected, there was no Viſitation within theſe 200 *years*, and therefore a *Preſcription* for it. But as to that no Civilian will allow, that any Preſcription lieth againſt a Metropolical Viſitation. I have looked upon the Statute, and I do find no particular exemption from any Juriſdiction that is Metropolitical. They ſay further, that the Viſitation made by *Peckham*, was by vertue of the *Legantine* Power, and the other Viſitations are *de jure Metropolitico*.

King. *They ſay that* Peckham *did viſit as* Legatus Natus.

Attorney. That is plain to be diſtinguiſhed by the Records.

Arch-Biſhop. In Cardinal *Pools* Caſe, he doth viſit by Legantine power (if he will uſe the ſtile of greater dignity than Arch-Biſhop) Shall therefore that which he doth by the name of dignity loſe his Power as Arch-Biſhop?

Attorney-General. Divers Lord Treaſurers, ſome have been Biſhops of *Oxford* ſome of *Lincoln*, ſhall they loſe their Power as Arch-Biſhops? The Biſhoprick of *London* hath not been viſited theſe 200 years till now. *)*

Dr. *Duck*. *Legatus Natus* hath only power to grant a Viſitation) but to Viſit, I do think they can never find that he ever had Power but Metropolitically.

King. *The Queſtion is whether* Legatus Natus *can viſit as Legatee, and not as Arch-Biſhop.*

Recorder. I think he cannot; but only by vertue of his Legantine Power he might viſit.

Biſhop. *Legatus Natus*, and *Legatus a Latere*. The one Legate can viſit, the other Legatecannot.

Recorder. We appeal to this Biſhop *Arrundel* as *Legatus Natus*.

Arch-Biſhop. I thank you for that Evidence, *Cambridge* did not oppoſe *Arrundel*, but *Oxford* did it. What if he were baniſhed the Realm, he was baniſhed for bringing in a Bull. In *E.* 1, *& E.* 3 time, it was common to ſend forth Proclamations againſt any that brought Bulls from the Pope.

Recorder. When this Queſtion was between *Oxford* and *Arrundel*, there was an Order in Chancery for ſearch for Bulls: and declared that this was againſt the Crown, and like to be the deſtruction of the Univerſity.

Arth-Biſhop. What was done then in *R.* 2's. time, which they ſay was ſo troubleſom a time. Yet *H.* 4. did declare the very ſame judgement his Predeceſſor had done, and confirmed it by Act of Parliament, that it doth belong unto the See of *Canterbury*, as of right to viſit the Univerſities, upon penalty of 1000 *l.* upon every time that he ſhould diſobey, and a forſeiture of all their Priviledges, if they did diſobey it. And I ſhewed a *Deed* under the Great-Seal, which the Councel for the Univerſity did confeſs.

King. *What can you ſay againſt this?*

Recorder. I ſhall ſubmitt the Cauſe unto Your Majeſties Judgement, for that which hath been urged of King *H.* 4. It is true, and they do declare that *de jure*, he ought to viſit; it is true, it is ſo declared by Parliament, but this is only for *Oxford* and not for *Cambridge*. *Cambridge* is not ſo much as mentioned: My Anſwer is but this, It doth appear in the very Record it ſelf, that the Univerſity

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of *Oxford* had got an exorbitant Bull from the Pope, to exclude all manner of People that countenanced Hereticks.

King. *No that cannot be.*

Recorder. The Record it ſelf ſaith it was gotten to countenance Hereticks, and other Malefactors; they did oppoſe the Archbiſhop *manu forti.* The State taking offence at this, thereupon there was a ſubmiſion to the Judgement of *R.* 2. And thereupon he did declare, and *H.* 4 grounded his Judgement upon that the Biſhop of right ſhould viſit, and *H.* 4. doth diſanull the Bull as being againſt Law.

Lord Privy-Seal. There comes a Grant of later Kings, and takes notice of theſe Priviledges and Exemptions, and confirms and ratifies all ſuch Priviledges as they do claim by any Charter or colour of any Bull.

Recorder. He doth confirm all Liberties or Grants. If my Lords Grace may viſit the Univerſity, then he may viſit the Chancellor; and of late time they have been perſons of great Honour attending upon your Majeſty, and ſo may be called away from your Majeſty upon a Viſitation to attend there.

Arch-Biſhop. He may appear by Subſtitute.

Holland. If your Grace will viſit, you may do it by Commiſſion; the King can grant it.

Biſhop. No, I deſire to have my own Power.

And ſo the King adjudged it for the Arch-Biſhop againſt himſelf; and permitted the Kings Attorney-General to plead for the Arch-Biſhop againſt the King.

Some few paſſages more in way of Dialogue there were, but this is all taken in Characters at that time; but ſee for the Order of the King, and the Lords of the Council, upon this Hearing at large in the Appendix.

July 8. Star-Chamber Sir *Pierce Croſby* to Anſwer Interogatories.

A Warant was on the 8*th* of *July* 1636. directed to *Mathew Francis* Eſquire, one of His Majeſties Serjeants at Arms, reciting, whereas Sir *Pierce Crosby* Knight and Baronet, ſtanding charged with divers Crimes, by an Information at the ſuit of His Majeſty's Attorney-General in the Court of *Star-Chamber*, for ſcandalizing the Lord Deputy of *Ireland*, doth withdraw himſelf from the uſual place of his abode, ſo as the courſe of Juſtice by His Majeſties Writs and Proces cannot proceed againſt him; theſe are in His Majeſties Name to Will and Command you, to make your preſent repair unto any place *priviledged or not priviledged*, where you ſhall underſtand of the ſaid Sir *Pierce Crosby* his Being or Reſidence, and by vertue hereof to apprehend him, and to deliver him over to the Cuſtody of one of the Meſſengers of His Majeſties Chamber, to remain with him in ſafe Cuſtody, untill he ſhall have anſwered the ſaid Information and Interogatories againſt him; and in caſe of need theſe are in His Majeſties Name, to Will and Command all His Majeſties Officers, whom it may concern, to be aiding and aſſiſting unto you herein, that thereof they may not fail, as they will anſwer the contrary at the *Star-Chamber*.

For a Commiſſion about *Depopulation*.

Likewiſe a Warrant was on the *9th* of this month of *July* directed to the Clerk of the Crown or his Deputy in His Majeſties Name, His Majeſties eſpecial ſervice to prepare ſeveral Commiſſions according to the form delivered unto him, to inquire touching Depopulations and converſions of Lands to Paſture ſince the tenth year of Queen *Elizabeth* in the Counties of *Oxford*, *Canbridge*, *Warwick* and *Nottingham*, directed to *Edward Savage* and *Edmond Windham*, two of the Gentlemen of His Majeſties Privy-Chamber, and to *Gilbert Boon* of *Lincolns-Inn* Eſquire, or any two of them.

By vertue of which Commiſſion, and the terror of the Fine impoſed in the *Star-Chamber*, on Sir *Anthony Roper* for committing Depopulations, there was brought into the Exchequer 30000 *l.* and upwards ——— The like Commiſſions were granted into other Counties.

July 9. Letters Patents for the ſurveying and ſetling a conſtant Reel.

‘Whereas Complaints have been heretofore made, as well ‘unto His Majeſty King *James* in his life-time, and unto ‘His now Majeſty ſince His acceſs to the Crown, and alſo to His ‘Privy-Council, and the Juſtices of Aſſizes in their Circuits, and ‘Juſtices of the Peace in ſundry Counties at their Seſſions, of the ‘great deceits frequently uſed among Weavers, Combers, Spinſters ‘and other workers and makers of *Cloth* and Yarn, by the daily falſifying their Yard, as well in the length of the *Reel-Staff*, as in the ‘number of Threads:

‘For Remedy and Reformation whereof, and for ſetling a conſtant ‘courſe for the ſaid *Reel*, and increaſe of the Poors Wages; It ‘hath been thought fit, that the courſe of keeping the *Staff-Reel* ‘may proceed and go on for the general good of the People; and ‘that the Spinſters ſhall have for their Spinning and Reeling *a* ‘*peny increaſe*, and Labourers imployed about the Trade of Cloathing ‘and Yarn-making, ſhall have the increaſe of Wages. And for the ‘eſtabliſhing of the ſame, the King hath by *Letters Patents*, bearing date the 20*th* of *January* laſt paſt, ordained and appointed ‘there be a *conſtant Reel* provided and kept by all and every Clothier, Weaver, Comber, Spinſter, and other Workers and Makers ‘of Cloth and Yarn, either Woollen or Linnen, and the Reel-ſtaff ‘to be one yard about the ſingle Reel, and two yards about the ‘double Reel, every Knot containing fourſcore Threads.

Jan. 20.

July 26. The King prohibits the keeping of *Bartholomew*-Fair and our Lady Fair in *Southward*.

‘His Majeſty the better to prevent the danger and increaſe of ‘the preſent *Infection*, hath given ſeveral directions to the ‘Lord Major of *London* and Juſtices of Peace, to prevent concourſe ‘of People; yet finding the Plague is diſperſed in and about ‘the City of *London* and *Southwark*, which if the Fairs of *Bartholomew* and Our *Lady* in *Southwark* ſhould be held, might in all ‘likelihood increaſe the Sickneſs; His Majeſty therefore hath ‘thought good, to require all His Subjects to forbear to reſort this ‘year to thoſe Fairs. And doth enjoyn the Lords and others intereſted in the ſame, that they do not hold the now next *Bartholomew* Fair.

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Auguſt 8. 1636.

The Lords of the Privy-Council writ this enſuing Letter to the Lord Major and Aldermen of the City of London.

WE have received by ſome of you the Aldermen a denial in the name of the City to Our late Letter, for the ſetting forth of Shipping for the preſent and neceſſary defence of the Kingdom, and the excuſes which are made ſince, upon the like occaſions; VVe cannot impute it truly to any thing but want of Duty. VVe do therefore in His Majeſties Name, and by His commandment, require you to ſee the directions of Our ſaid Letter performed upon your allegiance, and as you will anſwer the contrary at your perils. And ſo, &c.

Auguſt 11. AFterwards there was preſented to the Board a Petition from the Major and Commonalty of *London*, by Mr. Recorder, Sir *VVilliam Cockin*, and divers Aldermen and Commoners, deſiring an abatement of the Twenty Ships rated upon the City, unto Ten Ships and Two Pinnaces, alleadging want of ability, notwithſtanding the abſolute Declaration formerly given by the Board.

That the Caſe at this time might no farther be replyed unto, Mr. Secretary *Cooke*, by Order of the Board, made anſwer to the effect following.

That the former Commandment given unto them, firſt, was neceſſary, becauſe the Board knoweth that the preſervation of the State did require it. Secondly, that the Charge required for the performance of the ſaid Commandment was not immoderate for the whole City, which exceeded not the proportion of many of their private Eſtates. That to this Commandment Petitions and Pleadings were not to be received, which tend to the danger and prejudice of the Common-wealth. That as the Commandment was given to all in general, and to every Particular of the City, ſo the State would require an account Both of the City in general, and of every particular of the performance of it; for which purpoſe they had formerly received direction. And that whereas they mention Preſidents, they ſhould know that the Preſidents of former times were obedience, and not direction. And that there were alſo Preſidents of the puniſhment of thoſe that diſobey'd His Majeſties Commandments ſignified by the Board, in the caſe of the preſervation of the State, which they hope there ſhould be no occaſion to let them more particularly underſtand.

Ferdinando, Emperor of *Germany*, took a Reſolution to ſettle the Empire in Peace after ſo bloody a War;and called a Dyet to meet at *Ratisbone* the midſt of *September*, where the Emperors Son, already King of *Bohemia*, was propoſed to be elected King of the *Romans*.

At which time the Earl of *Arundel*, Earl *Marſhal* of *England*, was ſent Ambaſſador to this new Emperor, to whom he preſented the conditions of the Prince-Elector-Palatine his great ſufferings;

and the Ambaſſador endeavoured to prevail with the Emperor for his Reſtoration, which he hoped his now Imperial Majeſty would be diſpoſed unto: but all the Anſwer he could obtain of the Emperor was, that in time no doubt ſome conſideration might be had of him for enjoying the lower Palatinate; but for the other it much concerned the Duke of *Bavaria*, who was in poſſeſſion thereof: and that Duke declared himſelf, that what he had got with ſo much hazard of his Perſon, and expence of Treaſure won by the Sword, he would now maintain with the ſame Power, he being in Poſſeſſion. But the Ambaſſador being highly diſſatisfied with the Emperors ſlight Anſwer, and indeed affront, retired for *England* without taking leave of the Emperor.

2. *Octob.* 1636. The King by Proclamation further *Adjourneth Michaelmas-Term.*

‘WHereas the Kings Majeſty, out of His Princely care to the ‘Health and Safety of His Subjects, and to prevent the ‘danger that might ariſe to them by their reſort to *London* or *Weſtminſter* about the occaſion of the Term, in times of Infection of ‘the Plague there; did therefore, by His *Proclamation* dated the ‘*6th* of *September* laſt, ſignifie His Pleaſure, That part of *Michaelmas-Term* next ſhould be Adjourned, according to thoſe Returns ‘mentioned in that Proclamation, and then did think fit to Adjourn ‘the ſame, as in the Proclamation is expreſſed.

See this at large in the Appendix.

This Year His Majeſty ſending His Writs for *Ship-money* into the In-land Counties, (which were not ſent unto by the firſt Writ (that Writ going only to Maritine Towns;) In this manner was the Diſtribution made.

Diſtribution of Ships to the ſeveral Shires of England *and* Wales, *with their Tonnage, number of Men, and Charge, together with the Sum ſet on the Corporate Towns in each County.*

		Tunns.	*Men.*	*Charge.*
BErkſhire one Ship of		400	160	4000 *l.*
Corporate Towns.	Town of *Windſor*,			100.
	Town of *Wokingham*,			050.
	Burrough of *Newbury*,			120.
	Burrough of *Redding*,			260.
	Burrough of *Abington*,			100.
	Burrough or Town of *Wallingford*,			020.

		Tunns.	*Men.*	*Charge.*
Buckinghamſhire one Ship of		450	180	4500 *l.*
Corporate Towns.	Burrough of *Buckingham*,			70.
	Burrough of *Chippingwickomb*,			50.

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		Tunns.	Men.	Charge.
	Bedfordſhire one Ship of	300	120	3000 *l.*
	Town of *Bedford*,			140.

		Tunns.	Men.	Charge.
	Briſtol one Ship of	100	040	1000 *l.*

		Tunns.	Men.	Charge.
	Cornwall one Ship of	550	220	5500 *l.*
Corporate Towns.	Burrough of *Saltaſh*,			40.
	Burrough of *Porthibam*, alias *Weſtlowe*,			18.
	Burrough of *Eaſtlow*,			30.
	Burrough of *Truroe*,			70.
	Burrough of *Penryu*,			48.
	Town of *Penſance*,			28.
	Burrough of *Padſtowe*,			70.
	Burrough of *Liſcard*,			40.
	Burrough of *Leaſtwithall*,			20.
	Burrough of *Cullington*, alias *Kellington*,			20.
	Burrough of *Tregonney*,			33.
	Burrough of *Grandport* and *Creede*,			29.
	Burrough of *Dunhevid*, alias *Launceſton*,			80.
	Town of *Helſton*,			40.
	Burrough of *Boſſenna*,			36.
	Burrough of *Bodmyn*,			83.
	Burrough of *Saint Mawes*,			10.
	Burrough of *Camelford*,			10.

		Tunns.	Men.	Charge.
	Cambridgeſhire one Ship of	350	140	3500 *l.*
	Burrough of Cambridge,			100.

		Tunns.	Men.	Charge.
	Cumberland & *Weſtmorland* one Ship of	140	056	1400 *l.*
Corporate Towns in *Weſtmorland.*	Burrough of *Kerkby Kendall*,			15.
	Burrough of *Appleby*,			05.
Cumberland.	City of *Carliſle*,			20.

		Tunns.	Men.	Charge.
	Cheſhire one Ship of	300	120	3000 *l.*
	City of *Cheſter*,			260.

		Tunns.	Men.	Charge.
	Devonſhire one Ship of	900	360	9000 *l.*

Corporate

Corporate Towns.	City of *Exeter*,	350.
	Burrough of *Clifton Dartmouth*, alias *Hardnes*,	080.
	Burrough of *Totnes*,	120.
	Burrough of *Plimpton*,	035.
	Burrough of *Plymouth*,	190.
	Town and Pariſh of *Tiverton*,	130.
	Town and Manor of *Bedford*,	040.
	Burrough and Pariſh of *Barneſtaple*,	150.
	Burrough and Town of *Torington*,	060.
	Burrough and Town of *Oakehamton*,	030.
	Burrough of *Bradmintch*,	050.
	Burrough of *South Molton*,	045.

	Tunns.	Men.	Charge.
Darbyſhire one Ship of	350	140	3500 *l.*

Corporate Towns.	Burrough of *Darby*,	175.
	Burrough of *Cheſterfeild*,	050.

	Tunns.	Men.	Charge.
Dorſetſhire one Ship of	500	200	5000 *l.*

Corporate Towns.	Town and County of *Poole*,	30.
	Burrough of *Dorcheſter*,	45.
	Burrough of *Wareham*,	25.
	Town of *Weymouth*, and *Melcombe-Regis.*	40.
	Burrough of *Brideport cum membris*,	20.
	Burrough of *Corffe*,	40.
	Burrough of *Lyme-Regis*,	40.
	Burrough of *Shafteſbury*,	35.
	Burrough of *Blandfordforum*,	25.

	Tunns.	Men.	Charge.
Dureſme one Ship of	200	080	200 *l.*
City of *Dureſme* and *Framwellgate*,			150.

	Tunns.	Men.	Charge.
Eſſex one Ship of	800	320	8000 *l.*

Corporate Towns.	Burrough of *Thaxted*,	040.
	Town and Pariſh of *Walden*,	080.
	Town of *Colcheſter*,	400.
	Burrough of *Malden*,	080.
	Burrough of *Harwike*,	020.

	Tunns.	Men.	Charge.
Glouceſterſhire one Ship of	550	220	5500 *l.*

Corporate Towns.	City of *Glouceſter* and County thereof,	500.
	Burrough of *Tewksbury*,	060.
	Burrough of *Chipping-Campden*,	020.

		Tunns.	Men.	Charge.
Hampſhire one Ship of		600	240	6000 *l.*
Corporate Towns.	Burrough of *Portſmouth*,			060.
	Town of *Southampton*,			195.
	City of *Wincheſter*,			190.
	Burrough of *Andover*,			050.
	Town of *Romſey*,			030.
	Town of *Baſingſtoke*,			060.

		Tunns.	Men.	Charge.
Herefordſhire one Ship of		350	140	3500 *l.*
Corporate Towns.	City of *Hereford*,			220.
	Burrough or Town of *Leompſter*,			044.

		Tunns.	Men.	Charge.
Hertfordſhire one Ship of		400	160	4000 *l.*
Corporate Towns.	Burrough of *Hertford*,			055.
	Burrough of St. *Albans*,			120.
	Burrough of *Barkhampſted*,			025.

		Tunns.	Men.	Charge.
Huntingtonſhire one Ship of		400	080	2000 *l.*
Corporate Towns.	Burrough of *Huntington*,			50.
	Burrough of *Godmancheſter*,			80.

		Tunns.	Men.	Charge.
Kent and Cinque-Ports in *Kent* one Ship of		800	320	8000 *l.*
Corporate Towns.	City of *Canterbury*, beſides the Church, and Members thereof,			300.
	Town and Port of *Dover*, and Members thereof,			330.
	Port and Town of *Sandwich*, and Members thereof,			250.
	Town and Port of *Hythe*,			040.
	Town and Port of *New Romney*, and Members,			180.
	Oſwalſton and *Tenderden*,			090.
	Burrough of *Queenborough*,			010.
	Town and Pariſh of *Maidſtone*,			160.
	Cranbrooke,			200.
	Town of *Graveſend* together with *Milton*,			040.
	City of *Rocheſter*,			080.

		Tunns.	Men.	Charge.
Lancaſhire one Ship of		400	160	1000 *l.*
Corporate Towns.	Burrough or Town of *Preſton*,			40.
	Town of *Lancaſter*,			30.
	Town of *Liverpoole*,			25.
	Town of *Wigan*,			50.
	Town of *Clethrowe*,			7 *l.* 10 *s.*
	Town of *Newton*,			7 *l.* 10 *s.*

		Tunns.	Men.	Charge.
	Leiceſterſhire one Ship of	450	180	4500 *l.*
	Burrough of *Leiceſter*,			200.

		Tunns.	Men.	Charge.
	Lincolnſhire one Ship of	800	320	8000 *l.*
Corporate Towns.	City of *Lincoln* and Liberties,			193 *l.* 6 *s.* 8 *d.*
	Burrough of *Boſton*,			70.
	Burrough of great *Grimsby*,			15.
	Town or Burrough of *Stamford*,			60.
	Town or Burrough of *Grantham* with the *Soke*,			200.

		Tunns.	Men.	Charge.
	London two Ships, each of	700	280	14000 *l.*

		Tunns.	Men.	Charge.
	Middleſex one Ship of	500	200	5000 *l.*
	City of *Weſtminſter* and Liberties,			1180.

		Tunns.	Men.	Charge.
	Monmouthſhire one Ship of	150	060	1500 *l.*
Corporate Towns.	Burrough of *Monmouth*,			40.
	Burrough of *Newport*,			23 *l.* 9 *s.* 9 *d.*

		Tunns.	Men.	Charge.
	Northamptonſhire one Ship of	600	240	6000 *l.*
Corporate Towns.	Town of *Northampton*,			200.
	Burrough and Pariſh of *Higham-Ferres*,			036.
	City of *Peterborow*,			120.
	Burrough of *Daventry*,			050.
	Burrough of *Brackley*,			050.

		Tunns.	Men.	Charge.
	Nottinghamſhire one Ship of	350	140	3500 *l.*
Corporate Towns.	Town of *Nottingham*,			200.
	Town of *Newark* upon *Trent*,			120.
	Town of *Eaſt Retford*,			030.

		Tunns.	Men.	Charge.
	Northumberlandſhire one Ship of	210	084	2100 *l.*
Corporate Towns.	Town of *Newcaſtle* upon *Tyne*,			700.
	Burrough of *Barwick* upon *Tweed*,			020.
	Town of *Morpeth*,			020.

		Tunns.	Men.	Charge.
	Norfolk one Ship of	780	316	7800 *l.*
Corporate Towns	City of *Norwich*,			500.
	Burrough of *Kings-Lynne*,			300.
	Burrough of Great *Yarmouth*,			220.
	Burrough of *Thetford*,			030.
	Burrough of *Caſtleriſing*,			010.

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	Tunns.	Men.	Charge.
Oxfordſhire one Ship of	350	140	3500 *l.*

Corporate Towns.	City of *Oxon*,	100.
	Town of *Burford*,	040.
	Burrough or Town of *Chipingnorton*,	030.
	Town of *Henly* upon *Thames*,	060.
	Burrough of *Woodſtocke*,	020.

	Tunns.	Men.	Charge.
Rutlandſhire one Ship of	080	032	0800 *l.*

	Tunns.	Men.	Charge.
Somerſetſhire one Ship of	800	320	8000 *l.*

Corporate Towns.	Burrough of *Bridgwater*,	70.
	Burrough of *Minhead*,	60.
	City of *Bath*,	70.
	City or Burrough of *Wells*,	60.
	Burrough of *Axbridge*,	30.
	Burrough of *Taunton*,	100.
	Burrough of *Ivelcheſter*,	30.
	Burrough of *Langport Eſtover*,	20.
	Town of *Teovill*,	30.

	Tunns.	Men.	Charge.
Surrey one Ship of	350	140	3500 *l.*

Corporate Towns.	Town of *Guilford*,	053.
	Burrough of *Southwarke*,	350.
	Town of *Kingſton* on *Thames*,	088.

	Tunns.	Men.	Charge.
Suſſex one Ship of	500	200	5000 *l.*

Corporate Towns.	Town & Port of *Haſtings*, with the Members thereof,	250.
	City of *Chicheſter*,	150.
	Burrough of *Arundel*,	020.
	Burrough of *Shoreham*,	010.

	Tunns.	Men.	Charge.
Suffolk one Ship of	800	520	8000 *l.*

Corporate Towns.	Town of *Ipſwich*,	240.
	Burrough of *Orford*,	
	Burrough of *Alborough*,	008.
	Town of *Dunwich*,	004.
	Town of *Southwold*,	008.
	Town of *Hadleigh*,	120.
	Town and Burrough of *Eye*,	030.

Staffordſhire

	Tunns.	Men.	Charge.
Staffordſhire one Ship of	300	120	3000 *l.*

Corporate Towns.	City of *Litchfeild*,	150.
	Burrough of *Stafford*,	030.
	Burrough of *Newcaſtle* under Lyne,	024.
	Burrough of *Walſall*,	032.

	Tunns.	Men.	Charge.
Shropſhire one Ship of	450	180	4500 *l.*

Corporate Towns.	Town of *Shrewsbury*,	456 *l.* 10 *s.*
	Town of *Bridgenorth* alias *Bruges*,	51 *l* 10 *s.*
	Burrough of *Ludlowe*,	102.
	Burrough of *Biſhopſcaſtle*,	15 *l.* 10 *s.*
	Burrough of *Oſweſtry*,	051.
	Town, Burrough, and Liberty of *Wenlock*,	302.

	Tunns.	Men.	Charge.
Warwickſhire one Ship of	400	160	4000 *l.*

Corporate Towns.	City and County of *Coventry*,	266.
	Burrough of *Warwick*,	100.
	Town or Burrough of *Brimingham*,	100.
	Town of *Sutton-Colefeild*,	080.
	Burrough of *Stratford* on *Avon*,	050.

	Tunns.	Men.	Charge.
Worceſterſhire one Ship of	350	140	3500 *l.*

Corporate Towns.	City of *Worceſter*,	233.
	Burrough of *Eveſham*,	074.
	Burrough of *Bewdly*,	062.
	Burrough of *Drortwich*,	062.
	Town or Burrough of *Kidderminſter*,	027.

	Tunns.	Men.	Charge.
Wiltſhire one Ship of	700	280	7000 *l.*

Corporate Towns.	City of *New Sarum*,	240.
	Burrough and Town of *Marleborough*,	100.
	Burrough of *Deviſes*,	050.
	Burrough of *Chippenham*,	030.
	Burrough of *VVilton*,	005.

	Tunns.	Men.	Charge.
Yorkſhire Two Ships	600	240	12000 *l.*

Corporate

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Corporate Towns.	City of *York* with the *Anſty*,	520.
	Burrough of *Ripon*,	040.
	Burrough of *Doncaſter*,	100.
	Burrough or Town of *Pontefract*,	060.
	Burrough of *Richmond*,	050.
	Burrough of *Leedes*,	200.
	Town of *Headon*,	020.
	Town of *Beverly*,	057.
	Town of *Scarborough*,	030.
	Town of *Kingſton* upon *Hull*,	140.

		Tunns.	Men.	Charge.
	North-Wales one Ship of	400	160	4000 *l.*
Corporate Towns.	County of *Denbeigh*,			768.
	Burrough of *Denbeigh*,			32.
	Town of *Ruchyn*,			194.
	Town of *Holt*,			10.
	County of *Flint*,			848.
	Town of *Flint*,			16.
	County of *Carnarvan*,			728.
	Town and Burrough of *Carnarvan*,			10.
	County of *Angleſey*,			448.
	Burrough of *Beaumarris*,			14.
	County of *Montgomery*,			833.
	Burrough of *Montgomery*,			12.
	County of *Merioneth*,			416.

	Tunns.	Men.	Charge.
South-Wales one Ship of	500	200	5000 *l.*
County of *Glamorgan*,			449.
Town of *Cardiffe*,			60.
City of St. *Davids*,			13.
County of *Carmarthen*,			760.
Burrough of *Carmarthen*,			50.
Burrough of *Kidwell*,			44.
County of *Pembroke*,			713.
Burrough of *Pembroke*,			10.
Town of *Haverfordweſt*,			65.
County of *Radnor*,			290.
Burrough and Liberty of *New-Radnor*,			06.
Town of *Reſtinge*,			28.

County

County of *Brecknock*,	933.
Burrough of *Brecknock*,	54.
County of *Cardigan*,	654.
Town of *Cardigan*,	10.

Nota.

The Reader is deſired to pardon any miſtake of the Sums of the *Welch* Counties; for the Copy given to the Printer was ſo obſcurely writ, that perhaps ſome miſtake is therein committed.

18. *Octob.* 1636. The King commands a general *Faſt* to be weekly obſerved throughout the Realm of *England* by reaſon of the Peſtilence.

‘THe heavy Judgment of God in his preſent *Viſitation* in the Cities of *London* and *Weſtminſter*, and divers other parts of the Kingdom at this time with the Peſtilence, ought to move Us to acknowledge the immediate Hand of God therein, for the ſins of this Land, thereby to afflict and correct his People.’

‘And His Majeſty having taken into His Religious Care, that in *common Calamities* the ſpecial means to remove evil is by ſerious humiliation to implore the Grace and Favour of that Supreme offended Majeſty who can only heal it, hath thought fit to command a general and publick *Faſt* be held through the whole Realm, in ſuch manner as in His Proclamation is directed.

Which ſee more at large in the Appendix.

7

Inſtructions *from His Sacred Majeſty to the Arch-biſhops and Biſhops of* Scotland.

Charles Rex,

‘THat you advert, that the Proclamation for authorizing the Service-Book, derogate nothing from Our Royal Prerogative.

‘That in the *Kalendar* you keep ſuch *Catholick Saints* as are in the *Engliſh*; that you peſter it not with too many, but ſuch as you inſert of the peculiar Saints of *that Our Kingdom*, that they be of the moſt approved; and here to have regard to thoſe of the Blood-Royal, and ſuch Holy Biſhops in every See moſt renowned; but in no caſe omit St. *George* and *Patrick*.

‘That in your Book of Orders, in giving *Orders* to Presbyters, you keep the words of the *Engliſh* Book without change, *Receive the Holy-Ghoſt*, &c.

‘That you inſert amongſt the Leſſons ordinarily to be read in the Service, out of the *Book of Wiſdome* the 1, 2, 3, 4, 5, and 6. Chapters, and out of the Book of *Eccleſiaſticus* the 1, 2, 5, 8, 35, and 49. Chapters.

‘That every Biſhop within his own Family twice a day cauſe the Service to be done; and that all Arch-biſhops and Biſhops make all Univerſities and Colledges within their Dioceſſes to uſe daily twice a-day the Service.

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'That the *Preface* to the Book of Common-Prayer Signed by Our 'Hand, and the *Proclamation* authorizing the ſame, be Printed and 'Inſerted in the Book of Common-Prayer.

Given at *New-Market* the 18*th* day of *October* 1636.
and of Our Reign the 11*th*.

Preſent,

The Kings Moſt Excellent Majeſty.

Lord Arch-biſhop of *Canterbury*,
Lord *Keeper*,
Lord *Treaſurer*,
Lord *Privy-Seal*,
Lord Duke *Lenox*,
Lord Marqueſs *Hamilton*,
Lord *Great Chamb.*
Lord *Admiral*,
Lord *Chamberlin*,
Earl of *Dorſet*,
Earl of *Saliſbury*,
Earl of *Berks*,
Lord *Goring*,
Mr. *Treaſurer*,
Mr. *Comptroler*,
Mr. Secretary *Windebanck*,
Lord Chief-Juſtice of the *Common-Pleas*.

Sir *William Ruſſel* Treaſurer of the *Navy* his Account for the Year 1636.

THis day was preſented to their Lordſhips the ſeveral Accounts following, the ſame having been by directions from their Lordſhips Examined and Audited by *George Bingly* Eſq; one of His Majeſties Auditors of the Impreſts.

Firſt, the Account of Sir *William Ruſſel* Knight and Baronet, Treaſurer of His Majeſties Navy, as well of what Monies he hath received upon His Majeſties Writs iſſued forth *Anno* 1636. as alſo what he hath iſſued and expended, in ſetting forth to Sea in Warlike manner ſundry of His Majeſties Ships imployed to Sea the Summer following, the Year being the 1637. for the ſafeguard of the Seas, and defence of this Kingdom; the Abſtract whereof followeth.

The Charge.

Arrearages depending upon the laſt Account to be anſwered by ſundry Sheriffs.	05560 *l.* 04 *s.* 07 *d.*
Mony charged upon ſeveral Sheriffs this year 1637. and to have been by them received and paid.	196400 *l.* 00 *s.* 00 *d.*
Monies abated out of ſeveral Bills paid to ſeveral Perſons, and here charged, the full Bills being allowed by this Accountant.	00265 *l.* 10 *s.* 00 *d.*
Received of Sir *John Heydon* Kt. Lieutenant of His Majeſties Ordnance, collected by him out of the Trinity Minorites.	00014 *l.* 07 *s.* 08 *d.*

The total Sum of Ship-money for the Year 1636.

☞ 202240 *l.* 02 *s.* 03 *d.*

The

The Diſcharge.

The Surpluſage of the laſt Account due to this Accountant.	16107 *l.* 06 *s.* 10 *d. qu.*
Preſt Conduct, and Preſting Charges of Souldiers, Mariners, Seafaring-men, and others for His Majeſties Service.	00022 *l.* 14 *s.* 04 *d.*
Emptions and Proviſions of Planks, Timber, and other Materials.	14279 *l.* 16 *s.* 00 *d.*
Carriage by Land and Water of the ſaid Proviſions, and other Materials.	01884 *l.* 04 *s.* 00 *d.*
Litherage and Boat-hire for Officers, Workmen, and others.	00039 *l.* 19 *s.* 09 *d.*
Wages and entertainment of Ship-wrights, Calkers, Labourers, and Sea-men.	18845 *l.* 08 *s.* 09 *d.*
Purveyance of ſundry Proviſions, as Timber, Planks, Tree-Mails, and other Materials.	02932 *l.* 2 *s.* 10 *d. ob.qu.*
Pilotage of ſundry of His Majeſties Ships, and others, imployed in His Majeſties Service.	00277 *l.* 02 *s.* 00 *d.*
Sea-Victuals of Men ſerving in the *Richard* and *Mary* of *London*, a Merchants Ship, imployed in His Majeſties Service.	00954 *l.* 18 *s.* 00 *d.*
Freight of Ships belonging to Merchants, and others imployed as before.	21299 *l.* 10 *s.* 09 *d.*
Travelling-Charges of ſundry Perſons imployed in His Majeſties Service, concerning His Ships ſent to Sea.	01073 *l.* 02 *s.* 02 *d.*
Hire of a Store-houſe near St. *Saviours*-Dock, for fitting and Rigging the *Providence* there.	00042 *l.* 00 *s.* 00 *d.*
Task-work performed by divers and ſundry Perſons, Artificers, Work-men, Labourers, and others.	06299 *l.* 06 *s.* 10 *d.*
Rewards to ſundry Perſons imployed in His Majeſties Service, concerning the Ships ſent to Sea.	00781 *l.* 07 *s.* *ob.*
Sea-wages of the L. General Admiral, Vice-Admiral, Captains, Maſters of Ships, Lieutenants, Souldiers, Sea-men, and others.	20008 *l.* 06 *s.* 04 *d.*
Intereſt-Money paid for Monies advanced by Sir *Paul Pindar*, and others, for Six Months Payment of Sea-men, diſcharged by Warrants of the Lords of the Privy-Council, Lord Treaſurer, Lord *Cottington*.	01010 *l.* 00 *s.* 00 *d.*
Monies Impreſt upon Account, *viz.* of Sir *John Heydon* Knight, Lieutenant of the Ordnance 20 *m.* 9 *s.* 11 *d.* to *John Crane* Eſq; Surveyor of the Marine Victuals 30 *m.* 15 *l.* 11 *s.* 6. *d.* and to ſundry other Perſons for the Service of the Ships 580 *l.* 16 *s.* 2 *d.* in all.	56511 *l.* 10 *s.* 07 *d.*

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Allowance of 3 *d.* in the Pound for all the ſaid Payments, except the Monies paid to the ſaid Lieutenant of the Ordnance, Surveyor of the Marine Victuals.	01532 *l.* 18 *s.* 06 *d.*
	196166 *l* 6 *s.* 5 *d. ob. qu.*
And ſo there remains due to His Majeſty the Sum of	06073 *l.* 15 *s.* 09 *d. ob.*

Arearages to be anſwered by ſundry Sheriffs.

In the Year ended the laſt *December* 1635.	01023 *l.* 11 *s.* 03 *d.*
In the Year ending the laſt *December* 1636.	04536 *l.* 12 *s.* 04 *d.*
In the Year ended the laſt *December* 1637.	06907 *l.* 06 *s.* 04 *d.*
	12467 *l.* 10 *s.* 11 *d.*
And then there is a ſurpluſage due to this Accountant.	06293 *l.* 15 *s.* 1 *d. ob. qu.*

Next the Account of *John Crane* Eſq; Surveyor-general of the Victuals for the Marine Cauſes, for victualling of His Majeſties Ships imployed in the Year 1637. as aforeſaid for the ſafeguard of the Seas, and defence of the Realm; an Abſtract whereof is as followeth.

The Charge.

Monies reſpectuated in the foot of the laſt Account for Cask and Bisket-Baggs, which ſundry Purſers and Cooks ought to have returned for His Majeſties Service, but converted them for their own private benefit.	00543 *l.* 07 *s.* 04 *d.*
Monies depending upon divers Purſers for remains of Victuals, at the return of His Majeſties Ships from Sea in the Year 1636.	
Remains of Victuals the Year 1637.	00930 *l.* 12 *s.* 06 *d.*
And received of Sir *William Ruſſel* Knight and Baronet, Treaſurer of His Majeſties Navy,	30905 *l.* 11 *s.* 06 *d.*
Sum-total of the Charge	32895 *l.* 15 *s.* 9 *d.*

The Diſcharge.

The Surpluſage of the laſt Account due to this Accountant.	06412 *l.* 03 *s.* 08 *d.*
Harbrough Victualling of ſeveral Men ſerving in divers of His Majeſties Ships this Year 1637.	03115 *l.* 15 *s.* 00 *d.*

Victualling of four of His Majeſties Ships deſigned for *Salley*, with increaſe of price of Beer, and Port-Beer, and Biſket for the Admiral.	4907 *l.* 08 *s.* 00 *d.*
Other extraordinary allowances for Caſk, Biſket-Bags, *&c.*	751 *l.* 07 *s.* 01 *d. ob.*
Sum total of the diſcharge,	34007 *l.* 05 *s.* 06 *d. ob.*
And ſo the Accountant is in ſurpluſage	1111 *l.* 09 *s.* 09 *d. ob.*
Unto which is further added for monies depending on divers Purſers and Cooks of ſundry of His Majeſties Ships for remains of Victuals, Caſk, Biſket and Baggs which they ought to have returned for His Majeſties ſervice, but converted them to their private benefit.	2300 *l.* 09 *s.* 10 *d.*
And then he is in ſurpluſage	2224 *l.* 19 *s.* 07 *d. ob.*

Their Lordſhips having conſidered and approved of the ſaid Accounts, did this day Sign the ſame, and Order that one of each of the ſaid Officers Accounts being ſigned by their Lordſhips, ſhould be forthwith ſent into the Pipe-Office, one other of each ſhould remain with His Majeſties ſaid Auditor, and a third be delivered to each of the ſaid Accountants reſpectively. And that an Abſtract or Brief-ſtate of each Account ſhould be entred in the Council-Book. And as concerning the ſurpluſage due to each of the ſaid Accountants (as by their ſaid ſeveral Accounts appeareth) It was Ordered that the ſame ſhould be allowed by the Auditor upon their next Accounts reſpectively, for the *Year* 1638. whereof as well the Auditor as each of the ſaid Officers Accountants were to take notice and to ſee the ſame duly performed accordingly.

The ſaid ſeveral Accounts were this laſt of *May* 1640. Signed by

Lord Arch-Biſhop of *Canterbury.*
Lord *Keeper.*
Lord *Treaſurer.*
Lord *Privy-Seal.*
Lord *Chamberlain.*
Earl of *Dorſet.*
Earl of *Saliſbury.*
Lord *Keeper.*
Mr. *Comptroler.*
Mr. Secretary *Windebanck.*
Lord Chief Juſtice *Littleton.*

May ult. 1640.

A Warrant to Sir William Ruſſell *Knight and Baronet, and* Henry Vane *Eſquire, Treaſurers of His Majeſties Navy.*

WHereas by Our Letters of Inſtructions of the firſt of *December* laſt, ſent with His Majeſties Writs to the Sheriffs of the ſeveral Counties in the Kingdom, it is expreſſed, that there ſhould be an allowance of ſix-pence in the pound given to every Sheriff,

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Sheriff, when the full ſum charged on his County ſhould be paid in to you the Treaſurers of His Majeſties Navy: Theſe ſhall be therefore to Will and Require you to make ſuch an allowance of ſix-pence in the pound to all High-Sheriffs of Counties, as to Majors or Chief Officers of Corporations within the ſame, that either have already paid, or ſhall hereafter pay in the full ſum, charged upon every of them reſpectively for the ſaid ſervice, taking ſeveral receipts for the ſame, under the hands of the ſaid Sheriffs and head Officers, or ſuch as they ſhall imploy, for which you are to have allowance in your Account; for which this ſhall be a ſufficient Diſcharge and Warrant, as well to you as to the Principal Officers and Commiſſioners of the Navy, for paſſing thoſe receipts in your Accounts, and to His Majeſties Auditor to allow thereof. *Dat. ultimo Maii* 1640.

In Camera' Stellat' coram Concilio ibidem viceſſimo quinto die Januarij Anno Decimo Caroli Regis.

Tranſporting of Fullers-Earth.

THis day was brought unto this Bar, *John Ray* of *London* Merchant, againſt whom Sir *John Banks* Knight, His Majeſties Attorney-General did inform *Ore tenus* on his Highneſs behalf, that the ſaid *Ray* had committed ſeveral great offences worthy the Cenſure of this Court, which would appear by ſeveral examinations taken of him, whereunto his Name was ſubſcribed, which His Majeſtie's ſaid Attorney prayed might be ſhewed unto him the ſaid *Ray*, and read in the Court; and that thereupon the Court would impoſe ſuch a Cenſure on him for his ſaid Offences, as their Lordſhips in their great wiſdoms ſhould hold fit. Whereupon the ſaid Delinquents, ſeveral examinations were ſhewed, being by him acknowledged, they were openly read in the Court, and were as followeth: The Examinant having ſhewed unto him a Letter to my loving Friend Mr. *Henry Baldroe* Merchant at Mr. *James Deckwers* houſe in *Rotterdam*, beginning thus; *Quinborow* the 4*th* 1630. Mr. *Baldroe according to your Letters*, &c. and ending thus, *and ſo I reſt your loving Friend*, and ſubſcribed *John Ray*. He ſaith that it is his hand-writing; being demanded what the Commoditie was whereof in the Letter is mentioned; he ſaith the Commodities were Fullers-Earth, for he ſaith that near about that time, he ſent from *Rocheſter* into *Holland* threeſcore and ſixteen loads of Fullers-Earth to *Henry Baldroe* a *Norfolk*-man, that reſides at *Rotterdam*. He ſayeth alſo that the Fullers-Earth was bought by a man of *Leyden* in *Holland* who paid the Examinant for the Fullers-Earth after the rate for four *Gilders*; he ſaith that he bought the Fullers-Earth of one *Richard Rods* of *Maidſtone* at the rate of ſix Shillings the load, beſides twelve-pence to *Litherman*.

This Fullers-Earth was loaden in the Ship called the *Hope for Grace*, whereof *John Coldee* was Maſter from *Rocheſter*. Being demanded whether thoſe Goods were entred in the Cuſtom-Houſe, he ſaith that they were entred for the Port of *Lynn*, as he remembreth, and a Port-coquet was made accordingly. Being demanded who were bound for the diſcharge at *Lynn*, and for bringing a Certificate,

Certificate; ſaith that himſelf and the Maſter were bound, but what Certificate was procured he knows not, nor from whence. And there was one Cuſtom paid for the Fullers-Earth, but aſſured he is, that it was landed in *Holland*. He ſaith that he ſhipped this Earth within ſeven or eight days, before the birth of Prince *Charles*, His Majeſtie's Son; and he remembreth it better, for that while he was at *Rocheſter*, Bonefires in token of joy of his Birth were made; and it was ſhortly after His Majeſties Proclamation, inhibiting tranſportation of Wooll and Fullers-Earth. But he ſaith he cannot tell whether he had notice of the Proclamation or not? But he well knew that he intended to take benefit of His Majeſties gracious Pardon granted forth about that time. He alſo ſaith that ſince that time he hath not ſhipped any Fullers-Earth, but about ſix years paſt he ſhipped over ſome other Fullers-Earth, all which matters being contained in his firſt examination, he confeſſeth in his further examination taken by His Majeſties now Attorney-General as true: and alſo ſaith, that *Robert Coſens* of *Horſely-down* about a year ſince tranſported four or five Barques loading of Fullers-Earth to *Skeedam* in *Holland*, and there ſold it; and that a Plumber in *Tower-ſtreet*, and a Plumber in *Rocheſter*, whoſe names he knows not, were ſecret at the Cuſtom-Houſe, that the ſaid Fullers-Earth ſhould not be tranſported. Upon grave and deliberate conſideration whereof, the Delinquent being now at the Bar, who was demanded by their Lordſhips what Anſwer he could make thereunto for his defence or extenuation of his Offences; the whole Court was of opinion, and did declare, that the ſaid Delinquent *John Ray* had committed (as appears by his own examination) two ſeveral offences both of great conſequence and of a high nature, in tranſporting of Fullers-Earth out of this Kingdom, contrary to His Majeſties Proclamation, whereby he did what in him lay to rob the Kingdom of the Trade and Manufacture of making Cloth, which is the ſupport and livelihood of a very great number of the Poor ſort of People of this Realm, and deceiving His Majeſty of the Cuſtoms by colour of a Port-Coquot, which he gained to colour his deceit, and to carry away the ſaid Fullers-Earth with ſecurity; both which Offences as they are of a high nature, ſo in their Lordſhips Opinions they deſerved a very ſharp, ſevere and exemplary puniſhment: and therefore the whole Court, and all the Honourable Preſence there ſitting, have with an unanimous conſent, thought fit, ordered, adjudged and decreed that the ſaid *John Ray*, ſhall for his Offences aforeſaid, ſtand and be committed to the Priſon of the *Fleet*, there to remain during His Majeſties pleaſure; and that if His Majeſty ſhall at any time hereafter be graciouſly pleaſed to enlarge the ſaid Defendant, it is then Ordered and Decreed, that before ſuch his enlargement, he ſhall become bound with good Sureties for his good behaviour hereafter: and it is withal Ordered and Decreed, that the ſaid *John Ray* ſhall pay a Fine of 2000 *l*, to His Majeſty's uſe, and ſhall alſo be ſet in the Pillory, with a Paper on his Head, declaring the nature of his Offences, to the end others may by his Example be deterred from daring to commit the like Offences hereafter.

The Sentence of the Court.

An. 1635.

Feb. 7. Hill. Term.

In Camera Sellat' coram Concilio ibidem Decimo Septimo die Februarii, Anno Domini Caroli Regis 12.

Defendants ſentenced in Star-Chamber for Tranſporting of Gold.

THis day came to be heard the Matter of Complaint exhibited into this Court by Sir *John Bankes* Knight, His Majeſties Attorney-General, Plaintiff againſt *Henry Fluter*, *Henry Sweeting*, *Peter Hern*, *John Terry*, *Arnold Brames*, *Iſaack Gold*, *Randal Crew*, *Francis Brogden*, *Luke Lee*, *Timothy Eman*, *John Perryn* and *Edward Vaghan*, for *tranſporting of Gold and Silver* out of this Kingdom into Foreign parts, and for culling out the weightieſt Mony, and for melting down His Majeſties Coyn into *Bullion*, and giving above the prices of His Majeſties Mint for Gold and Silver (as by the ſaid Information more at large, it doth and may appear.) In the Opening and Proſecution of which Cauſe, His Majeſties ſaid Attorney informed the Court, that in purſuance of their Lordſhips Order at Council-Board, he did before Iſſue joyned in this Cauſe, enter a Rule, that he would not at this time proceed in the Examination of any Witneſſes, touching the buying of Gold and Silver above the price appointed to be given at His Majeſties Mint, but reſerve that part of the Cauſe to be Examined, Heard and Conſidered of hereafter, if their Lordſhips ſhould think fit. Thereunto their Lordſhips again conſented, holding it moſt meet ſo to be done. And upon full and deliberate hearing of the other matters complained of againſt all the before-named Defendants, except *Francis Brogden*, whom His Majeſties ſaid Attorney did not now proceed againſt by direction of this Court, in reſpect he was gone beyond the Seas before his Cauſe was ſet down to be heard, and was not yet returned, as was verified by Oath. It appeared that notwithſtanding His Majeſty out of His Princely Care for the good of His Subjects, foreſeeing the dangerous conſequences, which would enſue the tranſportation of Gold and Silver out of this Kingdom, did by His Proclamation and Articles *Viceſſimo quinto Maij tertio Caroli*, Prohibit and Command, that no Perſon ſhould then after without His Majeſties Licenſe, Tranſport, Carry and Convey out of this Realm any Gold or Silver, either in Coin, Plate, Veſſels, Jewels, Gold-Smiths-work, Bullion or other Maſs, or otherwiſe whatſoever. And that no Perſon ſhould Aid, Aſſiſt, Counſel, or any ways Partake, or Conſent with any other Perſon, purpoſing or attempting to Tranſport, Carry or Convey out of this Realm any Gold or Silver, in any Species or Kind as aforeſaid, either by gathering or getting together ſuch Gold or Silver, or by packing up the ſame fit for Tranſportation, or Conveying the ſame to or towards any Port, Haven, or other place of Exportation, or by any other way or colour. And that no Gold-Smith, Finer, or Parter, or other Perſon whatſoever, of what Miſtery, Trade, or quality ſoever, ſhould melt, or cauſe to be molten any Gold or Silver Coins, which were then, or hereafter ſhould be the Currant Monies of any His Majeſties Realms or Dominions, either to make Plate, Veſſel, or for any other Manufacture or Uſe, or ſhould cull or ſort from the reſt any the weightier Monies, to the intent to convey the ſame out of this Realm, or

1627.

to otherwiſe alter it from Coin, the ſame being alſo contrary to divers Laws and other Proclamations: yet the ſaid Defendant *Henry Sweeting*, between the month of *April* 1629. and the month of *June undecimo Caroli*, did ſend the ſum of fifteen hundred pounds to *Dover* by a Foot-Poſt, and willed him to ſend the ſame over to *Callis*, to one *John Lovell*, a Merchant there; which he did according to the ſaid *Sweeting* his directions. And the ſaid Defendant *Peter Hern*, within the ſpace of two or three years laſt paſt, ſent by the ſaid Foot-Poſt to *Dover* about 3000 *l.* to one *Nathaniel Pringall*, who as himſelf confeſſed, ſent the ſame over to *Callis* in *France*; and the ſaid *Hern*, (as himſelf alſo confeſſed to one of the Witneſſes (whoſe Teſtimony was now read at another time) ſent 500 *l.* to *Callis* to one *Iſaac Lamews*. And the ſaid Defendant *John Terry* ſent up one *Rainger* a Foot-Poſt 200 *l.* to one *John Wallopp* of *Dover*, who at that time ſhewed the ſaid *Rainger* a Letter from the ſaid *Terry*, to him the ſaid *Wallopp*, to ſend the ſaid two hundred pounds to one *Peter Pool* at *Callis*, which the ſaid *Wallopp* did, and accordingly as he afterwards told the ſaid *Rainger* and the ſaid *Terry* about three or four years ſince, ſent one hundred and fifteen pound more to the ſaid *Wallopp* to *Dover*, who ſent the ſame to *Callis* to the ſaid *Peter Pool*, as he was directed. And the ſaid *Arnold Brames* (as himſelf confeſſeth) hath within ſeven years laſt paſt ſent divers quantities of Foreign Coin and Bullion into *France*, *Flanders*, and other Foreign Parts to coyn in Baggs, and the Bullion which came from *Spain*. It likewiſe plainly appeared to this Honourable Court, the Defendant *Timothy Eman*'s conſtant courſe, from the *year* of our Lord God 1621, until the *year* of 1631, was to receive Merchants mony, and then to imploy his Servants to Cull and Sort out by the Ballance, the heavieſt Shillings and Sixpences, and afterward ſold them by the Ounce, and thereby made three pound in the hundred profit, it being uſual to find 14, 15, 16 *l.* or more heavy in 100 *l.* and in the year 1628, 1629, 1630, 1631, the ſaid Defendant cauſed his Servants to cull 500000 *l.* a year, which did produce 7, or 8000 *l.* yearly heavy mony, which in part he melted down into Ingots, and ſo ſold them, and the greateſt *part* he ſold unmelted to the value of 20000 *l.* and the ſaid Defendant was alſo furniſhed by divers ſeveral perſons with heavy cull'd Engliſh-mony, to whom he gave ſometimes two Shillings and ſometimes three Shillings in a hundred pound to have the Culling thereof; and the ſaid Defendant *Eman*, from the *year* 1621, or 1622, to the *year* 1626, did melt down 5000 *l.* and from 1626 to the *year* 1631 he did melt down 15000 *l.* and had profit out of the ſaid mony ſo melted down amounting to above 1000 *l.* and the Defendant *Henry Futter*, did buy and gather together light Gold, and did furniſh one *Violet* with 1000 *l.* of light Gold, beyond the Allowance of great Rates, knowing he either bought it either to tranſport himſelf, or to furniſh Tranſporters therewithal. And the Defendant *John Perryn* (as himſelf confeſſeth) and is proved againſt him, bought certain quantities of heavy Engliſh Coyn, and melted the ſame into Bullion.

Upon grave and deliberate conſideration of all which matters, the Court did declare and adjudge the ſaid Defendants, *Henry Sweeting*, *Peter Hern* and *John Terry* guilty of Tranſportation of

An. 1636. Engliſh Gold, and the Defendant *Arnold Brames* of Tranſportation of Foreign Coin and Bullion, into ſuch ſeveral parts beyond the Seas, the Defendant *Timothy Eman* of Culling out and Melting down the heavy Coin of this Kingdom for his own particular End and private Gain, the Defendant *Henry Futter* of buying light Gold, and ſelling the ſame again, to furniſh Tranſporters, and the Defendant *John Perryn* of melting down His Majeſties heavy Coin. All which Offences their Lordſhips held to be of a very great and dangerous conſequence, and very prejudicial to the good and floriſhing eſtate of this Kingdom, and therefore to deſerve a ſharp and ſevere Cenſure. In reſpect whereof their Lordſhips, having well and gravely weighed the nature and quality of each particular mans Offence, have Ordered, Adjudged and Decreed, that the ſaid Defendants, *Henry Futter, Henry Sweeting, Peter Hern, John Terry, Arnold Brames, Timothy Eman* and *John Perryn*, ſhall all of them ſtand to be committed to the Priſon of the *Fleet*, and pay for their ſeveral Fines to His Majeſty's uſe as followeth; (*viz.*) *Peter Hern, John Terry* and *Timothy Eman* 2000 *l.* a piece, *Arnold Brames* 1000 *l.* *Henry Futter*, and *Henry Sweeting* 500 *l.* a peice, and *John Perryn* 100 *l.* And as touching the Defendant *Iſaac Gould, Randal Crew*, and *Luke Lee*, albeit it did appear that they being *Eaſt*-Country Merchants, had tranſported out of the Kingdom, and carried over in their Ships ſeveral ſmall ſums and quantities of *Rix-Dollers*, which the Court holds and declares to be an offence puniſhable in that Court, if it be done without His Majeſties Licenſe: Yet in reſpect it did not clearly appear that they had Tranſported any great quantities, and for that the neceſſity of the Trade requires the Exportation and carrying with them of ſome monies, to defray Cuſtoms and other neceſſary occaſions in their Voyages to *Norway*; the Court did forbear at this time to cenſure them, and did diſmiſs and diſcharge them of, and from any other attendance thereabouts hereafter. And for the Defendant *Edward Vaughan* it was Ordered he be diſmiſſed and diſcharged of, and from any further Attendance there-abouts hereafter.

Thomas *Lord* Coventry, *Lord Keeper of the Great-Seal of* England, *his Speech or Charge, which he delivered by Command from the King, to all the Judges of* England, *being in the Court of* Star-Chamber 14 die Februarii Anno Regni Regis Caroli xii Annoq; Domini 1636. *Together with the Kings Letters, Caſes, and the Judges Opinions touching the* Ship-mony.

My Lords,

I Have but one particular more, and that of great Importance, wherof by ſpecial Direction and Commandment from His Majeſty, I am to ſpeak unto you at this time.

All of you are the Witneſſes of His Majeſties Proceedings, though the Candour, and clearneſs of His own Heart exceedeth your

Teſtimony, and your Teſtimony is not only fit to be declared in this place, but in all the places of the Realm. His Majeſty hath now the third time ſent forth *Writs* to require the aid of his Subjects, for the guard of the Dominion of the Seas, and ſafety of the Kingdom; this His Majeſty did upon great deliberation and advice, and upon Important and Weighty Reaſons. In the firſt year, when the *Writs* were directed to the Ports and the Maritime places, they received little or no oppoſition; but in the ſecond year, when they went generally thoughout the Kingdom (though by moſt well obeyed) have been refuſed by ſome, not only in ſome Inland ſhires, but in ſome of the Maritime places; and Actions have been brought againſt ſome that have been imployed about the Execution of thoſe *Writs*. I ſuppoſe no man will expect *Arcana Regni*, the private Reaſons of a Prince, ſhould either upon this, or other occaſions, be made more publick; but ſo many reaſons as were fit to be opened, were formerly declared by me in this place to you the Judges of this Realm.

The firſt was, That the whole Kingdom is concerned in point of ſafety: for admitting there were no other Council, or Attempt againſt us, but only to interrupt us in the Dominion of the Sea, our moſt ſecure and ſafe defence, better than either Caſtle or Forts, which if it be Commanded by others, it lays us open to much peril and danger.

Secondly, The whole Kingdom is concerned in point of Honour; for it is one of the moſt Antient and Honourable Rights of the Crown of *England*, even the Dominion of the Sea; and all Records do ſhow, how the Kings and People of *England* have ever been careful, that this Honour ſhould never periſh; and certainly the whole Kingdom is concerned in point of Trade, and Profit; for the Traffique doth not only inrich the Maritime places, but the Inland Towns; and if Trading fail, the Inland places will find it in the fall of the Prices of Wooll, Lead, and Staple Commodities: this, experience ſhoweth daily, when upon every ſtop of the Vent of Cloth, there cometh ſuch outcries by the Weaver, Fuller, Spinner, and Wooll-growers themſelves; and the Authority of the Laws ſheweth the ſame in the Book of Aſſize 43, which your Lordſhips know better than I. It appeareth that certain men went into the Country and caſt out a fame, that for that year no Wooll ſhould be tranſported beyond the Seas; preſently upon this the price of Wooll fell, and thoſe men were called into queſtion, and adjudged in a Fine for it. Now if a Rumor did ſo much abate the Trade in the heart of the Kingdom, what would the loſs of the Dominion of the Sea do, which expoſeth Us, and all our Trade to the mercy of our Neighbours, therefore ſithence the Realm, and the whole Realm is concerned in point of Honour, Safety and Profit, what Reaſon, but all ſhould contribute to the maintenance of it. This, or to this effect I did formerly declare to you (the Judges) by His Majeſties Commandment, and His Majeſty received ſatisfaction in that you made a full Declaration thereof in your Circuits; and this I may ſay for the moſt part, the Subjects have ſhewed themſelves moſt dutiful and obedient in this ſervice of His Majeſties, and this year the ſum impoſed on the County of *York* being 12000 *l.* is brought in already by the Sheriff, and ſo is

An. 1636 moſt part of *Lancaſhire*, and other Shires; but when His Majeſty heard of ſome refuſals, though he had cauſe to be ſenſible of it, yet was far from being tranſported with Paſſion, but thought good to reſort to the adviſe of you His Judges, who are ſworn to give him faithful and true Counſel, in that which appertaineth to the Law, and this His Majeſty for the direction of His own courſe, as for the ſatisfaction of His Subjects, required you to deliver your Opinions herein, to which you returned an Anſwer under your own hands; and becauſe the Commandment which you received from the King is expreſſed in a Princely Letter under his own Signature, I ſhall not take upon me to repeat it; you ſhall hear it read; which being delivered by my Lord Keeper, to one of the Clerks in Court, was read to this or the like effect.

Carolus Rex.

Truſty and well-beloved, We greet you well, taking into Our Princely Conſideration, that the Honour and Safety of this Our Realm of England, *(the preſervation whereof is only entruſted in our Care) was, and is now more nearly concerned than in former times, as well by divers Counſels and attempt to take from us the Dominion of the Sea, of which we are the ſole Lords, and rightful Owners, the loſs whereof would be of great danger and Peril to this Kingdom, and other our Dominions; We for the avoiding of theſe and the like dangers, well weighing with Our ſelves, that where the good, and ſafety of the Kingdom in general is concerned, and the whole Kingdom in danger, there the Charge and Defence ought to be borne by all the Realm in General; did for prevention of ſo publick a Miſchief, reſolve with Our Selves to have a Royal Navy provided, that might be of force, and power, with Almighty Gods Bleſſing and Aſſiſtance, to protect and defend this our Realm, and Our Subjects therein, from all ſuch Perills, and Dangers; and for that purpoſe we iſſued forth Writs under Our Great-Seal of* England, *directed to all our Sheriffs, of all our ſeveral Counties of* England *and* Wales, *Commanding thereby all Our ſaid Subjects in every City, Town and Village, to provide ſuch a number of Ships well furniſhed, as might ſerve for this Our Royal Purpoſe, and which might be done with the greateſt equality that could be, in performance whereof, though generally throughout all the Counties of this Our Realm, We have found in Our Subjects great Chearfulneſs and Alacrity, which we graciouſly interpret as a Teſtimony as well of their dutiful Affections to Us and Our Service, as of the reſpect they have to the Publick, which well-becometh every good Subject. Nevertheleſs, finding that ſome few haply out of ignorance what the Laws and Cuſtoms of this Our Realm are, or out of a deſire to be eaſed, and freed in their Particulars (how general ſoever the charge ought to be) have not yet paid and contributed the ſeveral Rates and Aſſeſſments that were ſet upon them; and foreſeeing in Our Princely Wiſdom, that from hence divers Suits and Actions are not unlikely to be Commenced and Proſecuted in Our ſeveral Courts at* Weſtminſter: *We deſirous to avoid ſuch inconvenience, and out of Our Princely Love, and Affection to all Our People, being willing to prevent ſuch errors as any of Our Loving Subjects may happen to run into, have thought fit in a Caſe of this Nature to adviſe with you Our Judges, who we doubt not are all well ſtudied and informed in the Right of Our Soveraignty; and becauſe the*

Trials of Our ſeveral Courts, by the formality of Pleading, will require a long protraction, We have thought expedient by this Our Letter directed to you all to require your Judgments in this Caſe, as it is ſet down in the incloſed Paper, which will not only gain time, but alſo be of more Authority to over-rule any prejudicate opinions of others in the Point.

Given under Our Signet at Our Court at *Whitehall* the ſecond day of *February*, the twelfth Year of Our Reign 1636.

This being thus read, the Lord-Keeper commanded the Caſe incloſed to be read, being as followeth.

Carolus Rex,

'WHen the good and ſafety of the Kingdom in general is concerned, and the whole Kingdom in danger, whether 'may not the King, by Writ under the Great Seal of *England*, command all the Subjects of Our Kingdom at their charge to provide 'and furniſh ſuch a number of Ships, with Men, Victuals, and 'Munition, and for ſuch time as we ſhall think fit for the defence 'and ſafeguard of the Kingdom from ſuch danger and peril, and by 'Law compel the doing thereof, in caſe of refuſal or refractorineſs? 'and whether in ſuch a caſe is not the King the ſole Judge both 'of the danger, and when, and how the ſame is to be prevented and 'avoided.

The Judges Opinions to the Caſe.

May it pleaſe your Moſt Excellent Majeſty,

WE have, according to Your Majeſties Command, every Man by himſelf, and all of us together taken into ſerious Conſideration the Caſe and Queſtion Signed by Your Majeſty, and incloſed in Your Royal Letter; and we are of opinion, that when the good and ſafety of the Kingdom in general is concerned, and the Kingdom in danger, Your Majeſty may, by Writ under the Great Seal of *England*, command all Your Subjects of this Your Kingdom, at their Charge to provide and furniſh ſuch a number of Ships, with Men, Victuals, and Munition, and for ſuch time as Your Majeſty ſhall think fit for the defence and ſafeguard of this Kingdom from ſuch danger and peril: and that by Law Your Majeſty may compel the doing thereof in caſe of refuſal, or refractorineſs: and we are alſo of opinion, that in ſuch caſe Your Majeſty is the ſole Judge both of the danger, and when, and how the ſame is to be prevented and avoided.

John Bramſton,	*George Crooke,*
John Finch,	*Thomas Trevor,*
Humphry Devenport,	*George Vernon,*
John Denham,	*Francis Crawley,*
Richard Hutton,	*Robert Berkley,*
William Jones,	*Richard Weſton.*

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The ſaid Letter of the Kings, the Caſe and Judges Opinions thereupon, being then diſtinctly read in Court in the preſence of all the Judges, except Judge *Crooke*, who at that time was indiſpoſed as to his health, the reading of which ſo publickly ſeemed a ſurprize to ſome of the Judges preſent; the Lord Keeper proceeded and ſpake as followeth.

My Lords,

Lord Keeper.

'This being the uniform Reſolution of all the Judges Opinions with one Voice, and ſet under their own Hands: I ſay this being ſo reſolved as they do here expreſs upon every Mans particular ſtudying of the Caſe, and upon a general Conference among themſelves, it is of very great Authority; for the very Lives and Lands of the Kings Subjects are to be determined by the Judgment of theſe Reverend Judges, much more a Caſe of this nature, which God knoweth cannot be burdenſome to any, but is of ſingular uſe and conſequence, and for the ſafety of the whole Kingdom.

'The Commandment from His Majeſty is, That I ſhould publiſh this your Opinion in this place, and give order that it ſhould be entred in this Court, in the High Court of *Chancery*, in the Courts of *Kings-Bench*, *Common-Pleas*, and *Exchequer*; for this is a thing not fit to be kept in a corner: And His further Command is, That you the Judges do declare and publiſh this general Reſolution of all the Judges of *England* throughout all Parts of the Kingdom, that all Men may take notice thereof, and that thoſe His Subjects which have been in any Error, may Inform themſelves, or be Reformed.

'You have great cauſe to declare it with Joy, and you can hardly do it with Honour enough to the King, that in ſo high a Point of His Sovereignty he hath been pleaſed to diſcend, and to communicate with you His Judges; which ſheweth, that Juſtice and Sovereignty in His Majeſty doth kiſs each other.

'His Pleaſure further being, That you let all know, that it is not His Purpoſe by this Reſolution to ſtop or check the Actions or Suits which any have brought, or ſhall bring concerning this; for it is His Majeſties Command, That all ſuch as proceed in an Action about the ſame, ſhall have equal and meet Juſtice, and that they be ſuffered to proceed in Courſe of Law, ſo as you call the Kings Learned Council unto their Proceedings, that they may not be ſurprized.

'Now, my Lords, I have little more to ſay, but this I am ſure of, that if any contrary opinion ſhall yet remain among Men, it muſt proceed from thoſe that are Sons of the Law, or from ſome not towards the Law. Of the latter I will ſay, (*Felices demum eſſent artes ſi de illis ſolum judicarent Artifices.*) And as to the former, you the Judges of the Realm, are, and ever have been accounted the Fathers of the Law, then will it ill-become the Son to diſpute againſt, or take upon him to be wiſer than the Father. Having thus delivered unto you, that which I received in Commandment from His Majeſty; as His Majeſty doth, ſo do I, leave it to your Judgments.

Here followeth the firſt part of the Lord Keepers Speech to all the ſaid Judges this day, which was Poſtponed, becauſe that which is before-mentioned was pertinent to the great Queſtion in hand concerning Ship-money; but his Lordſhip in the beginning declared to the ſaid Judges what he had in command from His Majeſty concerning Matters relating to their reſpective Circuits, and ſpake to this purpoſe.

My Lords the Judges,

THe Term being now at an end, and the Aſſizes at hand, His Majeſty hath commanded, that according to the Cuſtom in former times, ſo now you ſhould in this place receive ſome directions for the execution of Juſtice in all Parts of the Kingdom whereto you reſort. This, (as it may juſtly be) is a great comfort to His Majeſties Subjects to ſee His Majeſties care herein, which as it is a Teſtimony of their own Happineſs in receiving Juſtice from the King Himſelf the Fountain of Juſtice, ſo it may as juſtly add ſtrength and encouragement to you when you go your Circuits, not only to be armed with your own Authority by Commiſſion, but with your Princes Inſtruction. In the doing of Juſtice you will find things of ſeveral natures and degrees. In ſome Pleas before you Commutative Juſtice beareth ſway, as in that which is *Meum & Tuum*: In others Diſtributive Juſtice, as in *Præmium & Pœnam*; ſome concern one, and a few others concern the multitude, others concern the King and all the Kings People. In ſome Pleas things are drawn a-fore you that are *ad Nocumentum* of this and that particular Town: Some *ad Nocumentum totius Regni*: Some things are drawn a-fore you that are *Contra Pacem Regis*, and others *Contra Coronam & Dignitatem Regis*. And in this variety of buſineſs, that as there are many of a leſſer and lower degree, yet not to be omitted; ſo you have *Graviora Legis*, upon which you are to pitch your Mark, *hæc oportet fieri illa non omittere*. In that Juſtice which you are to do between Party and Party, His Majeſty doth require you, as in all His Courts here, ſo in your Circuits you adminiſter impartial Juſtice, and redreſs vexatious and wrangling Suits, not worthy the Dignity of your own Perſons, and the Court where you ſit; for theſe actions, as they empty the ſpleen on the one ſide, ſo they never fail to empty the Purſes on both ſides. But beſides the doing of Juſtice between Man and Man, there is much more expected from your Lordſhips: For the publick buſineſs of the Country is of much more importance than the Tryal of a *Niſi prius*, and fitting you ſhould eſteem them ſo. And therefore it is His Majeſties Command, that thoſe Services which concern Himſelf, and the Publick, be timely thought of, and not poſted off to the end of the Aſſize. Now a-fore all other things the advancement of Religion and Piety towards God, the Peace of the Church, and the execution of thoſe Laws that tend to theſe ends ought to have the firſt place. As oft as I have had occaſion to ſpeak to you here, I have ſeldom ſpared to give you a Charge of the Laws againſt Recuſants; and I muſt reiterate it now, for if you convict them not in the Country, there is like to be little reformation or profit to His Majeſty. And whoſoever they be that will not be found

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An Humble Remonſtrance to His Majeſty againſt the Tax of Ship-mony impoſed, laying open the Illegality and Inconvenience thereof, intended to have been preſented by a private hand unto His Majeſty; which met with obſtruction, and was to this effect.

Moſt Gracious and Dread Soveraign,

WE your Poor and Loyal Subjects of this your Realm of *England*, now grieved and oppreſſed with the late Taxes impoſed on us, for ſetting out of divers Ships to guard the narrow Seas, without our Common Conſent in Parliament thereunto had; do here in all Humility and Duty proſtrate our ſelves and this our Remonſtrance againſt the ſaid Taxes, at Your Highneſs Feet, beſeeching Your Majeſty of Your Royal Juſtice and Clemency, to take the ſame into Your moſt Juſt and Gracious Conſideration, and thereupon to releaſe us Your poor Subjects from this Intolerable Burthen and Grievance, under which we groan and languiſh, and know not how long it may continue.

And here firſt of all, we moſt humbly repreſent to Your moſt Excellent Majeſty, that this Tax of Ship-mony is directly contrary to the Fundamental Laws and Liberties of this Your Realm of *England*, which Your Majeſty, both in point of Juſtice and Honour is obliged inviolably to preſerve, according to the *Oath* made to God and Your Subjects at Your *Coronation*, and Your frequent Printed Royal *Proteſtations* ſince, both in Your Anſwer to the Petition in the third year of Your Highneſs Reign, in Your Royal Speech in Parliament, Printed therewith by Your Command, and in Your Declaration to all Your Loving Subjects of the Cauſes, which moved Your Majeſty to diſſolve the laſt Parliament, publiſhed by Your Special Command.

Likewiſe *page* 23, 42, 43, 44, in all which Your Majeſty (to all Your Subjects Comforts) hath made theſe ſeveral Declarations of Your Royal Pleaſure, in theſe moſt gratious Words.

‘The King willeth that Right be done according to the Laws and Cuſtoms of the Realm, and that the Statutes (recited in the Petition of Right) be put in Execution, that His Subjects may have no cauſe to complain of any Wrong or Oppreſſion contrary to their Juſt Rights and Liberties (to the preſervation whereof he holds himſelf in Conſcience as well obliged as of His Prerogative) let right be done as is deſired; and I aſſure you my Maxime

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‘is that the Peoples Liberties ſtrengthen the Kings Prerogative, and the Kings Prerogative is to defend the Peoples Liberties. I do here declare, that thoſe things which have been done whereby men had ſome cauſe to ſuſpect the Liberty of the Subject to be trencht upon, ſhall not hereafter be drawn into example for your prejudice; and in time to come (in the Word of a King) you ſhall not have the like cauſe to complain. We are not unmindful of the preſervation of the Juſt and Antient Liberties of Our Subjects, which We ſecured them by Our Gracious Anſwers to the Petition of Right in Parliament, having not ſince done any Act whereby to Infringe them. But Our care is, and hereafter ſhall be, to keep them intire and inviolable, as We would do Our own Right and Soverainty. We do alſo declare, that We will maintain the Antient and Juſt Rights and Liberties of Our Subjects, with ſo much conſtancy and juſtice, that they ſhall have cauſe to acknowledge, that under Our Government and Gracious Protection they live in a more happy and free Eſtate, than any Subjects in the Chriſtian World.

If then we ſhall make it appear to Your Majeſty, that this Tax is againſt the Laws of this Your Realm, and the juſt antient Rights and Liberties of Your Subjects, we doubt not, but Your Majeſty out of Your Royal Juſtice and Goodneſs will be moſt Graciouſly pleaſed to exonorate us thereof, and never to draw it into Example more.

That it is againſt the Fundamental-Laws, Juſt-Rights, and Antient Liberties of Your People, we ſhall make it appear by theſe particulars,

Firſt, We humbly conceive it to be contrary to ſundry Statutes of this Your Realm.

Firſt, to the Statute of *Magna Charta* cap. 29. (thirty times ratified in Parliament) 5 *Edw.* 3. *cap.* 9. 25. *Edw.* 3. *Cap.* 4. 28. *Edw.* 3. *Cap.* 3. 37. *Edw.* 3. *Cap.* 18. and to the late *Petition of Right* in the third year of your Majeſties Reigh.

Which Enact that no Freeman ſhall be taken, or diſeiſed of his Freehold or Liberties, or Free-Cuſtoms, or to be Outlaw'd or Exiled, or otherwiſe deſtroyed nor paſſed upon, nor dealt with, but by the lawful Judgement of his Peers, or by the Laws of the Land.

But divers of your poor Subjects, by vertue and Authority of the Writs for Ship-mony, have been taken and impriſoned by Your Officers, their Goods and Cattle ſeized, diſtrained and ſold, to their great damages and diſtraction, without any lawful Judgement firſt given againſt them, and before the Right or Title of this Tax, hath been legally heard and decided againſt the tenure of this Statute.

Secondly, Againſt the Statute 25 *Edw.* 3. *de Tallagio non concedendo.* 14 *Edw.* 1. *Stat.* 2. *Cap.* 1. 25 *Edw.* 3. 11 *Rich.* 2. *Cap.* 9. 1 *Rich.* 3. *Cap.* 2. and the late Petition of Right ratified by Your Majeſty, which Enact that no Tallage, Aid, Loan, Benevolence, nor any ſuch like charge, ſhall be laid or levied, by the King or His Heirs of this Realm, without the good will and aſſent of Arch-Biſhops,

Biſhops, Earles, Barons, Knights, Burgeſſes, and other Freemen of the Commonalty of this Realm.

By vertue of which Statutes Your Subjects inherited this Freedom, that they ſhould not be compelled to any Tax, Aid, or any other like Charges not ſet by Common-conſent in Parliament (as is recited in the ſame Petition) therefore not with this Tax, Tillage, Aid or Charge of Ship-mony, it being againſt theſe Acts, and not ſet by Common-conſent in Parliament.

Thirdly, Againſt all the Acts of *Tunnage*, and *Poundage*, and other Subſidies, which have from time to time in all Your Royal Progenitors Reigns been granted them, either for years, or term of their natural Lives, a certain Tax or Subſidy for the ſafe-guard and defence of the Seas, againſt Enemies and Pirates, as a free and voluntary Grant, Becauſe they by themſelves by their Royal Prerogative had no power to impoſe it on their Subjects. Some few of which we ſhall here recite.

Firſt, 14 *Edw.* 3. *Stat.* 1. *Cap.* 20, *&* *Stat.* 3. The Prelates, Earls, Barons, and Commons in Parliament, granted the King the ninth Lamb, Fleece and Sheep, and the ninth part of all Goods and Chattels in Burroughs for two years ſpace then next enſuing, to be taken and levied by lawful and reaſonable Tax by the ſame two years made, for the good-keeping of His Realm, as well by Land as by Sea; and of His Wars as well againſt the Parties of *Scotland*, *France* and *Gaſcoign*, as elſewhere; with this promiſe, that this Grant ſo chargeable, ſhould not another time be had forth in Example, nor fall to their prejudice in time to come. And that all the profits thereof, with others ariſing of the Realm of *England*, ſhould be imployed for the maintenance of the Wars in *Scotland*, *France* and *Gaſcoign*, and in no place elſewhere during the ſaid Wars.

Secondly, 5 *R.* 2. *Par.* 2. *Stat.* 1. a Subſidy of *Tunnage* and *Poundage* of two ſhillings of every Tun of Wine, and ſix-pence the pound of every Merchandize elſe imported (ſome few excepted) was granted to the King by Parliament for two years; during which time the Mariners of the Weſt proffered the Parliament, to make an Army on the Sea; provided always the mony thereof coming to be wholly imployed upon the ſafe-keeping of the Sea, and no part elſewhere. The Receivers and Keepers whereof were appointed by the Parliament in this Act, which appointed that the People of the ſaid Sea-Army, ſhould have all the Lawful-Prizes ſhared between them; and the Admirals and others of the ſaid Army ſhould give aſſurance to ſave the Kings Friends and Allies, without damage to be done to them or any of them, by any way; and if they did, and that be proved, they ſhould bind them upon grievous pains thereof to make amends.

Thirdly, 4 *Edv.* 4. *Cap.* 3. The Commons of the Realm of *England*, granted a Subſidy called *Tunnage*, to the King for His Life, for the defence of the ſame Realm, and was eſpecially for the ſafeguard of the Seas; they are the words of the Act often repeated.

Which Act was revived to King *Henry* the 8*th*. by Act of Parliament, 6. *H.* 8. *Cap.* 14. which grants him *Tunnage* and *Poundage* during his life.

Fourthly, 1 *Edw.* 6. *Cap.* 31. 1 *Mariæ Cap.* 1. 18. 1 *Eliz. Cap.* 19. (for the grant of *Tunnage.*) All ſeverally recite, that *Hen.* 7. *Hen.* 8. and other of thoſe Princes Noble Progenitors, Kings of this Realm, time out of mind, have had granted unto them, and enjoyed the ſame for the time, being by Authority of Parliament (for the defence of the ſame Realm, and the keeping and ſafe-guard of the Seas for the entercourſe of Merchandiſe, ſafely to come into, and paſs out of the Realm) certain ſums of mony named *Subſidies*, of all manner of Goods and Merchandiſe coming in, or going out of the Realm, *&c.*

Some will object that in the time of *Hardicanute*, this Tax of Ship-mony was paid by the People.

Now ſhall ſuch a grievous inſufferable Tax as that which *Hardicanute* no hereitary Prince but a foreign *Daniſh* Tyrant impoſed upon the People, to provide Ships of War be a Preſident who died drunk amidſt his Cups, very ſhortly after, as all our Hiſtorians record, be made or deemed a juſt and lawful Preſident for Your Majeſty now to follow, God forbid.

That Preſident of *Hardicanute*, and all former Preſidents were before the Government of this Kingdom was ſetled by *Magna Charta*, and the other Statutes againſt Taxes, Tallages, Loans, Aids and Benevolences, without Common-conſent in Parliament, enacted before *Tonnage* and *Poundage* granted, therefore impertinent to the preſent caſe.

The next Preſident objected (the firſt and moſt pertinent of all others ſince that of *Danegeld*) is that of King *John*, *Anno* 1213, who being judicially deprived of the Crown and Kingdom at *Rome* by the Pope, at the earneſt ſollicitation of *Stephen Langhton* Arch-Biſhop of *Canterbury*, *William* Biſhop of *London*, and the Biſhop of *Ely*; theſe Prelates departing from *Rome*, went into *France*, and there conſpiring with the Biſhops, and King *Philip* of *France*, againſt King *John*, they then ſolemnly publiſhed the Depoſition and Sentence of the Pope given againſt him at *Rome*; and then in the behalf of the Pope they enjoyned aſwell the King of *France*, as all other men, as they would obtain the remiſſion of all their ſins, that uniting themſelves together, they ſhould all go into *England* in an Hoſtile manner, and depoſe King *John* from His Crown and Kingdom, and ſubſtitute another worthy man in His ſtead by the Popes Apoſtolical Authority.

Hereupon the King of *France* prepared a very great and ſtrong Army, and Navy to invade both by Sea and Land to depoſe King *John*, and to get the Crown and Kingdom to himſelf: King *John* having perfect intelligence of all this, in the month of *March* commanded Ships excellently furniſhed to come together out of all the parts of *England*, ſo that he might with ſtrong hand boldly reſiſt thoſe who intended to invade *England*; he likewiſe raiſed and gathered together a very great Army out of *England* and *Ireland*, and the places near adjoyning. Thus *Mat. Weſtmonaſterienſis*, *Anno* 1213. *p.* 90. relates the ſtory; *Math. Paris* adds this thereunto, that the King in the month of *March* cauſed all the Ships out of the Ports of *England* to be imbreviated by this Writ, which he directed to all the Bayliffs of the Ports in theſe words,

Johannes Rex, &c.

Theſe things thus done concerning Ships, the King ſent out Letters to all the Sheriffs of this Kingdom in this form,

Johannes Rex, &c.

Theſe two Writs therefore being divulged about *England*, there came together in the Sea-coaſts in divers places, which the King moſt ſuſpected, to wit, to *Dover*, *Feverſham* and *Ipſwich*, men of different Condition and Age, fearing nothing more than the report of *Culvertage*: But when after a few days there wanted Victuals for ſo great a multitude, the Chief Commanders of the Wars ſet home a great Company of the unarmed vulgar, retaining only the Knights, their Servants and Free-men, with the Slingers and Archers near the Sea-coaſts: moreover *John* Biſhop of *Norwich* came out of *Ireland* with five hundred Soldiers, and many Horſemen to the King, and was joyfully received of him; all therefore being aſſembled to the Battel and muſtered at *Dunham Downs*; there were among the ſelected Soldiers and Servants, ſtrong and well-armed ſixty thouſand valiant men, who had they had one heart and mind towards their Prince and Country, there had not been a Prince under Heaven againſt whom the Kingdom of *England* might not have defended it ſelf. Moreover the King reſolved to join a Battle at Sea with the Enemies, that he might drown them in the Sea before they ſhould land, for he had a greater Navy than the King of *France*, whence he conceived greateſt ſecurity of reſiſting the Enemy. Thus *Math. Paris*, *Hiſtor. Angliæ* 1213. *p.* 224, 225. whoſe words we have related at large to clear and take off the edge of that prime Preſident, in anſwering which, all ſince will be cleared from this Writ to Preſs and provide Ships and Ship-mony as now.

But under Correction we humbly conceive that this Preſident makes much againſt (nothing at all for) theſe Writs and Taxes now iſſued forth.

Firſt, It was before *Magna Charta* the Statutes againſt Taxes and Tallages, the Petition of Right, or any Subſidies of Tonnage and Poundage to guard the Seas.

Secondly, It was only directed to Port-Towns that had Ships, and not to Countries and Places which had no Ships, as theſe Writs are now.

Thirdly, It was only to the Mariners, and Owners of Ships (not to any other Perſon) which being exempted from all Land-Service, were to ſerve the King and Kingdom at this pinch and opportunity by Sea; but this Writ is on all, as well thoſe that have no Ships as others.

Fourthly, It was only to furniſh out their Ships, not to contribute mony to hire the Kings, or others, or to build new of other or greater Burthen than theſe they had; theſe Writs now are contrary to this in all theſe reſpects at leaſt in intention, if not in execution.

Fifthly, Here was no levying of Money to be paid into King *John's* Exchequer, or Officers Hand, to provide or hire Ships as now; but every man was left to furniſh his own Ships at his own beſt rate with his own Proviſion and Mariners: this quite otherwiſe.

Sixthly, Though the Mariners and owners of Ships then were by this Writ to furniſh Ships out at their own proper Coſts, yet when they were thus furniſhed, the King was to pay them both Wages, Hire, and Fraught, as His Succeſſors have ever done ſince, when they preſſed any of their Subjects Ships or Carts, for War, or Carriage. Theſe were the words, *Ituri in ſervitium noſtrum ad libertationes noſtras*; and the conſtant practice of all Kings in like caſes, (yea of Your Majeſty, who now pays Wages and Fraught for all the Mariners and Merchants Ships you preſs;) therefore this makes nothing at all for this enforcing the Subjects to ſet out Ships to guard the Seas, and ſerve Your Majeſty at their own proper Coſts and Charges, but point-blank againſt it.

The Reader, for further ſatisfaction in this Point, may find various Arguments in that Remonſtrance which became publick in the late Printing-Age.

Lent-Aſſizes. *March* 1636. A Judge of Aſſize his Charge to the Grand-Jury, as to the Caſe of Ship-mony.

SIr *R. B.* one of the Juſtices of Aſſize for the County of *York* did, at the Aſſizes held at *York* in *Lent* 1636. deliver his Charge to the Grand-Jury, that it was a lawful and inſeparable Flower of the Crown, for the King to command not only the Maritime Counties, but alſo thoſe who are In-land, to find Ships for the defence of the Kingdom: And then likewiſe affirmed, that it was not His ſingle Judgment, but the Judgment of all his brethren, witneſſed by their Subſcriptions.

And then alſo ſaid, That there was a Rumor that ſome of his Brethren that had ſubſcribed, were of a contrary Judgment; but it was a baſe and unworthy thing for any to give his Hand contrary to his Heart; and then wiſhed for his own part, that his Hand might rot from his Arm that was guilty of any ſuch crime; when as he knew (with which he was afterwards charged in Parliament) that Mr. Juſtice *Hutton*, and Mr. Juſtice *Cook*, who had ſubſcribed, were of a contrary opinion, and was preſent when they were perſwaded to ſubſcribe, and did ſubſcribe for conformity only, becauſe the major number of the Judges had ſubſcribed. And the ſaid Judge of Aſſize then alſo ſaid, That in ſome Caſes the Judges were above an Act of Parliament.

Earl of *Arundel* ſent Ambaſſador to the Emperor about the Palatinate.

F*Erdinando* the ſecond, Emperour of *Germany*, being weakned in Body, reſolves to ſettle the Empire, and calls a Dyet to meet at *Ratisbone* the midſt of *September* this Year; where, after Conſultation, for Succeſſion, the *French* under-hand promoted *Bavaria*, but the *Poland* Ambaſſador was for the Emperors Son, already King of *Hungary*, to be Elected King of the *Romans*, by the

Name of *Ferdinando* the third, and the Emperor afterwards dyed on the fifth of *February* following.

The King of *Great Britain*, upon the News of this Change in *Germany*, ſends *Thomas* Earl of *Arundel*, Earl-Marſhal of *England*, Ambaſſador to the New Emperor *Ferdinando* the third, Elected at this Imperial Dyet, to whom he preſents the Condition of His Majeſties Nephew the Palſgrave, having his Patrimony taken from him by the Emperor, and hoping for Reſtitution; but the Anſwer which the Ambaſſador received from the Emperor was, That he made no doubt in time he might be conſidered for enjoying the lower Palatinate; but for the other it much concerned the Duke of *Bavaria* in his preſent Intereſt and Poſſeſſion, who would hardly be induced to a Treaty diſadvantagious to himſelf; but *Bavaria* ſpake like a Souldier, that what he had got with ſo much hazard of his Perſon, and Expence of Treaſure won by the Sword, he would now maintain with the ſame Power in the Poſſeſſion. The Ambaſſador afterwards came away in diſdain, not taking his leave at all; for the Eyes of all the Chriſtian Princes were upon this His Embaſſy from the King of *Great Britain*, being in hope the Emperor would have done more in order to the Reſtauration of the Palatinate; ſo the Ambaſſador haſtened home into *England* to give His Majeſty an account of his Embaſſy.

This being the laſt time we ſhall have occaſion in this our ſecond Part to mention any thing concerning the Palatinate, give us leave a little to digreſs in Point of time, whereby to ſhew the Kings continued care and endeavours for the recovery of the Palatinate for the good of his Siſter and Nephews: Obſerve the Speech which His Majeſty made in Parliament in the Month of *July* 1641. and the *Manifeſto* which he then put forth, which we rather mention, that ſucceeding Parliaments may follow that Example; but that good Intention of the King and Parliament for the Reſtauration of that Family proved at that time ineffectual by the unhappy Wars that broke out in the Three Kingdoms preſently after.

His Sacred Majeſty of Great Britain, *being reſolved, in caſe this His laſt endeavours by His extraordinary* * *Ambaſſador ſent to the Diet at* Ratiſbone, *for a friendly accommodation of His Nephew, the Prince-Elector-Palatine's Affairs ſhould prove fruitleſs, to have His ſaid Embaſſy, without further loſs of time, ſeconded by more powerful and effectual means, went to His Parliament on the* 5th *day of* July * *laſt, and there (after the diſpatch of ſome other Affairs) preſented the above-written* Manifeſt, *with theſe words.*

* Sir Thomas Roe.

* 1641.

'I Take this occaſion to preſent to both Houſes, that whereby I 'hope all the World ſhall ſee that there is a good underſtanding 'between Me and my People; it is concerning my Nephew, the 'Prince-Elector-Palatine, who having deſired Me, by the advice of 'the King of *Denmark*, to aſſiſt him in a Treaty for his Reſtauration,

'at

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'at the Diet now held at *Ratisbone* by the Emperor: I could not but 'ſend my Ambaſſador for that purpoſe, though I much doubt that I 'ſhall not have ſo good an Iſſue of it as I wiſh: The which My Nephew fore-ſeeing, hath deſired Me, for the better countenancing 'of his juſt demands, to make a Manifeſt in My Name; which is a 'thing of that conſequence, that if I ſhould do it without the advice of My Parliament, it would not be of much force. Therefote I 'do here propoſe it unto you, that by your advice I may do it; for 'that way I think it moſt fit to be publiſhed in my Name.

The ſaid *Manifeſt* concerning the Reſtitution of the Electoral-Palatine's Family, having been ſeriouſly conſidered by both Houſes, they together came to His Majeſty in the Banqueting-Houſe on the 12*th* of *July* laſt, where the Speaker delivered the Opinion and Reſolution of the ſaid Houſes in this manner.

Your Majeſty in Your Royal Perſon was pleaſed to recommend this Manifeſt touching the Palatine Cauſe, to be read in full Parliament, and to be adviſed of by both Houſes.

Both the Houſes have ſeriouſly conſidered of it, and have commanded me to preſent theſe their humble Advices unto Your Sacred Majeſty, which are expreſſed in this Declaration which hath paſſed the Votes of both Houſes, and which I am commanded to read unto Your Majeſty.

Die Mercurii 7. Julii 1641.

Reſolved upon the Queſtion,

THat this Houſe doth approve of His Majeſties Pious Intentions in the behalf of His Royal Siſter, and His Nephew, the Prince-Elector-Palatine, and the reſt of the Princes of that Family, and of the publiſhing this Manifeſt to that purpoſe; and that this Houſe will be ready to give His Majeſty ſuch advice and aſſiſtance therein by Parliament, as ſhall ſtand with the Honour of His Majeſty, and the Intereſt and Affections of this Kingdom, if the preſent Treaty ſhall not ſucceed.

Die Sabbathi 10. Julii 1641.

Reſolved in like manner upon the Queſtion *by the Houſe of Peers,*

THat they do concur to this Vote with the Houſe of Commons.

I am likewiſe commanded to preſent the humble deſire of both the Houſes of Parliament.

That Your Majeſty will be pleaſed to recommend this Manifeſt to the Parliament of *Scotland*, to have the concurrence of that Kingdom.

Thus much was delivered by the Speaker of the Houſe of Peers, both Houſes then attending His Majeſty in the Banqueting-Houſe at *VVhitehall:* To which His Majeſty was graciouſly pleaſed to make them this Anſwer.

We take very thankfully the concurrent Advices of both the Houſes of Parliament, in ſo great and Pious a Work, declared in theſe Votes and Reſolutions, which you have read to Us.

We will alſo take care to recommend this Manifeſt unto the Parliament in Scotland, *to have the concurrence of that Kingdom, which we doubt not but they will perform.*

His Majeſties Manifeſt.

CHarles, by the Grace of God, King of *Great Britain*, *France*, and *Ireland*, Defender of the Faith, *&c.* To all to whom this preſent Manifeſt ſhall come greeting. To the end that the Endeavours of Our late Dear Father King *James*, of Bleſſed Memory, and Our own Proceedings ſince His Death, in the Cauſe of Our dear and only Siſter, Brother-in-law, and Nephews Electors and Princes Palatine of the *Rhyne* may not be forgotten, or pretendedly unknown wherein We have ſtudyed and laboured nothing more than Peace of Chriſtendom, and the avoiding of Innocent Blood, by ſeeking the reſtitution and re-eſtabliſhment of the Electoral-Houſe-Palatine in their ancient Rights, Dignities, and Poſſeſſions within the Empire; out of which they have been by violence, and force of Arms, and other undue Proceedings, expelled and baniſhed, contrary to the ancient Laws and Conſtitutions of the Sacred Empire: We have thought fit, for the vindication of Our own Honour, and to call to mind, and to publiſh to all the World both a Summary Relation of Our Actions and Endeavours paſt, and Our preſent Reſolutions in the ſame Cauſe.

It cannot be unknown unto all the Princes and Eſtates of *Europe*, and more particularly to thoſe who have had any Intereſt or Relation to the publick affairs of *Germany*, how both Our ſelves, and Our Father have, during theſe Twenty Years paſt, by many and ſeveral Ambaſſages, Treaties, and other Negotiations, to Our great Expence and Charges, both with the late Emperor *Ferdinand*, the King of *Spain*, and other Princes and Eſtates of the Empire, endeavoured by all friendly and treatable means to procure the reſtitution and re-eſtabliſhment of Our ſaid dear Siſter, Brother-in-law, and Nephews, in their ancient Rights and Poſſeſſions, as the only and poſſible way to ſettle a good and firm Peace in the Empire, and conſequently with all Princes intereſſed therein; without which it is impoſſible to expect or hope for a good, durable, and honeſt pacification of thoſe troubles which have already, almoſt

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And for a clear demonſtration of Our clear Intentions, not only Our own Pious inclination, and care of the publick Peace, hath induced Us to omit divers occaſions, whereby We might, by ſuch Power as God hath put into Our Hands, have prevented the violences and oppreſſions uſed to Our ſaid Siſter and Nephews; but We have been led on and invited thereto by divers Promiſes, Aſſurances, and reverſal Letters, both from the late Emperor, and King of *Spain*, and other Uſurpers of the Inheritances of the Electoral-Houſe Palatine, that they would at laſt, in contemplation of Our Mediation, hearken and incline to a juſt and honeſt Peace by the reſtitution of the Eſtates and Dignities of Our dear Siſter and Nephews, whereby We have been drawn, not only to paſs by Our own, and the publick Intereſt, and to forbear to engage Our Arms in ſo juſt a Cauſe; but alſo have procured by Our Father, and Our Authority, the withdrawing and disbanding of the Forces of Count *Mansfelt* out of the Palatinate, and advanced divers Truces and Ceſſations of Hoſtility or Defence, only to prepare the way of amiable compoſition, according to the hopes and promiſes to that end given Us, and particularly have cauſed the Surrender and Depoſition of ſome places of ſtrength into the Hands of the late *Infanta* of *Spain*, upon reciprocal Aſſurances of a final pacification or reſtitution.

But what effects all theſe Our Peaceable and Chriſtian endeavours have produced, and how all Our Pious Negotiations have been either delayed or deluded; thereby, and by proceſs of time to root and eſtabliſh the uſurpations of the Houſe-Palatine, and Our Patience and Piety thereby abuſed, is ſo manifeſt by the continued oppreſſion of Our ſaid dear Siſter and Nephews, that we are forced to proteſt that there hath nothing ſucceeded either to Our deſires, or hopes, but a reſolution of deſpair of ever obtaining by the ways of Juſtice, Treaty or Amity, that which hath been ſo often promiſed to, and expected of the Lovers of Chriſtian Peace.

Notwithſtanding We having lately received advice from Our dear Uncle, the King of *Denmark*, that at laſt, by his mediation and procurement, the preſent Emperor, and Duke of *Bavaria*, have condiſcended to a Treaty to be held at the Diet at *Ratisbone*, upon the ſixth day of *May* laſt paſt for the reviving and the reſetling of the controverſies of the Houſe-Palatine, as a preparation and inducement to a general Peace and *Amneſtia* through the whole Empire; and that he, with ſome of the Electors of the Empire, is accepted as Mediator of the ſaid Cauſe, and hath received ſtrong and pregnant aſſurances of a better inclination and diſpoſition towards the re-eſtabliſhment of the Electoral Family in their Rights and Dignities; and to that end hath procured convenient ſafe conduct from the Emperor to Our Nephew and his Brethren, freely to come in perſon, or to ſend their Deputies to that Diet at the time and place appointed, with all other clauſes requiſite for their ſafety, going, abiding, or coming from thence; and then to plead the Juſtice of their own Cauſe: And that in proſecution thereof, he hath inſtructed and diſpatched his Ambaſſadors, either to aſſiſt in Perſon, or by the Deputies of Our Nephews at the ſaid Treaty of Pacification; and hath deſired us herein to comply with him, by ſending Our Ambaſſadors qualified and inſtructed to the ſame purpoſe of procuring a good and ſetled Peace within the Empire, according to the intimation of the Princes-Electors ſignified to him by their Letters, thereby deſiring Us to aſſiſt in the preſent Aſſembly at *Ratisbone*.

To which end Our Nephew, the Prince-Elector-Palatine, having reſolved by Our Councel and Advice to ſend his Deputies according to the invitation and hopes intimated of a good iſſue to be expected by the amiable way of Treaty and Compoſure.

We have alſo thought fit not to be wanting to ſo good a Deſign, ſo concurrent to Our own, and the deſires of ſo many Princes, and in ſome hopes of better Fruits than hitherto all Our Endeavours have produced; have reſolved to make this Our laſt Tryal by the way of Treaties, and to ſend Our Ambaſſadors to the Emperor, and other Princes in the ſaid Diet aſſembled: And to that purpoſe have given him full power and inſtructions to contribute all Our Authority to the procurement and ſettlement of a good and bleſſed Peace by the re-eſtabliſhment and reſtitution of the Poſſeſſions and Dignities of Our ſaid dear Siſter, Nephews, and Electoral Family, without which no Peace can neither be honeſt or ſecure: Hereby exhorting and deſiring all other Kings, Princes, and States, Our Friends, Allies, and Confederates, who ſhall either be preſent at the ſaid Diet, or ſhall have their Ambaſſadors or Deputies there, that they will be aſſiſting to the juſtice of ſo good a Cauſe, and to ſo great a Bleſſing, as the reſtoring of Peace to the almoſt deſolate eſtate of *Germany*.

But becauſe We may have juſt cauſe to doubt, by many experiences of Our former endeavours, that the iſſue and fruit of this Meeting may not be anſwerable to Our juſt expectation, but rather that it may produce contrary effects, to the prejudice of the Juſtice and Rights of Our ſaid Nephews and their Family, (which God forbid) we are hereby forced to proteſt againſt all Acts, Sentences, Concluſions, or Determinations whatſoever, which ſhall or may be had, made, or declared, either in confirmation of the oppreſſions and uſurpations paſt, or any additions thereunto for the future, as invalid, and of no power or effect.

In which caſe (being contrary to Our deſire and expectation) We alſo further proteſt and declare, That We will not abandon neither Our own, nor the publick Intereſt, nor the Cauſe, Rights, and juſt Pretences of Our dear Siſter and Nephews, and other Princes and States involved with their oppreſſions; but that we will uſe and employ all ſuch force and power wherewith God hath enabled Us both by Our own Arms, and the help and aſſiſtance of all Our Allies and Friends, to vindicate Our own Honour, the publick Peace, and redreſs of the Injuries, Uſurpations, and Oppreſſions of Our ſaid deareſt Siſter and Nephews, and their Illuſtrious Family.

And hereby as We do profeſs to uſe all Our endeavour and power to promote a happy and deſired Peace, for the conſolation of the diſtreſſed Empire; ſo We do appeal to Almighty God, the Inſpector of the Hearts of all Princes; and to the World, the Inſpector of all Our juſt Actions, that We will be innocent, before

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God and the World, of all the evils that may enſue if theſe Our laſt Hopes ſhall be delayed or abuſed.

The Honourable Denſell Hollis *Eſq; his Speech to the Lords concerning the ſettleing of the* Queen *of* Bohemia, *and her Electoral Family, in their Right and Inheritance.*

My Lords,

July 9. 1641. ‘THe Knights, Citizens, and Burgeſſes of the Houſe of Commons have commanded me to let your Lordſhips know, that they have taken into their ſerious conſideration His Majeſties Propoſal to them of the Manifeſt; in which He is graciouſly pleaſed to declare His Pious Intentions concerning His Royal Siſter, the Prince-Palatine her Son, and the reſt of the Electoral Family.

‘They do with all humbleneſs acknowledge His Majeſties Favour in communicating unto them any part of His Royal Thoughts, and asking their advice and councel in a Buſineſs that doth ſo nearly concern him, as needs muſt the happineſs, nay the ſubſiſtence of theſe diſtreſſed Princes, of ſo glorious an extraction, their Veins being enriched with the ſame Blood, that is from ſo Royal Anceſtors, derived with glory into His Sacred Perſon.

‘And in that Relation the Houſe of Commons looks upon them with an Eye of tenderneſs, wiſhing that every drop of that Princely Blood may ever be illuſtrated with Honour and Happineſs: That His Majeſty may be Crowned with this Bleſſing, to ſee nothing but Glory in Himſelf, and in all that bow unto Him.

‘To hear then, that theſe Princes, ſo nearly allied unto the King, ſhould ſuffer that which is unworthy of them; inſtead of Honour, of Greatneſs, to find oppreſſion; inſtead of a Fortune anſwerable to their Birth and Relation, to have their ancient Patrimony torn from them, and detained by a Hand of violence, is a thing which makes our Ears to tingle, and our Hearts to riſe within us.

‘My Lords, the Loyal Subjects of *England* is ſo well tuned in a ſweet Harmony to the Perſon of this Prince, that He is affected with the leaſt touch upon any part of the Princely String, and anſwers it inſtantly with a Sound proportionable; if it be good and pleaſant, with joy and exultation, if harſh and diſpleaſant, with ſorrow and lamentation; but a ſorrow not womaniſh and fatuant, but accompanied with indignation, and vigorous magnanimous reſolution, to be avenged upon whatſoever dare give offence to our Royal Sovereign.

‘This then is enough to make us zealous for the redreſs of the Princes Elector's wrongs, to deſire (with impatience) to ſee him re-inveſted in his rightful Poſſeſſions, were there nothing elſe to move us to it, but our love and affection, and our duty to the King.

‘But, my Lords, there is yet another Motive, which hath a ſtrong irreſiſtable operation with us; and it is the conſideration, how much this is of importance to the good of Religion, the advancement of the Proteſtant Party, and redeeming many Souls from their Antichriſtian Bondage, which hath a double Aſpect, and relates to us, not only as we are fellow-members with them of the true Church, which obliges us to a care and defence of them, and gives us an aſſurance of a reward in Heaven: But doth more particularly concern us in point of policy and reaſon of State, by ſupporting our Allies to advance this Kingdom to the higheſt pitch of greatneſs and reputation, to make us formidable abroad to the enemies of our Church and State, and ſo enjoy peace, and ſafety, and tranquility at home.

‘For, my Lords, the *Proteſtant Religion*, and this Kingdom, are like *Hypocrates* Twins, that muſt both live and die together.

‘It is madneſs to think this State can ſubſiſt, if Religion be ſubverted; and as great a madneſs to think our Religion can continue here, if we ſuffer it to be deſtroyed and eradicated out of the Neighbour-Countries; which can no more be, (that is, our Religion and this Kingdom be preſerved) when our Neighbours of the ſame Religion and Belief with us to be conſumed, than a Fort can hold out, when all the Out-works be taken; or the Heart preſerved when a Gangrene hath ſeized on the outward parts of the Body.

‘My Lords, as the true Religion is in the Truth, the Heart of *England*, which gives it Life, and makes it flouriſh with ſtrength and power; ſo is *England* (in Politick reſpect) the Heart of the Proteſtant Religion in all the other Parts of Chriſtendom; and upon occaſion, muſt ſend out ſupply into all the Neighbouring-Countries profeſſing the ſame Religion with it; which (to be themſelves in ſafety) muſt be under the Protection of this Fort, under contribution to this Garriſon.

‘And on the other ſide, if theſe Countries be one after another invaded, and poſſeſſed by the Enemies of our Religion, that great tye of Religion between us, and thoſe bonds be diſſolved, which only can unite and ſtrengthen our mutual affections and relations, as if they get one part, their appetite will encreaſe ſoon to ſwallow up another.

‘Firſt the *Palatinate*, then the other parts of *Germany*, afterwards the Low-Countries, and then let us think in what condition *England* will ſtand; it will be left as a Cottage in a Vineyard, as a Lodge in a Garden of Cucumers, as a beſieged City, when all the defences are gone, it will ſoon fall to be a prey of the Enemy.

‘My Lords, this Conſideration likewiſe works with the Commons of *England*; and as the Wiſe Man is to have his Eyes in his Head, and look before him, ſo they do look before them, and had rather ſee this evil met half way, than ſtay till it come to them; rather ſee the eating Gangrene of the *Auſtrian* Ambation in *Germany*, than tarry till it ſeize upon the Vital Parts of this Iſland, and the death of Religion inevitably follow.

‘This buſineſs took up a ſerious debate, and after much time, and many Arguments ſpent upon the Subject, the Knights, Citizens annd Burgeſſes aſſembled in Parliament came to this reſolution which was here read: This they have commanded me to repreſent unto your Lordſhips, and deſire your Lordſhips will joyn ‘with them in a tender of the like advice unto His Majeſty in approbation of His Royal Intendments.

‘And likewiſe, that His Majeſty may be moved in the Name of both Houſes, to recommend this Buſineſs unto His Parliament of *Scotland*, to have the conſent and furtherance of that Kingdom; that as we be Brethren in mutual affection, in an equal tye of duty and allegiance unto the King our Sovereign; ſo we may be Brethren alſo in the ſame tender Care, and loving Zeal, for the good and ſupport of His Majeſties Kindred, and their Reſtitution, with their ancient Inheritance, and the ſafety of the Reformed Churches.

Directions for the due execution of the Office of Clark of the Market of His Majeſties Houſhold, throughout this Realm of England, *and Dominion of* Wales: *And for the Surveying and Sealing of the conſtant Reele appointed to be uſed by all Clothiers and workers in Cloth and Yarn, and for the encreaſe of the Poors Wages labouring therein;*

Reciting,

Concerning the Clark of the Market, and the conſtant Reel.

‘WHereas ſeveral Complaints have been heretofore made, as well unto King *James* of ever Bleſſed Memory, in His Life-time, and unto His Majeſty that now is, as unto the Lords and others of His Majeſties moſt Honourable Privy-Council, and to divers of His Majeſties Juſtices of Aſſize in their Circuits, and Juſtices of Peace of ſundry Counties in His Majeſties Realm at their Seſſions, of the great abuſes, deceipts, and falſities, frequently uſed by and among Weavers Combers, Spinſters, and other Workers and Makers of Woolen-Cloth and Yarn, by the daily falſifying their Yarn, as well in the length of the Reel-ſtaff, as in the number of the Threds, and of the differences grown among themſelves concerning a conſtant Reel for the Reeling of Yarn to be kept, and for the encreaſe of the Wages for the Poor, according to the Statutes *quinto Eliz.* and *primo Jacobi*, for remedy and reformation whereof, and for ſetling of a conſtant Courſe for the ſaid Reel, and encreaſe of the Poors Wages, it hath been upon great advice thought fit, that the ſaid Courſe of keeping of a conſtant Reel throughout all the Cloahing-Countries of this His Majeſties Realm of *England*, and Dominion of *Wales*, and the encreaſe of the Wages for the Poor, might proceed and go on for the general good of the whole Common-wealth: And in regard the Reel-ſtaff had been lately encreaſed a fifth or ſixth part longer than had been accuſtomed, all Spinſters ſhould have for the Spinning and Reeling of Six double Knots on the double Reel, or Twelve on the ſingle Reel, a Penny, which is more by Two-Pence in the Shilling than formerly they have had: And that all Labourers, and other Artificers imployed about the Trade of Cloathing, and Yarn-making, ſhould have the like encreaſe of Wages. And for eſtabliſhing the ſame, His Majeſty hath, by His

Letters

12 *Caroli.*

'Letters Patents, bearing date the 22*d* day of *January* now laſt 'paſt, for Himſelf, His Heirs and Succeſſors, willed, ordained, and 'appointed, as well for avoiding all future deceit in making of 'Cloath and Yarn, and for preſervation of Peace between Buyer 'and Seller, Workmaſter and Servant; and all Clothiers, Weavers, 'Combers, Spinſters, and other Workers Makers of Cloath 'and Yarn, either Woollen or Linnen, within this Realm of '*England*, and Dominion of *Wales*, that there be a conſtant Reel 'provided and kept by all and every Cloathier, Weaver, Comber, 'Spinſter, and other Workers and Makers of Cloath and Yarn, 'either Woollen or Linnen, within all and every the Counties of 'this Realm of *England*, and Dominion of *Wales*, and in all Cities, 'Burroughs, and Towns-Corporate, and other places where the 'making of Cloath or Yarn, either Linnen or Woollen, is uſed, 'the ſaid Reel to be called a Cloath-Reel, or Reel-ſtaff, and to be 'of one yard about the ſingle Reel, and two yards or two ells about the double Reel, every knot containing fourſcore threds, for 'all Yarn whatſoever both Woollen and Linnen, the ſame to be 'kept and continued as a conſtant Reel between Buyer and Seller, 'Workmaſter and Servant, whereby the truth of the ſame may 'appear to all perſons trading in Cloath or Yarn; the Surveying, 'Searching, Sealing, and overſight whereof, as of the encreaſe 'of the Wages of the Poor, His Majeſty hath by His ſaid Letters 'Patents committed and appointed unto His well-beloved Servant, '*John Etherington*, one of the Yeomen of His Majeſties Chamber, 'and to *Henry Stracey*, for the term of one and thirty years, with 'the like Fees and Allowances for the ſame their Service, as the 'Clark of the Market of our Houſhold hath for Weights and Meaſures; a Schedule whereof is hereunto annexed: and that they 'attend their ſaid Service but once a-year as the Clark of the Market doth, and that they and the ſaid Clark of the Market do travel 'and ſit together, as ſhall be moſt commodious for themſelves, and 'the good eaſe of the Commons; as by His Majeſties Letters Patents more at large appeareth.

'And whereas His Majeſty hath been informed, that many unconſcionable perſons within this His Realm of *England*, and Dominion of *Wales*, have and do uſe ſeveral Weights and Meaſures 'with the greater to buy, and with the leſſer to ſell, and do alſo 'uſe falſe and deceitful Beams and Ballances, to the great loſs and 'defrauding of His Majeſties Subjects, and eſpecially of the poorer 'ſort, who are moſt ſenſible of the ſame: And whereas the Clark 'of the Market, by the Laws and Statutes of this Realm, ought 'by his Office to inquire of the ſaid abuſes, and puniſh and reform 'the ſame, and ought alſo to ſet reaſonable and indifferent Rates 'and Prices upon Victual, and other Proviſions, chiefly in times of 'His Majeſties Progreſs, and to foreſee that the ſame be wholeſom, 'and of good condition and quality in their ſeveral ſorts; and ought 'alſo to inflict as well pecuniary as corporal puniſhment upon the 'Offenders, according to the ſeveral qualities and degrees of their 'offences: And whereas complaint hath been made unto Us, of the 'great negligence uſed in the execution of the ſaid Office, partly 'for that divers which are truſted as Deputies to execute the ſame, 'have been hitherto ignorant what their Power and Authority is,

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'and partly becauſe divers of them have been very careleſs and remiſs, and reſpecting only their own private gains, extort unjuſt 'Fees, and either for favour or reward ſpare the Offenders, and 'neglect the publick Service wherewith they are truſted.

'And becauſe the Clark of the Market of His Majeſties Houſhold, and His Deputies, may be encouraged to execute their Offices and Places with integrity, and may have their juſt and reaſonable Fees allowed, and may not exact unjuſt Fees or Rewards, to 'the grief or oppreſſion of His Majeſties loving Subjects; therefore His Majeſty hath thought fit to limit and expreſs the due Fees 'which the Clark of the Market, or his Deputies may require and 'take, as the ſame hath been heretofore examined and approved of, 'by the Lords, and others then Officers of the Green-Cloath, and 'ſo remain recorded in His Majeſties Compting-houſe; a Schedule 'whereof we have hereunto annexed: and whoever ſhall take 'any greater Fee or Reward than by this ſaid Schedule is expreſſed, 'upon Complaint made by any of His Majeſties loving Subjects, 'finding themſelves juſtly grieved therewith, to the Lord Steward, 'Treaſurer, or Comptroller of His Majeſties Houſhold, the Party 'offending ſhall have his deſerved puniſhment, and the Party 'wronged ſpeedy recompence for the ſame.

'And to the intent that His Majeſties Service may be the better performed, we ſtraitly charge and command the Clark of the Market, 'that he make no Deputy or Deputies from henceforth, but ſuch 'as ſhall be of ſufficiency and ability to perform the Place, and 'which ſhall not be either Vintner, Inn-holder, Victualler, or other Tradeſmen uſing the Trade of buying and ſelling: and that 'this His Majeſties Proclamation, for the better inſtructing of all 'His loving Subjects, ſhall, before the Feaſt of St. *Michael* the 'Arch-Angel now next coming, be proclaimed in every Market-'Town throughout this Realm of *England*, and Dominion of *Wales*, 'and be hanged up and faſtened in a Table in every Market-place by 'an Officer, where it may continue to be ſeen and read by any that 'will: And further, that it ſhall be read in every Pariſh-Church 'before the ſaid Feaſt of St. *Michael* the Arch-Angel next coming, 'immediately after Evening-Prayer, upon the *Sunday* or Holy-day, 'by the Miniſter or Clark of the Church; and ſo from thenceforth 'at every Feaſt, of the Annunciation of the Bleſſed Virgin *Mary*, 'and the Feaſt of St. *Michael* the Arch-Angel by the ſpace of five 'years next coming, and ſhall be hanged up and preſerved in every 'Church in a Table, to be ſeen and read at all times by any that 'will; and that the defaults of Officers, Miniſters, Clarks, and 'Churchwardens in this behalf, ſhall be inquired of, and puniſhed 'by His Majeſties Juſtices of Aſſize, and Juſtices of Peace in their 'Seſſions, according to their diſcretions, as contemners of His Majeſties Royal Commandment.

'And His Majeſty doth ſtraitly will and command, That all His 'Juſtices of Aſſize, Juſtices of Peace, Sheriffs, the Clark of the 'Market, his Deputy and Deputies, and the ſaid *John Ethrington* 'and *Henry Stracey*, their Deputy or Deputies, and all Majors, 'and other Officers of Cities, Burroughs, Liberties, and Towns-'Corporate, High-Conſtables, Petty-Conſtables, Tything-men, 'and other His Majeſties Officers and Miniſters in all Places whatſoever,

‘ever, do cauſe this preſent Proclamation to be duly executed, and be from time to time aiding and aſſiſting to their utmoſt to the Clark of the Market, and his Deputies, and to the ſaid *John Ethrington* and *Henry Stracey*, their Executors, Adminiſtrators and Aſſigns, and their Deputies, in the due execution of their Offices reſpectively; and that the ſaid Clark of the Market, as well now as hereafter, for the time being, be alſo aiding, furthering, and aſſiſting unto the ſaid *John Ethrington*, and *Henry Stracey*, their Deputy and Deputies, in the due execution of their ſaid Office, as they and every of them tender His Majeſties Service herein, the Common-wealth of this Realm, and His Majeſties high diſpleaſure.

A Declaration of the Fees anciently belonging to the Clark of the Market, for the execution of his Office.

Imprimis. For Sealing of every new Buſhel, for entring of the ſame, with the name and dwelling place of the owner thereof.	4 *d.*
Item, For Sealing every half Buſhel, for entring the ſame, the owners name and dwelling-place.	2 *d.*
Item, For new Sealing every leſſer Meaſure or Weight, for entring the ſame, with the Names, and Dwelling-places of the owners thereof.	1 *d.*
Item, For Recording every Victuallers Name, his Dwelling-Place, and for viewing and examination of every particular Victuallers Ale and Beer-Meaſures, be they never ſo many, and for entring the ſame.	2 *d.*
Item, For Recording of every Inn-holders and Vintners Name and Dwelling-place, and for viewing and examination of every particular Inn-holders and Vintners Ale, and Beer, Wine, and Hoſtry-meaſures, be they never ſo many, and for entring the ſame,	4 *d.*
Item, For Recording of the Names and Dwelling-places of every Butcher, Grocer, Chandler, Mercer, Draper, Cloathier, or any other Perſon, entring of all their Weights, Meaſures, Ells, Yards, Beams and Ballances, and for trying and examination of the ſame, be they never ſo many,	2 *d.*
Item, For new Sealing of every Ell or Yard at both ends, entring the ſame, with the Names and Dwelling-places of the owners thereof,	2 *d.*
Item, For trying and examination of every Buſhel formerly Sealed, entring of the ſame with the Name and Dwelling-place of the owners thereof,	2 *d.*

Item, For trying and examination of every leſſer Meaſure formerly Sealed, entring the ſame, with the Name and Dwelling-place of the owners thereof,	1 *d.*
Item, For trying and examination of every Weight and Meaſure of any perſon or perſons that ſhall be found repugnant to His Majeſties Standard, which ſhall ſell any Commodities by a leſſer Weight or Meaſure, or ſhall buy any Commodities by a greater or leſſer Meaſure, to the deceit of the Subjects,	2 *d.*

The Fees to be taken for the Sealing and Surveying of the conſtant Reel, and for the overſight of the encreaſe of the Poors Wages, working in the making of Cloath.

Imprimis, For Sealing of the conſtant Reel of two Yards, or two Ells about, and for Recording and Regeſtring of the Names and Dwelling-places of the owners thereof, the like Fee as for the Buſhel,	4 *d.*
Item, For Sealing the ſingle Reel, and for Recording and Regeſtring the Names and Dwelling-places of the owners thereof,	2 *d.*
Item, For the trying, examination, and overſight of the double Reel being once Sealed, and for Regeſtring the Names and Dwelling-places of the owners thereof,	2 *d.*
Item, For the trying, examination, and overſight of the ſingle Reel, and for Regeſtring of the Names and Dwelling-places of the owners thereof,	1 *d.*
Item, For the overſight of the encreaſe of the Poors Wages, working in the making of Cloath,	*Gratis.*

Concerning the Pope's Nuntio in *England*.

AT the latter end of this Year Seignior *Gregorio Panzani*, the Popes Nuntio in *England*, and Major *Bret*, our *Engliſh* Agent at *Rome* from the Queen, being diſcharged from their Negotiations, Seignior *Gregorio Con* (a *Scot*) was appointed by the Pope to ſucceed *Panzani* as his Nuntio, and Sir *William Hamilton* (a *Scot*) ſent hence Ledger to *Rome*.

Before this time the Congregation of propagating the Faith at *Rome*, having good hopes of the Converſion and Reduction of *England* to their obedience, conſtituted Cardinal *Barbarino*, Nephew and Vice-Chancellor to the late deceaſed Pope, Patron and Protector of the *Engliſh* and *Scottiſh* Nations, as Cardinal *Ludovicus* was of the *Iriſh*; who to facilitate their Deſign, erected a ſpecial Society of four Orders of Jeſuits in *England*, whereof the Popes Legate for the time being, reſiding in *England*, was chief Patron, and Cardinal *Barbarino* the Principal Superintendent.

Titles

Titles of Proclamations for the Year 1636.

A *Proclamation commanding all* Mariners, *and others to His Majeſties Ships, for which they are* Preſt.	**Weſtminſter** *the 5th day of* **April.**
A Proclamation inhibiting all Perſons to repair to His Majeſty for Cure of the Diſeaſe called the Kings-Evil until Michaelmas *next.*	**Weſtminſter** *the 7th day of* **April.**
A Proclamation to forbid the Importing, Buying, Selling, or Publiſhing any Forrein Edition of a Book lately printed at London *by His Majeſties Command, Intituled* Mare Clauſum.	**Weſtminſter** *the 15th day of* **April.**
A Proclamation prohibiting the wearing, buying or ſelling of Counterfeit Jewels.	**Whitehall** *the 18th day of* **April.**
A Proclamation declaring His Majeſties Pleaſure touching Orders *to be obſerved for prevention of diſperſing the* Plague.	**Weſtminſter** *the 22d day of* **April.**
A Proclamation touching Books firſt Printed *here, and after printed beyond the Seas.*	**Weſtminſter** *the 1ſt day of* **May.**
A Proclamation for Reſtraint of Fiſhing *upon His Majeſties Seas and Coaſts without Licence.*	**Weſtminſter** *the 10th day of* **May.**
A Proclamation inhibiting the Importation of Whale-Fins *or* Whale-Oyl, *into His Majeſties Dominions by any but by the* Muſcovia Company.	**Weſtminſter** *the 16th day of* **May.**
A Proclamation for adjournment of part of Trinity-Term.	**Hampton-Court** *the 27th day of* **May.**
A Proclamation for the due execution of the Office of Clark of the Market *of Our* Houſhold, *and throughout Our Realm of* England, *and Dominion of* Wales, *and for the Surveying and ſetling of the* Conſtant Reel *appointed to be uſed by all* Cloathiers, *and Workers in Cloath and Yarn; and for the increaſe of the* Poors Wages *labouring therein.*	**Oatlands** *the 9th day of* **July**
A Proclamation for the putting off Tutbury *Fair in the County of* Stafford, *and of the Muſicians or Minſtrel-Court there.*	**Windſor** *the 18th day of* **July.**
A Proclamation prohibiting the keeping of Bartholomew-Fair, *and our* Lady-Fair *in* Southwark.	**July** *the 26th.*
A Proclamation to prohibit the keeping of this next Sturbridge-Fair.	**Warwick-Caſtle** *the 20th day of* **Auguſt.**
A Proclamation for the further Adjourning of Michaelmas-Term.	**Windſor** *the 2d day of* **October.**
A Proclamation for a General Faſt *to be weekly obſerved throughout the Realm of* England.	**Newmarket** *the 18th day of* **October.**
A Proclamation for Cleanſing the River of *Thames of Shells and*	**Windſor** *the 28th day of* **November.**

annoyances, and for Ballaſting of Ships with the Sand and Gravell thereof,

Hampton-Court the 11th day of December. *A Proclamation for the revocation and repeal of certain* Letters Patents, *and of part of a Proclamation lately publiſhed for the keeping of a* Conſtant Reel *in Cloath-working, and for the increaſe of the Poors Wages labouring therein.*

Hampton-Court the 23d day of January. *A Proclamation for the* Prizing of Wines.

Weſtminſter the 20th day of February. *A Proclamation prohibiting the Importation of* Gunpowder, *and that His Majeſties Subjects may be conſtantly ſupplied out of His Majeſties* Store-houſes.

Weſtminſter the 24th day of February. *A Proclamation declaring His Majeſties Pleaſure in the* Incorporating of the Tradeſmen *and Artificers inhabiting within two Miles of the City of* London.

Weſtminſter the 5th day of March. *A Proclamation for putting off the Healing of the* Kings-Evil *at* Eaſter *next.*

Hiſtorical Collections

for the Year, 1637.

The Arch-Biſhop of Canterburies *Diary.*

March 30. The Arch-biſhop of *Canterburies* Diary.

THurſday, I Chriſtned the Lady Princeſs *Ann*, King *Charles* His ſecond Daughter; ſhe was born on *Fryday March* the 17*th*.

June 10*th*. My Book of Records in the Tower, which concerned the Clergy, and which I cauſed to be Collected and Written in Vellam, was brought me finiſhed; 'tis *ab Anno* 20 *Ed.* 1. *ad Ann* 14. *Ed.* 4.

June 14. This day *John Baſtwick* Dr. of Phyſick, *Henry Burton* Batchelor of Divinity, and *William Prynn* Barreſter at Law, were cenſured for their Libels againſt the Hierarchy of the Church.

June 26. The Speech I then ſpake in the *Star-Chamber* was commanded by the King to be Printed; and it came out *June* 25.

June 26. This day *Monday*, the Prince *Elector*, and his Brother Prince *Rupert* began their Journey towards the Sea-ſide, to return for *Holland*.

June 30. *Fryday*, The above-named three Libellers loſt their Ears.

July 7. *Fryday*, A Note was brought to me, of a ſhort Libel poſted on the Croſs in *Cheapſide*, that the Arch-Biſhop of *Canterbury* had his hand in perſecuting the Saints, and ſheding the blood of the Martyrs, *Memento* for the laſt of *June*.

Tueſday, *July* 11. Dr. *Williams* Lord Biſhop of *Lincoln* was cenſured in the *Star-Chamber*, for tampering and corrupting of Witneſſes in the Kings Cauſe.

July 24. being *Munday*, he was ſuſpended by the High-Commiſſion, *&c.*

Auguſt 3. *Thurſday*, I Married *James* Duke of *Lenox*, to the Lady *Mary Villers*, ſole Daughter to the Lord Duke of *Buckingham*; the Marriage was in my Chappel at *Lambeth*, the day Rrainy, the King preſent.

Auguſt 23. *Wedneſday*, My Lord Mayor ſent me a Libel found by the Watch at the *South-Gate* of *Paul's*, that the Devil had left that Houſe to me, *&c.*

Auguſt 25. Another Libel brought to me by an Officer of the High-Commiſſion, faſtned to the *North*-Gate of St. *Paul's*; that the Government of the Church of *England* is a Candle in the Snuff, going out in a Stench. The ſame day at night my Lord Mayor ſent me

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me another Libel, hanged upon the Standard in *Cheapſide*; my Speech in the *Star-Chamber* ſet in a kind of Pillory, *&c.*

Tueſday, *Auguſt* 29. Another ſhort Libel againſt me in Verſe.

Sunday, *October* 22. A great noiſe about the perverting the Lady *Newport*; Speech of it at the Council; my free Speech there to the King concerning the encreaſing of the Roman Party; the freedom of *Denmark*-Houſe; the carriage of Mr. *Walter Montague*, and Sir *Toby Mathew*. The *Queen* acquainted with all I ſaid the very night, and highly diſpleaſed with me, and ſo continues.

December 12. *Tueſday*, I had ſpeech with the *Queen* a good ſpace, and all about the buſineſs of Mr. *Montague*, but we parted fair.

Prynn, *Baſtwick* and *Burton*, *June* 14.

IN *Trinity* Term this year there came a remarkable cauſe to Hearing and Cenſure in the *Star-Chamber* upon the information of the Kings Attorny-General againſt *John Baſtwick* Doctor in Phyſick, *Henry Burton* Batchelor of Divinity, and *William Pryn* Barriſter at Law, Defendants.

The Scope of the Information againſt theſe Defendants, was for Writing and Publiſhing Seditious, Sciſmatical and Libellous Books againſt the Hirarchy of the Church, and to the Scandal of the Government.

To this Information the Defendants prepared their Anſwers, but their Councel were backward to ſign them, for fear of offending the Court of Star-Chamber, but it was ſaid on the other ſide, that their Anſwers were of that nature as their Councel thought not fit to ſign them. The Defendants did petition the Court that to ancient Preſidents they might ſign their own Anſwers with their own Hands, and declared that they would abide by the cenſure of the Court if they did not make good what was contained therein, which was refuſed by the Court, unleſs they brought their Anſwers ſigned by Councel; then they tendred to the Court a croſs Bill, wherein they ſet forth the ſubſtance contained in their Anſwers, and deſired it might be accepted, but neither was admitted of by the Court; ſo it was declared by the Court that the Anſwers of Mr. *Prynn* and Dr. *Baſtwick* not coming into Court in regular way, in due time, according to the courſe of that Court, they ſhould be proceeded againſt, *pro confeſſo*; yet *Prynn* and *Baſtwick* left their Anſwers ſigned with their own hand at the Office, and alſo tendred another draught thereof to the Court.

Mr. *Burtons* anſwer was afterwards ſigned by Mr. *Holt*, a Bencher of *Grayes*-Inn, which the Court referred to the two Chief Juſtices to conſider of, and to expunge what was contained therein as unfit to be brought into Court, or was otherwiſe ſcandalous, and they expunged the whole Anſwer except ſix lines at the beginning, and three or four at the later end; Mr. *Burton* demanded the juſtice of the Court not to give way to that purgation of his Anſwer by the two Chief Juſtices, for that neither he or his Councel were heard before the ſaid Judges, what they could ſay in defence of their Anſwer; but it was ordered by the Court, that if he would not ſwear the Anſwer as it was expunged, and anſwer to Interrogatories, he ſhould be proceeded againſt *pro confeſſo*.

Mr. *Burton* in his Anſwer did ſet forth the ſubſtance of his Sermon, which he Preached the fifth of *November*, at his Pariſh-

Church in *Fryday-ſtreet*, the Contents of which in part appears in the Arch-Biſhop of *Canterburies* Speech in *Star-Chamber*; in which Mr. *Burton* charges the Arch-Biſhop.

1. That in the Epiſtle the *Sunday* before *Eaſter*, we have put out (*In*) and made it (*At*) the Name of *Jeſus* every Knee ſhall bow, which alteration he ſaith is directly againſt the Act of Parliament.

2. That the next Innovation, and that two places are changed in the Prayers ſet forth for the fifth of *November*, and ordered to be read (they ſay) by Act of Parliament. The firſt place is changed thus, *From, Root out the Babiloniſh and Antichriſtian Sect, which ſay of* Jeruſalem, *&c.* into this form of words, *Root out that Babiloniſh and Antichriſtian Sect (of them) which ſay*, &c. The ſecond place went thus in the old, *cut off thoſe workers of Iniquity, whoſe Religion* is Rebellion. But in the Book Printed 1635. It's thus altered, *Cut off thoſe Workers of Iniquity who turn Religion into Rebellion.*

Next that the Prayer for the Navy is left out of the late Book for the Faſt.

And in the Book entituled *News from Ipſwich* fol. 2 *d*. there is mention made of the firſt Innovation in the laſt years Faſt as injoyned to be without *Sermons* in *London*, the Suburbs and other Infected places contrary to the Orders of other Faſts in former times, they ſay, whereas Sermons are the only means to humble men, *&c.*

The ſecond Innovation, they ſay, is, That *Wedneſday* was appointed for the Faſt-day, and that this was done with this intention, by the example of this Faſt without Preaching, to ſuppreſs all the *Wedneſday* Lectures in *London*.

The third Innovation is, That the Prayer for ſeaſonable Weather was purged out of this laſt Faſt-Book, which was (ſay they) one cauſe of Shipwracks and Tempeſtuous Weather.

The forth Innovation is, That there is one very uſeful Collect left out, and a Clauſe omitted in another.

The fifth Innovation is, That in the ſixth Order for the Faſt, there is a paſſage left out concerning the abuſe of faſting in relation to merit.

The ſixth Innovation is, That the Lady *Elizabeth* and her Princely Children are daſhed (that's their Phraſe) out of the new Collect, whereas they were in the Collect of the former Book.

The ſeventh Innovation is, That theſe words (who art the Father of thine Elect, and of their ſeed) are changed in the Preface of that Collect, which is for the Prince and the Kings Children, and with a moſt ſpiteful Inference, That this was done by the Prelates to exclude the Kings Children out of the number of Gods Elect; and they call it an intolerable Impiety and horrid Treaſon.

In Dr. *Baſtwicks* Anſwer there were theſe paſſages, That the Prelates were Invaders of the Kings Prerogative-Royal, Contemners and Diſpiſers of the whole Scriptures, Advancers of Popery, Superſtition, Idolatry and Prophaneſs; alſo that they abuſed the Kings Authority to the oppreſſion of His Loyal Subjects, and therein expreſſed great Cruelty, Tyrany and Injuſtice; and in the execution of

An. 1637. of this impious performance, they ſhewed neither Wit, Honeſty nor Temperature, nor were they either ſervants of God or of the King, (as they ought to be indeed) but of the Devil, being Enemies of God and the King, and of every living thing that was good. All which the ſaid Dr. *Baſtwick* declared he was ready to maintain.

Mr. *Prynn* his Anſwer was much againſt the Hirarchy, but in more moderate and cautious expreſſions, and in the concluſion of his Anſwer ſaid, that what was contained therein, and which he then tendred to the Court, though not accepted, he would ſtand to and make it good, and abide the Cenſure of the Court, if he failed to do the ſame, might his Anſwer be but read.

All the ſaid three Defendants ſtanding at the Bar, the Court cauſed the Information to be read, and no Anſwer being put in, nor filed on Record, in the Court, the Court began to proceed to Sentence. But the Defendants before the Court ſpake, cryed out for Juſtice, that their Anſwers might be read, and that they might not be condemned unheard: nevertheleſs the Court proceeded becauſe their Anſwers were not filed on Record; and the Lords continued ſpeaking till three of the Clock in the Afternoon, whoſe Speeches we took verbatim in Characters, and writ them out afterwards at large, but lending them to a Friend to peruſe, whom we cannot call to mind, he dealt unfriendly with the Author, and never reſtored them again: wherefore he is neceſſitated to be brief in the narration of this remarkable Cauſe, which he had reduced into good order and method, containing alſo Excellent Speeches made that day in that Cauſe.

The Court proceeded to Sentence, and fined each of the Defendants, *Prynn*, *Baſtwick* and *Burton*, 5000 *l.* a-piece to the King, and adjudged the two later to ſtand in the *Pillory* at *Weſtminſter*, and there to loſe their Ears; [and that Mr. *Prynn* having once loſt his Ears before, by ſentence of this Court, *Anno* 1633] wherefore he was now ſentenced to have the remainder of his Ears cut off, and alſo it was decreed that he ſhould be ſtigmatized on both Cheeks with S. L. ſignifying a *Seditious Libeller*. And in *June* 30 the above named three Defendants loſt their Ears, the Hangman rather ſawing off the remainder of *Prynn*'s Ears, than cutting them off: they were all likewiſe committed cloſe Priſoners, one to the Caſtle of *Lanceſton* in *Cornwall*, another to the Caſtle of *Lancaſter*, and a third to *Carnarvan*-Caſtle in *Wales*, and afterwards removed to remote *Iſlands*, where they were kept cloſe Priſoners; the Wives of *Baſtwick* and *Burton*, not being allowed after many Petitions to have acceſs unto them, nor to ſet footing in the Iſland; neither was any Friend permitted to have acceſs to Mr. *Prynn*.

Here followeth part of the Arch-Biſhop of *Canterburies* Speech, in reference to the ſaid Innovations charged upon him by the Priſoners at the Bar; to every one of which the Arch-Biſhop gave a particular Anſwer; but for clearer ſatisfaction read the Speech at large in the Appendix.

Part of the Arch-Biſhop of Canterbury's Speech at the Cenſure of Prynne, Baſtwick and Burton.

My Lords,

‘I Shall not need to ſpeak of the infamous courſe of Libelling in any kind, nor of the puniſhment of it, which in ſome caſes was Capital by the Imperial Laws, as appears.

‘Nor how patiently ſome great men, very great men indeed, have born *Animo civili* (that's *Sueton* his words) *Laceratam exiſtimationem*, the tearing and rending of their Credit and Reputation, with gentle, nay, a generous mind.

‘But of all Libells, they are moſt odious which pretend Religion; as if that of all things did deſire to be defended by a Mouth that is like an open Sepulcher, or by a Pen that is made of a ſick and loathſom Quill.

‘For my care of this Church, the reducing of it into Order, the upholding of the External-Worſhip of God in it, and the ſetling of it to the Rules of its firſt Reformation, are the Cauſes (and the ſole Cauſes, whatever are pretended) of all this Malicious Storm, which hath lowred ſo black upon me, and ſome of my Brethren; and in the mean time, they which are the only, or the Chief Innovators of the Chriſtian world, having nothing to ſay, accuſe us of Innovation; they themſelves and their Complices in the mean time being the greateſt Innovators that the Chriſtian world hath almoſt ever known. I deny not but others have ſpread more dangerous Errors in the Church of Chriſt; but no men in any age of it have been more guilty of Innovation than they, while themſelves cry out againſt it, *Quis tulerit Gracchos*.

‘And a great trouble 'tis to them, that we maintain that our Calling of Biſhops is *Jure Divino*, by Divine Right. Of this I have ſaid enough, and in this place, in *Leightons* Caſe, nor will I repeat: Only this I will ſay, and abide by it, That the Calling of Biſhops is *Jure Divino*, by Divine Right, though not all adjuncts to their Calling. And this I ſay in as direct oppoſition to the Church of *Rome*, as to the Puritan humour.

‘And I ſay further, That from the Apoſtles times, in all ages, in all places, the Church of Chriſt was governed by Biſhops, and Lay-Elders never heard of, till *Calvin*'s new-fangled deviſe at *Geneva*.

‘For the main ſcope of theſe Libels, is, to kindle a jealouſie in mens minds, that there are ſome great Plots in hand, dangerous Plots (ſo ſays Mr. *Burton* expreſly) to change the Orthodox Religion eſtabliſhed in *England*, and to bring in, I know not what, *Romiſh* Superſtition in the room of it, as if the external decent Worſhip of God could not be upheld in this Kingdom, without bringing in of Popery.

‘But to return to the buſineſs: what is their Art to make the World believe a change of Religion is endeavoured? What! why, forſooth, they ſay, there are great Innovations brought in by the Prelates, and ſuch as tend to the advancing of Popery.

‘Now that the vanity and falſhood of this may appear, I ſhall humbly deſire your Lordſhips to give me leave to recite briefly all the Innovations charged upon us, be they of leſs or greater moment, and as briefly to anſwer them. And then you ſhall clearly ſee whether any cauſe hath been given of theſe unſavoury Libels,

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‘and withal whether there be any ſhew of cauſe to fear a change of Religion; and I will take theſe great pretended Innovations in order, as I meet with them.

See them in the whole Speech at large.

Part of the Arch-Biſhop of *Canterburies* Speech at the Cenſure of *Prynn*, *Baſtwick* and *Burton*.

‘ONe thing ſticks much in their Stomachs, and they call it an *Innovation* too, and that is, bowing or doing reverence at our firſt coming into the Church, or at our nearer approaches to the Holy Table, or the Altar, (call it whether you will) in which they will needs have it, that we worſhip the Holy Table, or God knows what.

‘To this I Anſwer, *Firſt*, That God forbid we ſhould worſhip any thing but God himſelf.

‘*Secondly*, That if to worſhip God when we enter into his Houſe, or approach his Altar, be an Innovation, it is a very old one.

‘For *Moſes* did reverence at the very Dore of the *Tabernacle*, *Numb.* 20. *Hezekiah*, and all that were preſent with him, when they had made an end of Offering, Bowed and Worſhipped, (2 *Chron.* 29.) *David* calls the People to it with a *Venite*, O *come let us worſhip, and fall down, and kneel before the Lord our Maker* (Pſal. 95.) And in all theſe places (I pray you mark it) 'tis bodily-worſhip.

‘Nor can they ſay, that this was Judaical-worſhip, and now not to be imitated, for long before Judaiſm began, *Bethel*, the Houſe of God, *was a place of Reverence*, (*Gen.* 28.) therefore certainly of, and to God.

‘And after Judaical-worſhip ended, *Venite, adoremus*, as far upwards as there is any track of *Liturgy*, was the *introitus* of the Prieſt all the *Latine* Church-over.

‘And in the daily Prayers of the Church of *England* this was retained at the Reformation, and that *Pſalm*, in which is *Venite Adoremus*, is commanded to begin the Morning-Service every day: And for ought I know, the Prieſt may as well leave out the *Venite*, as the *Adoremus*; the calling the people to their duty, as the duty it ſelf, when they are come.

‘Therefore even according to the Service-Book of the Church of *England*, the Prieſt and the People both are called upon, for external and bodily Reverence and Worſhip of God in his Church. Therefore they which do it, do not *Innovate*. And yet the Government is ſo moderate (God grant it be not too looſe the while) that no man is conſtrained, no man queſtioned, only religiouſly called upon, *Venite adoremus*, come, let us Worſhip.

‘For my own part, I take my ſelf bound to worſhip with Body, as well as in Soul, when-ever I come where God is worſhipped. And were this Kingdom ſuch as would allow no Holy-Table ſtanding in its proper place (and ſuch places ſome there are) yet I would worſhip God when I came into his houſe. And were the times ſuch, as ſhould beat down Churches, and *all the curious carved work thereof, with Axes and Hammers*, as in *Pſalm* 74. and ſuch times have been) yet would I worſhip in what place ſoever I came to pray, though there were not ſo much as a ſtone laid for *Bethel*. But this is the miſery, 'tis *ſupertition* now adays for any man to come with more reverence into a Church, than a Tin-

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13 Caroli.

‘ker and his Bitch come into an Ale-houſe; the Compariſon is too ‘homely, but my juſt indignation at the profaneneſs of the times, ‘makes me ſpeak it.

‘And you my honourable Lords of the *Garter*, in your great ſo‘lemnities, you do your Reverence, and to Almighty God, I doubt ‘not, but it is *verſus Altare*, towards his Altar, as the greateſt place ‘of Gods reſidence upon Earth; I ſay the greateſt, yea greater ‘than the Pulpit, for there ’tis *hoc eſt Corpus meum*, this is my Body; ‘but in the Pulpit, ’tis at moſt but, *hoc eſt Verbum meum*, this is my ‘word. And a greater reverence (no doubt) is due to the Body, ‘than to the word of our Lord. And ſo in Relation, anſwerably ‘to the Throne where his Body is uſually preſent, than to the ‘Seat, whence his word uſeth to be proclaimed. And God hold it ‘there at his word; for, as too many men uſe the matter, ’tis *hoc ‘eſt verbum Diaboli*, it’s the word of the Devil, in too many places; ‘Witneſs Sedition, and the like to it. And this reverence ye do ‘when ye enter the Chappel, and when you approach nearer to of‘fer: And this is no Innovation, for you are bound to it by your ‘Order, and that’s no new thing.

‘I humbly crave pardon of your Lordſhips for this my neceſſary ‘length, and give you hearty thanks for the noble Patience, and ‘your juſt and honourable Cenſure upon theſe men, and for your ‘unanimous diſlike of them and defence of the Church, but becauſe ‘the buſineſs hath ſome reflection upon my ſelf, I ſhall forbear to ‘cenſure them, but leave them to Gods Mercy and the Kings Ju‘ſtice. See the ſpeech at large in the *Appendix*.

THe Report of this Cenſure, and the ſmart execution thereof flew quickly into *Scotland*, and the diſcourſe among the Scots were, that the Biſhops of *England* were the cauſe thereof, that they muſt expect to have a *Star-Chamber* erected in their Kingdom to ſtrengthen their Biſhops power there, beſides the High-Commiſſion which was there already erected: and about this time a ſtrange accident happened in offering an affront to a Biſhop at *Edenburgh* as followeth.

On the 23*d.* of *July* next following the ſaid Cenſure of *Prynn*, *Baſtwick* and *Burton* (being five Weeks and odd days) there happened a great Tumult at *Edenburgh* in *Scotland* about the in-bringing of the Service-Book or Common-Prayer; where no ſooner was the *Liturgie* began to be read at the great Church in *Edenburgh* (the Biſhop and Dean being in their Whites) but the People in the Church with great outcries and clamors threw a Stool at the Head of the Biſhop, crying *a Pape*, *a Pape*, *Antichriſt*, *Antichriſt*, *ſtane him*, *ſtane him*; and the Magiſtrates then preſent had much to do to preſerve the Biſhop from the fury of the People; but of this Tumult more fully hereafter.

Concerning which Tumult the Arch-Biſhop of *Canterbury* makes this Memorial in his Diary on *April* 29. 1638. *viz.* The Tumult in *Scotland* about the Service-Book offered to be brought in, began *July* 23. 1637. and continued increaſing by fits, and hath now brought that Kingdom in danger; no queſtion but that there is a great concurrence between them (meaning the *Scotch* Covenanters) and the *Puritan* party in *England*) having a great aim there to deſtroy me in the Kings opinion, *&c.*

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Now that we are come in order of time to make mention of the Tumults and diſorders in *Scotland* about the Service-Book, we beg leave for a while to make a ſtep into *Scotland* before we proceed further at preſent in home-affairs, and accept a Summary Account of the Riſe, Progreſs, and ſeveral ſteps in that Tumult, and the Conſequences which thereupon followed.

A Summary Account of the Commotions in *Scotland* from *July* 23. 1637.

Preparations for divers years by-paſt were made for the inbringing of the Service-Book into *Scotland*, to have Uniformity in Divine Worſhip, and Church-Government between the two Kingdoms: formerly the Prelacy was quite or almoſt ruined in *Scotland*, but in latter times by degrees built up again, by all the ways and means which King *James* the *6th* and King *Charles* the *1ſt* could deviſe, though with great averſeneſs of the Noble-men, Gentry, and the greater part of the Miniſtry; and by this time that Work was almoſt brought to perfection, for of the fourteen *Scottiſh* Biſhops nine were Privy-Councellors; the Arch-biſhop of St. *Andrews*, Primate of *Scotland*, was alſo Lord Chancellor, and many of the reſt had alſo good State-employments, and gainful Offices in the Civil, and had all the Eccleſiaſtical in their own Power; for the Layicks, who were joyned with them in Commiſſion, for moſt part declined that Employment.

Since the Synod held at *Perth* in the *Year* 1618. they had no National Aſſembly, yet there remained a kind of Face or Name of Provincial Synods, Presbyteries, and Parochial Seſſions.

But of late the high Commiſſion was erected, and a Book of *Canons* for that Church ſet forth by the Kings Authority, and all the Subjects of *Scotland* were injoyn'd to ſubmit to the Epiſcopal Cenſure; and then their Conſiſtories, Claſſes, and Presbyteries, were held in the nature of Conventicles, and there remained not the ſhadow of their former Eccleſiaſtical Policy.

Moreover a Liturgy for that Church being framed, and at this time finiſhed, and ordered to be Publiſhed by Royal Authority, and to be received throughout that whole Kingdom, His Majeſty Publiſhed His Reaſons for Impoſing the ſame to this effect.

That King *James*, after His coming into *England*, promoted that work in His life time.

That His Father of Bleſſed Memory, immediately after His coming into *England*, comparing the decency and uniformity of Gods Worſhip here in *England*, obſerved (eſpecially in the Liturgy of the Church) with that diverſity and deformity in *Scotland*, where no ſet or publick form of Prayer was uſed, bethought Himſelf ſeriouſly how His firſt Reformation in that Kingdom might begin, at the publick Worſhip of God, and chiefly by an Unity and Uniformity in the publick Prayers and Service of the Church. Concerning which divers Conſultations were had with the Biſhops, and others of the Clergy of moſt eminent Note in that Kingdom: But thoſe deliberations received ſome oppoſition, and many intermiſſions till the Year *1616.* in a general Aſſembly held at *Aberdeen*, His Royal Father by His Letters and vehement Inſtance of His Commiſſioners there preſent, made the neceſſity of a publick Liturgy apparent. A Book in purſuance of an Act of that Aſſembly was framed by thoſe that were deputed for that purpoſe, and was by the Arch-biſhop of St. *Andrews* ſent up to His Royal

Father, who punctually peruſed it, and had it reviſed by ſome of that Kingdom here in *England*; and after His and their Obſervations, Additions, Mutations, Expunctions, He ſent it back to be recommended to that whole Church, being for ſubſtance, frame, compoſure much about one with that which was now commended to them: Which had been then received, if the King His Father had not dyed, whilſt theſe things were in doing, before they could receive their Period. That which moved King *James* to haſten that Liturgy, and an High-Commiſſion-Court was to curb ſuch of His Subjects in *Scotland* as were inclined to Puritaniſm, and who would be medling with State Matters in their Pulpits, and ſometimes not ſpare the King Himſelf. His Majeſty that now is reſolved to purſue that Deſign, and required the ſame Service-Book tranſmitted by His Father to that Church, to be remitted to Him. Which having received (after many ſerious Conſultations had with divers of the Biſhops and Clergy of that Kingdom, here preſent in *England*, and after advice by Letters and Inſtructions to the reſt at home, and after many humble Remonſtrances and Advertiſements made by them, of the reaſons of ſome alterations for the removing of ſome conceived difficulties) His Majeſty was content the Book ſhould come out as now it was Printed, being fully approved by them. And that this was compoſed in ſubſtance not different from that of *England*, that the *Roman* Party might not upbraid Us with any material differences in Our Liturgies, and yet in ſome few alterations differing from it, that it might be truly reputed a Book of that Churches own compoſing, and eſtabliſhed by His Royal Authority, as King of *Scotland*.

King *James* dies whilſt the Liturgy was in framing.

King *Charles* I. purſues the ſame Deſign, and putteth the Liturgy in print, as now it is compoſed.

And that together with this Book His Majeſty ſent certain Inſtructions to the Biſhops of that Kingdom; that notwithſtanding He had eſtabliſhed it by His Authority, yet they ſhould proceed with all moderation, and diſpence with ſuch things contained in the Book as they ſhould find them, either not well perſwaded of them, or willing to be informed concerning them, or did hope that time and reaſon might gain to a better belief of them.

Adviſing the Biſhops to proceed with moderation.

The time appointed for the firſt reading of the Service-Book in all Churches was *Eaſter-day* 1637. which was publiſhed by Proclamation. At which time (as the King declareth) no ſymptoms of any conſiderable oppoſition did appear, yet upon good conſideration; and for the further tryal of Mens minds, the reading of it was delayed till the 23*d* of *July* next enſuing, to the end that the Lords of the Seſſion, (which in *England* are called the Judges of Cauſes in Term-time in *Weſtminſter-Hall*) and others who had any Law-buſineſs might ſee the ſucceſs of it before the riſing of the Seſſion, which always ends the firſt of *Auguſt*, and ſo might, at their return into the Countries, report the receiving of this Book at *Edenburgh*, it being ſo ordered, that the Book ſhould be read only in the Churches of *Edenburgh*, and Parts adjacent. And notice hereof was publiſhed in the ſeveral Pulpits the *Sunday* immediately before.

The Liturgy appointed to be read on *Eaſter-day*.

But deferred till the 23*d* of *July*.

Accordingly on the 23*d* of *July* the Service-Book was begun to be read in *Edenburgh* in St. *Giles's* Church, (commonly called the great Church) where were preſent many of the Councel, both

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It met then with interruption.

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both the Arch-biſhops, and divers other Biſhops, the Lords of the Seſſion, the Magiſtrates of *Edenburgh*, and a great Auditory of all ſorts of People.

No ſooner was the Book opened by the Dean of *Edenburgh*, but a number of the meaner ſort (many of them being Women) with clapping of their Hands, execrations and outcries, raiſed an hideous noiſe and hubbub. The Biſhop of *Edenburgh*, who was to Preach that day, ſtept into the Pulpit (being immediately above the Reading-place) with thoughts of appeaſing the Tumult, and preſently a Stool was thrown at his Head, but diverted by the hand of one preſent. The Arch-biſhop of St. *Andrews*, Lord Chancellor, and other great Perſons, having no reverence from the Multitude, but entertained with clamors and imprecations, the Provoſt, * Bailiffs, and others of the Councel of the City, came from their places, and with much ado, and in great confuſion, thruſt out of the Church thoſe People that had made the Tumult, and ſhut the Church doors againſt them. After which the Dean read the Service. But ſuch were the out-cries, rapping at the Doors, throwing in of Stones at the Windows by the Multitude without, who cry'd *a Pape, a Pape, Antichriſt, pull him down*, that the Bailiffs of the City were inforced again to leave their places to appeaſe their fury.

A Stool thrown at the Biſhops Head.

* i. e. Aldermen.

Stones thrown in through the Windows into the Church.

Service and Sermon being ended, the Biſhop of *Edenburgh*, who had Preached, repairing to his Lodging, diſtant not many paces from the Church, was invironed and near trodden to death by the People, had he not been ſuddenly reſcued by ſome who obſerved his danger, and by whom he was recovered, almoſt breathleſs, into his Lodging.

The Biſhop in great danger.

The ſame morning the Service was read in the next Church to St. *Giles's*, yet not without noiſe and tumult, and in the *Gray-fryars* Church, the Elected Biſhop of *Argile* beginning to read, was by the Peoples exclamations and threatnings inforced to give over, after the reading of the Confeſſion and Abſolution.

The Service-Book read in other Churches, but interrupted.

Between the two Sermons, the Provoſt and Bailiffs of *Edenburgh* being called by thoſe of the Kings Councels that were in Town, then aſſembled at the Lord Chancellors Lodging, undertook to do their uttermoſt for the peaceable reading of the Service in the afternoon; accordingly the Book was read in St. *Gile's*, and ſome other Churches; but after Evening-Prayer the Tumult was far greater than in the Morning; for the Earl of *Roxborough*, Lord-Privy-Seal, returning to his Lodging with the Biſhop of *Edenburgh* in his Coach, had his Coach and Coach-man ſo pelted with Stones, and preſſed upon by the Multitude for having the Biſhop in it, that they were brought in danger of their lives, and with much ado recovered their Lodging, and were only preſerved by the help of his Lordſhips Footmen, who with their Swords kept off the croud of People.

The Earl of *Roxborough*, and the Biſhop pelted with Stones.

The next day the Council cauſed a *Proclamation* to be made in deteſtation of this Tumult, and to diſcharge all tumultuous meetings and concourſes of People in *Edenburgh* upon pain of death. The Magiſtrates and Perſons in Authority diſavowed theſe diſorders, wherein none of quality had yet appeared.

A Proclamation made againſt the Tumult.

The Magiſtrates of *Edenbrough* endeavour to diſcover the Actors in the uproar.

After theſe things the Magiſtrates of *Edenburgh* were commanded to aſſemble the Council of the City, to reſolve what courſe ſhould be held for finding out the Movers and chief Actors in the Uproar, and to make report to the Privy-Council, which report they made accordingly with a deteſtation of that Tumult, and a promiſe of their beſt diligence to find out the Authors and Abettors thereof, and their beſt aſſiſtance for the quiet eſtabliſhing and reading of the Service-Book in all their Churches.

The Miniſters require protection in reading the Service-Book.

The Miniſters of the City being loth to undertake the reading of it, without ſecurity given for the ſafety of their Perſons, the Lords of the Council ordered, that the Provoſt, Bailiffs, and Town-Council of *Edenburgh*, ſhould adviſe concerning ſome Obligatory Act to be made for the peaceable Exerciſe of the Service-Book, to which they agreed, and promiſed, that (ſince their former Readers had refuſed to read that Book) if in the mean time the Miniſters themſelves would read it, they would take order for their ſecurity, and alſo for their ſetled Maintenance; and ſo an Act was drawn up by the Kings Advocate, to which the City-Magiſtrates aſſented, and which the Council paſſed, and entred it into the Council-Book.

Auguſt 7. 1637.

This Uproar at *Edenburgh* was highly diſpleaſing to the Court of *England*, and the Arch-biſhop of *Canterbury* expreſſed his thoughts of the management of this Buſineſs by the Biſhops and others in *Scotland*, in his Letter to the Earl of *Traquair*, dated *Auguſt* 7. 1637. in theſe words.

The Arch-biſhop of Canterburies *Letter to the Lord* Trequare, *Dated* Auguſt 7. 1637.

My Lord,

I Think you know my opinion, how I would have Church-Buſineſs carried; were I as great a Maſter of Men, as (I thank God) I am of Things; 'tis true, the Church as well there as elſewhere hath been over-born by violence, both in matter of Maintenance and Juriſdiction: But if the Church will recover in either of theſe, ſhe and her Governors muſt proceed, not as ſhe was proceeded againſt, but by a conſtant temper ſhe muſt make the World ſee ſhe had the wrong, but offer none; And ſince Law hath followed in that Kingdom, perhaps to make good that which was ill done; yet ſince a Law it is, ſuch a Reformation or Reſtitution would be ſought for, as might ſtand with the Law, and ſome expedient be found out how the Law may be by ſome juſt expoſition helped, till the State ſhall ſee cauſe to aboliſh it.

His Majeſty takes it very ill, that the buſineſs concerning the ſtabliſhment of the Service-Book hath been ſo weakly carryed, and hath great reaſon to think himſelf and his Government diſhonoured by the late Tumult in Edenburgh July 23. *and therefore expects that your Lordſhip, and the reſt of the Honourable Council, ſet your ſelves to it, that the Liturgy may be eſtabliſhed orderly, and with peace, to repair what hath been done amiſs: For His Majeſty well knows the Clergy alone have not power enough to go through with a buſineſs of this nature; and therefore is not very well ſatisfied with them, either for the omiſſion in that kind, to adviſe for aſſiſtance of the Lords Council, or for the preparation*

or

An. 1637. *or way they took. For certainly the Publication a week before, that on the next* Sunday *the Prayers, according to the Liturgy, ſhould be read in all the Churches of* Edenburgh, *was upon the matter to give thoſe that were ill-affected to the Service time to communicate their thoughts, and to premeditate and provide againſt it, as it is moſt apparent they did.*

Nor is His Majeſty well ſatisfied with the Clergy, that they which are in Authority were not advertized, that they might attend the countenancing of ſuch a Service, ſo much tending to the Honour of God *and the King; And I am verily perſwaded, if that accident of the Marriage of your Kinſman had not carried your Lordſhip out of the City that day, ſome things would not have been altogether ſo bad, and my Lord Privy-Seal would have had the better aſſiſtance.*

Neither was this the beſt Act that ever they did to ſend away their Letters apart, without acquainting the Council, that their Advertiſements might have come by the ſame Meſſenger, together with their joynt advice, which way was beſt to puniſh the offenders, at leaſt the prime and chief of them, and which to prevent the like diſorders; and after ſo long time of preparation to be to ſeek who ſhould read the Service, is more than ſtrange to me, unleſs they think ſuch a buſineſs can do it ſelf: but His Majeſty, out of His Piety and Wiſdom, gave (by the Meſſenger which the Biſhops ſent) ſuch full directions, both to the Lords of the Council, and the Lords of the Clergy, as I hope will ſettle the buſineſs from further trouble. But the Proclamation which you have now ſent up to the King I have not yet ſeen.

Of all the reſt, the weakeſt part was the interdicting of all Divine Service till His Majeſties Pleaſure was further known. And this, as alſo the giving warning of the publiſhing, His Majeſty, at the firſt reading of the Letters, and report of the Fact, checked it, and commanded me to write ſo much to my Lord of St. Andrews, *which I did; and your Lordſhip, at the Council* July 24. *ſpake very worthily againſt the interdicting of the Service: For that were in effect as much as to diſclaime the Work, or to give way to the inſolency of the baſer Multitude, and His Majeſty hath commanded me to thank you for it in His Name; but the diſclaiming the Book as any act of theirs, but as it was His Majeſties Command, was moſt unworthy; 'tis moſt true, the King commanded a Liturgy, and it was time they had one, they did not like to admit of ours, but thought it more reputation for them (as indeed it was) to compile one of their own; yet as near as might be they have done it well. Will they now caſt down the Milk they have given, becauſe a few Milk-maids have ſcolded at them? I hope they will be better adviſed, certainly they were very ill adviſed, when they ſpake thus at the Council-Board; but, my Lord, of this there was not one word in the Letter. So I hope they have done with that.*

Auguſt 7. 1637. W. Cant.

At this time the Lords of the Council, as they complained to the King of this diſorder, ſo they ſpared not to lay the greateſt blame of it upon the Biſhops, which appears from the following Letter written by the Earl of *Traquair* to the Marqueſs of *Hamilton.*

Auguſt 7. 1637.
Dr. Burnets Memoirs of Duke *Hamilton.*

My Noble Lord,

A*T the meeting of the Council here at* Edenburgh *the* 23d *of this inſtant, we found ſo much appearance of trouble and ſtir like to be amongſt people of all qualities and degrees, upon the urging of this new Service-Book, that we durſt no longer forbear to acquaint His Majeſty therewith, and humbly to repreſent both our Fears and our opinions, how to prevent the danger at leaſt; our opinions of the way, we would wiſh His Majeſty ſhould keep therein, or before he determine what courſe to take for pacifying of the preſent ſtir, or eſtabliſhing of the Service-Book hereafter; wherein (all I will preſume to add to what the Council hath written) is to intreat your Lordſhip to recommend to His Majeſty, that if he be pleaſed to call to himſelf any of the Clergy, he would make choice of ſome of them of the wiſeſt and moſt calm diſpoſitions; for certainly ſome of the leading Men amongſt them are ſo violent and forward, and many times without Ground and true Judgment, that their want of right underſtanding how to compaſs buſineſs of this nature and weight, doth often breed us many difficulties, and their raſh and fooliſh expreſſions, and ſometimes attempts both in private and publick, have bred ſuch a fear and jealouſie in the Hearts of many, that I am confident, if His Majeſty were rightly informed thereof, he would blame them, and juſtly think, that from this and the like proceedings ariſes the grounds of many miſtakes amongſt us. They complain'd that the former Ages have taken from them many of their Rents, have robbed them of their Power and Juriſdiction, and even in the Church it ſelf, and form of Gods Worſhip, have brought in ſome things that require Reformation; but as the deeds of theſe times, at the leaſt the beginning thereof, were full of notour and tumultuary diſorder, ſo ſhall I never think it will prove for the good either of Gods Service or the Kings, by the ſame ways or manner of dealing to preſs to rectifie what was then done amiſs. We have a wiſe and judicious Maſter, who will nor can urge nothing in this poor Kingdom, which may not be brought to paſs to His contentment; and I am moſt confident, if he ſhall be graciouſly pleaſed to hear His faithful Servants inform Him of the truth, he ſhall direct that which is juſt and right; and with the ſame aſſurance I do promiſe Him Obedience. The Intereſt your Lordſhip hath in this poor Kingdom, but more particularly the Duty you owe to His Majeſty, and the true reſpect I know you have ever carryed to His Majeſties Honour, and the good of His Service, makes me thus bold to acquaint your Lordſhip with this buſineſs, which in good faith is by the folly and miſ-goverment of ſome of our Clergy-men, come to that height, that the like has not been ſeen in this Kingdom of a long time; but I hope your Lordſhip will take in good part my true meaning, and ever conſtruct favourably the affections of*

Traquair.

Edenburgh Auguſt
7. 1637.

An. 1637.

As concerning the carriage of the Biſhops and Clergy in *Scotland* before theſe Tumults happened, there is a Learned Perſon of that Nation, a friend to Moderation in Epiſcopal Government, and diſliking violent Actions of the Covenanters, who hath lately written a * Hiſtory called *Memoirs*, wherein, among other remarkable things he hath this Paſſage.

* Memoirs of the Dukes of *Hamilton*, fo. 29, 30, 31.

THe People of *Scotland* had drunk in a deep prejudice againſt every thing that ſavoured of Popery: this the Biſhops judged was too high, and therefore took all means poſſible to leſſen it, both in Sermons and Diſcourſes, mollifying their Opinions, and commending their Perſons, not without ſome reflections on the Reformers. But this was ſo far from gaining their Deſign, that it abated nothing of the Zeal was againſt Popery, but very much heightened the rage againſt themſelves as favouring it too much.

There were alſo ſubtile Queſtions ſtarted ſome years before in *Holland* about Predeſtination and Grace; and *Arminius* his opinion, as it was condemned in a Synod at *Dort*, ſo was generally ill reported of in all Reformed Churches, and no where worſe than in *Scotland*: But moſt of the Biſhops, and their adherents, undertook openly and zealouſly the defence of theſe Tenets. Likewiſe the *Scottiſh* Miniſters and People had ever a great reſpect to the Lords-day, and generally the Morality of it is reckoned an Article of Faith among them: but the Biſhops not only undertook to beat down this opinion, but by their Practiſes expreſſed their neglect of that day; and after all this they declared themſelves avowed Zealots for the Liturgy and Ceremonies of *England*, which were held by the Zealous of *Scotland* all one with Popery; upon theſe Accounts it was that they loſt all their Eſteem with the People.

Neither ſtood they in better terms with the Nobility, who at that time were as conſiderable as ever *Scotland* ſaw them; and ſo proved both more ſenſible of Injuries, and more capable of reſenting them. They were offended with them, becauſe they ſeemed to have more Intereſt with the King than themſelves had, ſo that favours were mainly diſtributed by their recommendation: they were alſo upon all affairs, nine of them were Privy-Councellors, divers of them were of the *Exchequer*, *Spottiſwood*, Arch-biſhop of St. *Andrews* was made Chancellor, and *Maxwell* Biſhop of *Roſs* was fair for the Treaſury, and engaged in a high rivalry with the Earl of *Traquair*, then Treaſurer, which tended not a little to help forward their ruine. And beſides this they began to pretend highly to the Tyths and Impropriations, and had gotten one *Learmouth* a Miniſter preſented Abbot of *Lindoris*, and ſeemed confident to get that State of Abbots, with all the Revenue and Power belonging to it, again reſtored into the hands of Church-men, deſigning alſo, that according to the firſt Inſtitution of the Colledge of Juſtice, the half of them ſhould be Church-men.

This could not but touch many of the Nobility in the quick, who were too large ſharers in the Patrimony of the Church, not to be very ſenſible of it.

They were no leſs hateful to the Miniſtry, becauſe of their Pride, which was cryed out upon as unſupportable. Great Complaints were alſo generally made of Simoniacal Pactions with their Servants, which was imputed to the Maſters as if it had been for their advantage, at leaſt by their allowance: They alſo exacted a new Oath of *Intrants*, (beſides what was in the Act of Parliament for obedience to their Ordinary) in which they were obliged to obey the Articles of *Perth*, and ſubmit to the Liturgy and Canons: They were alſo making daily In-roads upon their Juriſdiction, of which the Miniſters were very ſenſible, and univerſally their great rigour againſt any that favoured of *Puritaniſm*, together with their medling in all Secular Affairs, and relinquiſhing their Dioceſſes to wait on the Court and Council, made them the Object of all Mens fury.

But that which heightned all to a *Criſis*, was their adviſing the King to introduce ſome Innovations in the Church by His own Authority; things had proſpered ſo ill in general Aſſemblies, that they thought of theſe no more; and in the Parliament 1633. that ſmall addition to the Prerogative, that the King might appoint what *Habits* He pleaſed to the Clergy, met vigorous oppoſition, notwithſtanding the King ſeemed much concerned for it, thoſe who oppoſed it being ſharply taken up, and much neglected by His Majeſty, which ſtuck deep in their Hearts, the Biſhops bearing all the blame of it.

At this time a Liturgy was drawn for *Scotland*, or rather the *Engliſh* re-printed with that Title, ſave that it had ſome Alterations, which rendred it more invideous and leſs ſatisfactory; and after long conſulting about it, and another Book of Canons, they were at length agreed to, that the one ſhould be the form of the *Scottiſh* Worſhip, and the other the Model of their Government, which did totally vary from their former Practiſes and Conſtitutions, and as if all things had conſpired to carry on their ruine; the Biſhops not ſatisfied with the General High Commiſſion-Court, procured Warrants from the King for ſetting up ſuch Commiſſions in their ſeveral Dioceſſes, in which, with other Aſſeſſors, Miniſters and Gentlemen, all of their own nomination, they might puniſh Offenders.

That was put in Practiſe only by the Biſhop of *Galloway*, who though he was a Pious and Learned Man, yet was fiery and paſſionate, and went ſo roundly to work, that it was cryed out upon as a Yoak and Bondage, which the Nation was not able to bear.

The Bailiffs of *Edenburgh* troubled (at leaſt ſeemingly) at the Tumult on the 23*d* of *July*, writ this enſuing Letter to the Archbiſhop of *Canterbury*.

Auguſt 19. 1637. A Letter from the Magiſtrates of *Edenburgh*, concerning the Tumult, to the Arch-biſhop of *Canterbury*.

Moſt Reverend Father in God, and our very good Lord,

WE regrait from our Hearts that Tumult which did fall out in our Churches, that day of in-bringing of the Service-Book, wherein now theſe of His Majeſties Council, who have laboured the tryal thereof, will give teſtimony of our Innocency ſince that time, and how, ſince the riſing of His Majeſties Council in this ferial time, we have daily concurred with our Ordnary, and our Miniſtry for ſetling of that Service-Book, as the Right Honourable the Earl of Traquair, *Lord Treaſurer, with the Biſhops of* Galloway *and* Dunblane, *will bear*

An. 1637. *witneſs, who have ſpared neither pains nor attendance to bring that purpoſe to a good Concluſion.*

And although the poverty of this City be great, (being almoſt exhauſted with publick and common works) yet we have not been wanting to offer good means, above our power, to ſuch as would undertake that Service; and in all things wherein we have been required, we have ever been ready, really to approve our ſelves obedient, and Loyal Subjects to His Majeſty in all His Royal Commandments, which we have ever vowed to obſerve to our lives end. And being infinitely obliged to your Graces Favours, we now preſume, by theſe Lines, to give your Grace that aſſurance of obedience upon our part in this purpoſe, and in all other purpoſes, wherein we may contribute to the advancement of His Majeſties Service, or can be expected of good Subjects, whereof (if His Majeſty by your Grace ſhall be pleaſed to reſt aſſured, whatſoever any other ſhall ſuggeſt) we will accept it from you as a great accumulation of favour; for all which your Grace ſhall ever find us moſt thankful Remembrancers, and moſt ready really to expreſs our thankfulneſs, when-ever we ſhall be made ſo happy, as your Grace ſhall have occaſion to uſe our Service. Thus from our Hearts wiſhing you all Happineſs, we kiſs your Graces Hands,

Edenburgh this 19*th* of
Auguſt 1637.

Your Graces moſt Affectionate and
Humble Servants the Bailiffs of
Edenburgh,

J. Cockrane,
An. Ainſlie,
J. Smith,
C. Hamilton,
Bailiffs.

Divers Miniſters and People furiouſly oppoſed the reading of the Service-Book, and preſented this following Petition to the Lords of the Council; beginning thus:

My Lords of Secret Council. Unto your Lordſhips humbly means and ſhews,

‘WE your Subjects Mr. *Alexander Henderſon*, Miniſter at *Lenchars*, Mr. *John Hamilton*, Miniſter at *Newburne*, and Mr. *James Bruce*, Miniſter of *Kings-Barnes*, that where we were required of late, by the Moderator of our Presbytery, to receive two Copies of the new Book of Common-Prayer, and declaring our ſelves willing, each of us to receive any of the ſaid Books to read, that we might know what is therein contained before we could promiſe to practiſe it; alledging, that in the matters of Gods Worſhip we were not bound to blind obedience. It was refuſed by us, and taken out of ſome of our Hands; and yet we are now charged with Letters of *Horning*, decreed by your Lordſhips upon a Narrative, that we have refuſed the ſaid Books out of Curioſity and Singularity. To provide each one of us two of the ſaid Books for the uſe of our Paroches, which hath made us, who were never before acquainted with any Charge from Authority, and knowing no other way ſo juſt and void of offence to have re-

‘courſe to your Lordſhips; moſt humbly entreating, that the Charge may be ſuſpended for the Reaſons following. *Firſt*, Becauſe this Book is neither warranted by the Authority of the *General Aſſembly*, which are the *Repreſentative Kirk* of this Kingdom, and hath ever ſince the Reformation given directions in matters of Gods Worſhip, nor by any Act of Parliament, which in things of this kind hath ever been thought neceſſary by His Majeſty, and the Eſtates. *Secondly*, Becauſe the Liberty of the true Kirk, and the form of Worſhip, and Religion, received at the Reformation, and univerſally practiſed ſince, were warranted by the Acts of the General Aſſemblies, and divers Acts of Parliament, eſpecially of the Parliament 1527. and the late Parliament 1633. *Thirdly*, The Kirk of *Scotland* is a free and Independent Kirk, and her own Paſtors ſhould be moſt able to diſcern and direct what doth beſt beſeem our meaſure of Reformation, and what may ſeem moſt for the good of the People. *Fourthly*, It is not unknown to your Lordſhips what diſputing, diviſion, and trouble hath been in this Kirk, about ſome few of the main Ceremonies contained in this Book, which being examined, as we ſhall be ready (a competent time being aſſigned by your Lordſhips) to ſhew, will be found to depart far from the form of Worſhip and Reformation of this Kirk, and in Points moſt material to do all near to the Kirk of *Rome*; which for Hereſies in Doctrine, Superſtition and Idolatry in Worſhip, Tyranny in Government and Wickedneſs every way, is as Antichriſtian now as when we came out of her. *Fifthly*, The People have been otherwiſe taught by us, and our Predeceſſors in our Places, ever ſince the Reformation, and ſo it is likely they will be found unwilling to the change when they ſhall be aſſayed, even where their Paſtors are willing. In reſpect whereof the ſaid Letters of *Horning*, whoſe effect and execution thereof ought to be ſuſpended *ſimpliciter* in time coming. Therefore we beſeech your Lordſhips, that we may have Letters direct, charging the Perſons who have cauſed this Charge againſt us to compeir perſonally, and to bring and produce the ſaid Letters of *Horning*, with the Execution and Indorſations thereof before your Lordſhips at a certain day, to be ſeen and conſidered of, and in the mean time to ſuſpend them, and your Lordſhips Anſwer, We humbly pray.

To which this ſhort Anſwer was given by the Biſhop of *Roſs*; letting the Petitioners know, That whereas they pretend ignorance of what is contained in the Book, it appears by their many Objections and Exceptions in all parts of it almoſt, that they are too well verſed in it, but have abuſed it pitifully; the Biſhop aſſerting, that not the General Aſſembly, (which conſiſts of a Multitude) but the Biſhops have the Authority to govern the Church, and are the repreſentative Church of the Kingdom. That they will never be able (do what they can) to prove what is contained in the Service-Book to be either Superſtitious or Idolatrous, but that it is one of the moſt Orthodox and perfect Liturgies in the Chriſtian Church.

Now

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Words preſcribed at the delivery of the Sacrament according to the *Engliſh* Liturgy.

NOw that which ſtartled the *Scots* moſt, as to the Service-Book in Point of Popery, was concerning the words preſcribed therein to be uſed at the receiving of the Sacrament in the very delivery of the Bread and Wine after Conſecration, wherein there was this Alteration made by way of an *Index Expurgatorius*, (as the *Scots* termed it;) for the ancient *Engliſh* form ſtood thus in the Liturgy, *viz. The Body of our Lord Jeſus Chriſt which was given for thee, preſerve thy Body and Soul unto Everlaſting Life. And take and eat this in Remembrance that Chriſt dyed for thee, and feed on him in thy Heart by Faith with Thankſgiving.*

The Blood of our Lord Jeſus Chriſt which was ſhed for thee, preſerve thy Body and Soul unto Everlaſting Life. And drink this in Remembrance that Chriſts Blood was ſhed for thee, and be thankful: But the latter words, *viz. And take and eat this in Remembrance that Chriſt dyed for thee, and feed on him in thine Heart by Faith with Thankſgiving*, in the one; *And drink this in Remembrance that Chriſts Blood was ſhed for thee, and be thankful*, in the other, were left out; and the Party Receiving is only to ſay *Amen*. And accordingly the ſaid latter Paſſages were omitted in the Printed Service-Book; which remarkable Alteration gave the *Scots* occaſion of Jealouſies, that it was done to conform to the very *Roman Miſſal*, and order of the *Maſs*, as followeth.

But part of the words at delivery of the Sacrament, omitted in the *Scotch* Liturgy.

Viz.	The *Roman Miſſal*, viz.
The Body of our Lord Jeſus Chriſt, which was given for thee, preſerve thy Body and Soul unto Everlaſting Life; to which the Party ſhall ſay *Amen*.	*Corpus Domini noſtri Jeſu Chriſti cuſtodiat Animam meam in Vitam Æternam*, Amen.
The like to *the Blood of our Lord Jeſus Chriſt which was ſhed for thee, preſerve* &c. *to Life Eternal*, Amen.	*Sanguis Domini noſtri Jeſu Chriſti cuſtodiat Animam meam in Vitam Æternam*, Amen.

Concerning *Tranſubſtantiation*.

Hence the *Scots* apprehended it was a Deſign to introduce a *Tranſubſtantiation* of the Bread and Wine into Chriſts very Body and Blood, and an External Receiving of them with the Mouth, to make a compleat Sacrifice of the *Maſs*, which theſe Expunged Clauſes do expreſly contradict; and takes away all opinion of any *Tranſubſtantiation*, or Corporal Eating of Chriſts Body, or drinking his Blood in the Sacrament

The Arch-biſhop of *Canterbury* writes a Letter to the Arch-biſhop of St. *Andrews*, dated *September* 4. 1637. and ſo much of it as concerneth the late Tumults about the Service-Book in *Scotland*, followeth in theſe words.

Touching

13 Caroli.

The Arch-biſhop of *Canterburies* Letter to the Arch-biſhop of St. *Andrews.*

Touching the Tumult, I can ſay no more than I have already, and for the caſting of any fault upon your Grace, and the reſt of your Brethren, as if the thing were done precipitately, I think few Men will believe that; but that which is thought here is, that though you took advice among your ſelves, yet the whole Body of the Council was not acquainted with all your determinations, nor their advice taken, nor their Power called in for aſſiſtance, till it was too late; and that after the thing was done, you conſulted apart, and ſent up to the King without calling a Council, or joyning the Lay-Lords with yon; whereas all was little enough in a Buſineſs of this nature, and ſo much oppoſed by ſome Factious Men gathered (it ſeems) purpoſely together at Edenburgh, *to diſturb this Buſineſs: And indeed, my Lord, you could not in this particular have engaged the Lay-Lords too far; and if any Lord here ſpeak too much when he thought the Service might have been received throughout all that Kingdom in one day, I hope your Grace falls as much too ſhort on the other ſide; for I hope it will be ſetled in far leſs time than ſeven years. And whereas you write, that the fault is moſt in your Miniſters, I eaſily believe that to be true, but then they ſhould have been delt withal before-hand, and made plyable, eſpecially in* Edenburgh, *or elſe ſome others appointed in the room of ſuch as diſliked. And ſince your Grace is of opinion, that a ſharper courſe would do more good, and that you would have taken ſuch with Mr.* Ramſey, *(if my Lords had not altered your opinion) His Majeſty leaves you to take that courſe both with him and others as you ſhall find fitteſt for His Service, and the Churches. And for the Poſtſcript, I am ſorry as well as you for Mr.* Rollock, *and that is all I have to ſay of him; ſo deſiring God to bleſs you through theſe Troubles, I leave you,* &c.

W. Cant,

September 4. 1637.

On *September* 11. the Arch-biſhop of *Canterbury* writ another Letter to the Earl of *Traquair*, wherein he takes notice, that the Puritan Party receives incouragement by the diſturbance given to the reading of the Service-Book.

Arch-Biſhop of Canterburies *Letter to the Lord* Traquair, September 11. 1637.

My very good Lord,

I Have received your Letter of Auguſt 20. *and am very glad to read in them, that mine came ſafe to you, by your Servant: For the Buſineſs, I had ſome little Inkling given me by my Lord* Strivling *about the ſtay of the Service-Book; but till I read your Letter, I did not believe it poſſible that way ſhould be given to an Interdiction, eſpecially conſidering how ſtrongly you had ever oppoſed it, and withal how weak and unconſallable (at leaſt in my Judgment) the thing it ſelf was, for they could not but foreſee, that that courſe would add a great deal of heartning and encouragement to the Puritan Party: And therefore 'tis*

An. 1637. no wonder, ſuch Lords, and others as were ill-affected to the Liturgy, were eaſie in giving way to that Council, which they could not but ſee would advance their own ends; but that my Lord of Roſs ſhould give the advice, and my Lord of St. Andrews follow it with ſuch ſtiffneſs, may be a wonder to any man that knows them and the Buſineſs.

My Lord St. Andrews hath lately written to me, that my Lord of Roſs was gone into his Dioceſs; but for my part, I did not think that all the reſt would have gone away, and left the Buſineſs; for they cannot but think, that the adverſe part would make uſe of the preſent time to put further difficulties upon the Work; and therefore they ſhould have been as careful to uphold it, my Lord of Roſs eſpecially, whoſe Hand hath been as much in it as the moſt. But ſince they are gone, His Majeſty takes it extreamly well from my Lord of Edenburgh, Galloway, and Dunblane, that they ſtay and attend the Buſineſs as well as they can; but he hath expreſly commanded me to give your Lordſhips thanks for ſtaying with them, and keeping them ſo well in heart; for as the Buſineſs is now foyled, if you do not ſtick cloſe to Gods and the Kings Service in it, it will certainly ſuffer more than it is fit it ſhould.

His Majeſty likewiſe takes it exceeding well from your Lordſhip, that you have dealt with the City of Edenburgh for maintenance for ſuch as ſhall take upon them to read the Liturgy; and takes it well from the City it ſelf, from whom I have received a very fair diſcreet Letter, which I have ſhewed His Majeſty, and writ the City an Anſwer by this Return, and given them His Majeſties thanks, which indeed He commanded me to do very heartily: And in truth they deſerve it, eſpecially as the Times ſtand.

As for the Miniſters of Edenburgh, I know the refuſal of Mr. Ramſey and Mr. Rollock, but that any other of them ſtuck at it, or that any Biſhops ſeem not to be forward, is more than I heard till now; but for that of Mr. Ramſey, or any of the Biſhops that would have ſomewhat amended, if that ſhould be yielded unto now (unleſs they ſhould be able to give ſuch reaſon againſt it, as I know they cannot) it would mightily diſhonour the King, who to my knowledge hath carefully look'd over, and approved every word in this Liturgy; and I doubt it would utterly deſtroy the Service it ſelf, for while one man out of a humor diſlikes one thing, and another another thing, by that time every mans diſlike were ſatisfied, I doubt there would be but little left to ſerve God with: Beſides, it is not improbable, but that ſome men would be as earneſt to have the ſelf-ſame thing kept in, which others would have ſo fain thruſt out, what e're it be; and that may make it grow up into a formal conteſtation upon ſome particulars, and quite diſtemper the Service. But whereas you write, That ſome Biſhops ſpeak plainly, that if their opinions had been craved, they would have adviſed the amending of ſome thing: Truly for that, and in that way, I would with all my heart they had ſeen it; and why my Lord of St. Andrews, and they which were truſted by the King, did not diſcreetly acquaint every Biſhop with it, (conſidering that every Biſhop muſt be uſed in their ſeveral Dioceſſes) I know no reaſon; and ſure I am there was no prohibition upon them. And ſince I hear from others, that ſome exception is taken, becauſe there is more in that Liturgy in ſome few Particulars, than is in the Liturgy in England, why did they not then admit the Liturgy of England without more ado? But by their refuſal of that, and the diſlike of this, 'tis more than manifeſt they would have neither, *perhaps, yea, none at all were, they left to themſelves. But, my Lord to your ſelf only, and in your ear, a great favour you ſhould do me, if you will get my Lord of* Galloway *to ſet me down in brief Propoſitions, without any further Diſcourſe, all the exceptions that are taken againſt the Liturgy by* Ramſey, Rollock, *or any other ; and I could be content to know who the Biſhops are, who would have amended ſomething, had they been adviſed with, and what that is which they would have ſo amended,* &c.

September 11.
1637.

Will. Cant.

On the 25*th*, and 26*th*. there hapned ſome further diſturbances by the confluence of the People, as the Lords of the Secret-Council were ſitting two days together, with which the Magiſtrates of *Edenburgh* ſeemed to be much diſſatisfied; and having at laſt quieted the People, thought fit to write this enſuing Letter to the Arch-Biſhop of *Canterbury*, dated the 26*th*. of *September* 1637.

A Letter from the Magiſtrates of *Edenburgh*, to the Arch-Biſhop of *Canterbury*.

Moſt Reverend Father in God, and our very Good Lord.

We do receive your Graces kind Letter, and from our hearts we do render your Grace moſt hearty thanks, and as we have hitherto found your ſpecial favour in this matter, concerning the lately imprinted Service-Book, where-anent we did write to your Grace formerly, ſhewing our dutiful and obedient reſolution, not only in our ſelves, but in the greateſt and beſt part of our Inhabitants, of whom from time to time, as we have had moſt confident aſſurance, ſo now we muſt again become new Suitors at your Graces hands, to receive from us a true information of the difference of the preſent time, and of that when we did preſume to write the occaſions thereof: which is, That ſince our laſt there hath been ſuch an innumerable confluence of people from all the corners of this Kingdom, both of Clergy and Laity, and of all degrees, by occaſion of two Council-days, and ſuch things ſuggeſted to our poor ignorant people, that they have razed out what we by great and continual pains had imprinted in their minds, and diverted them altogether from their former reſolutions ; ſo that now when we were urged by our ſelves alone, we could not adventure, but were forced to ſupplicate the Lords of Council to continue us in the ſtate they had done the reſt of the Kingdom, having hitherto forborn, either to combine with them, or to countenance them in their Supplications ; yet we will not forbear to do our Maſters Service to our power, but ſhall ſtudy to imprint in their minds, what hath been taken away : in the interim we will humbly beg your Graces Favour and Interceſſion with His Majeſty, that we may be kept ſtill in His Favour, which we do eſteem our greateſt earthly felicity, and that what courſe ſhall be taken with the reſt of this Kingdom in that matter, who have preſented many ſupplications, and with whom we have in no ways combined, that the ſame and no other may be taken with us, wherein we are confident to prevail, as much as any other within the Kingdom ; and in all things ſhall endeavour nothing more, than that we may approve our ſelves moſt du-

tiful and obedient Subjects. Thus relying upon your Graces Favour, as our moſt aſſured refuge, we kiſs your Graces hands, and reſt,

Your Graces moſt Affectionate and Humble Servants, the Bayliffs of *Edenburgh*,

Edenburgh this *26th* of *Septemb*. 1637.

Ch. Hamilton.
James Rucheid.
J. Cochrane.
J. Smith.
} Bayliffs.

All things at preſent ſeemed to be quiet.

ALL Buſineſs now for a time ſeemed to be huſhed and calmed, by reaſon of the long Vacation, which in that Kingdom beginneth always on *Lammas* day *Auguſt* the firſt, and the Harveſt which drew all ſorts of People from *Edenburgh*, except the Citizens; ſo that little or nothing was done between the laſt of *July* and firſt of *October*, ſave that ſome Miniſters, as is before mentioned, Petitioned the Lords of the Council for ſuſpending the Letters whereby they were charged to receive the Service-Book.

A great Conflux of People at *Edenburgh*.

But as ſoon as Harveſt was done, the conflux of all ſorts of the Kings Subjects, Nobility, Gentry, Miniſters and Burgeſſes, from all parts of that Kingdom, came to be ſo great at *Edenburgh*, and after ſuch a tumultuous manner, as that a preſent inſurrection was juſtly feared, which forced the Council (then aſſembled at *Edenburgh* upon the day before appointed by them, *viz.* the *17th* of *October*) to make three Proclamations, the firſt to give notice, that on that day nothing ſhould be treated of at the Council-Table concerning Church-buſineſs, until the Lords might ſee the times and meeting of His Majeſties Subjects more quiet and peaceable; and therefore commanded all who were come thither about any ſuch buſineſs, peaceably to repair to their own homes within twenty four hours, under the pains expreſſed in the ſaid Proclamation. A ſecond was for removing the Seſſion (which in *England* is called the *Term*) from *Edenburgh* to *Linlithgow* for fear of preſent danger, if this great concourſe of People ſhould not ſome way be diverted and divided, eſpecially conſidering that thoſe of *Edenburgh* were now apparently perverted and become very ill-affected to the King and Council. A third Proclamation for bringing in and burning a certain ſeditious Book newly diſperſed amongſt our Subjects there, tending to Sedition and the Diſgrace of our Eccleſiaſtical Government here in *England*. All which Proclamations bore date the *17th*. of *October* 1637, and were as followeth.

Three Proclamations publiſhed.

The

13 *Caroli.*

The firſt Proclamation dated *October* 17. 1637.

FOrasmuch as it hath pleaſed the Kings Majeſty, upon divers good Reſpects and Conſiderations, to give Warrant and Direction to the Lords of His Majeſties Privy-Council, for diſſolving the meeting of the Councel this day, ſo far as concerneth matters of the Church. And that every one that hath come to attend this buſineſs, repair to their own dwellings, except ſuch perſons as ſhall make known to the ſaid Lords of Council juſt cauſe of ſtay, for their particular affairs: therefore the ſaid Lords according to His Majeſties Special Warrant and Direction ſent unto them, have diſſolved, and by the tenour hereof, do diſſolve the Meeting of the Council this day, in ſo far as concerns the buſineſs above written; and ordains a Macer of Councel to paſs to the Mercate Croſs of Edenburgh, and to make publication hereof; and to command every one that hath come hither to attend this buſineſs, to repair home to their own Dwellings within twenty four hours after the Publication hereof, except ſuch perſons as ſhall make known to the ſaid Lords, juſt cauſe of their further particular affairs in manner aforeſaid, under pain of Rebellion, and of putting them to the Horn, with certification to them, that if they fail they ſhall be denounced Rebels, and put to the Horn, and all their moveable Goods eſcheat to His Majeſties uſe.

The Concourſe of People being great at *Edenburgh* are to depart the City, fearing more Tumults, *&c.*

The ſecond Proclamation dated *October* 17. 1637.

FOrasmuch as it hath pleaſed the Kings Majeſty, upon divers great and good Conſiderations known to His Majeſty, to remove his Councel and Seſſion from the City of Edenburgh to the Burgh of Dundee: And whereas it is inconvenient at this time to remove it ſo far, His Majeſty is graciouſly pleaſed, that this next Seſſion ſhall be holden at the Burgh of Linlithgow, and the next after the Ordinary vacants at the Burgh of Dundee, and there to remain, during His Majeſties pleaſure: And therefore the ſaid Lords, according to His Majeſties ſpecial direction, ordains Macers or Officers of Armes to paſs and make publication hereof to all his Majeſties good Subjects by open Proclamation at all places needful, whereby they can pretend no ignorance thereof, but may prepare themſelves to attend at Linlithgow and Dundee accordingly.

To remove the Seſſion to *Linlithgow*, after to *Dundee*.

A third Proclamation dated *October* 17. 1637.

A Book Printed againſt Engliſh Popiſh Ceremonies, obtruded upon the Kirk of *Scotland*, called in.

FOrasmuch as the Kings Majeſty is credibly informed, that there is a certain Book entituled, A Diſpute againſt the Engliſh Popiſh Ceremonies, obtruded upon the Kirk of *Scotland*; and hath been ſent abroad and diſperſed in this Kingdom, purpoſely to ſtir the hearts and affections of the Subjects from their due Obedience and Allegiance: And therefore it hath pleaſed his Majeſty to give Order and Direction to his Council, that diligent inquiry and ſearch be made for the ſaid Book. And for this effect the ſaid Lords ordains Letters to be directed to make intimation and publication to all his Majeſties Subjects, that ſuch of them as have any of the ſaid Books, bring in the ſame to the Lords of his Majeſties Privy-Council, betwixt the date of his Proclamation and the   day of   and the ſaid Books being brought in, that the ſame be publickly burnt, certifying all his Majeſties Subjects, if any of thoſe Books ſhall be found, or known to have been with any of them, after the time aforeſaid, that they ſhall incur the like Cenſure and Puniſhment, as the Author may be found to deſerve, for any thing contained in that Book.

A new Tumult at *Edenburgh*.

UPon the publiſhing of theſe three Proclamations, and the intended removal of the Seſſion or Term from *Edenburgh* to *Linlithgow*, a new Tumult fell out in *Edenburgh* upon *October* 18. againſt the Earl of *Traquair* and ſome of the Biſhops, whom the People in their fury went about to have killed; (as it was apprehended) and the Biſhop of *Galloway* as he was peaceably paſſing along the ſtreet towards the Council-houſe, ſuddainly an inraged multitude ſurrounded him, and followed him with fearful curſing and exclamations cloſe to the Council-dore, where he was again encountred a-freſh with another multitude, who watched and lay in wait for his coming thither, and whoſe fury exceeded words; for in all probability the Biſhop had been pulled in pieces by them, if by Divine Providence he had not been defended by *Francis Steward*, who with much ado, got the Biſhop within the Dores of the Council-houſe, where the Lord Chief Juſtice ſtaid for him: but when he was there, that place of Higheſt Reverence within that Kingdom, was no Sanctuary for him; for they continued demanding his perſon, and threatning him with death, the report hereof, and the danger of their Lords life was brought by ſome of the Biſhops Servants preſently to the Earl of *Traquair*, Lord Treaſurer, and the Earl of *Wigton*, one of the Lords of the Council, who were then at a Lodging not far from thence; they came preſently with their followers to the relief of the Biſhop, but very hardly (for the croud of the Mutiners) could approach the Council-houſe where he was; at laſt when with much ado they got entrance, they found themſelves in no better caſe then the Biſhop was, for the peoples fury meeting with no proportionable reſiſtance, increaſed the more; the Lords thus beſet in the Council-houſe, ſent privately to the Lord

Provoſt, Bayliffs and Council of *Edenburgh*, (who were then aſſembled in their own Council-houſe) requiring them to come to their reſcue, and to take ſome preſent order for their ſafety: they, by one Sir *Thomas Thompſon*, who indeed was an eye witneſs of the truth of it returned this Anſwer, that they were in the ſame, if not a worſe caſe themſelves, if the Lords without, did not preſently pacifie the inraged multitude; that the whole ſtreets were peſtered with diſorderly people; that their Council-houſe was beſet without and thronged within, with their own threatning Citizens, who had vowed to kill all within the Houſe, unleſs they did preſently ſubſcribe to a Paper preſented to them, which for fear of their lives they were forced to do: which Paper contained theſe three particulars.

Firſt, That they ſhould joyn with them in oppoſition to the Service-Book, and in petitioning us for that purpoſe.

Secondly, That by their Authority they ſhould preſently reſtore unto their Places and Pulpits, Mr. *Ramſey* and *Rollock* their two ſilenced Miniſters.

Thirdly, That they ſhould reſtore unto his place one *Henderſon*, a ſilenced Reader. No better anſwer being returned, the Lord *Treaſurer* and the Earl of *Wigton* with their Followers, reſolved to go up to the Town Council-houſe, and to uſe the uttermoſt of their Authority, or (if that found no reſpect) their beſt perſwaſions for ſetling the preſent Sedition: when they came thither, they found the Magiſtrates very much diſcompoſed, and greatly perplexed; as much doubting whether ever they ſhould eſcape from the place with their lives, yet they preſently entred into conſultation with them, about what was fitteſt to be done in ſuch an exigent; and finding now that the publick divulging of that Paper, which the Magiſtrates and Council of the City had ſubſcribed, and that the open proclamation of it throughout all their turbulent Troops, and at the Croſs, had a little aſſwaged their furious rage, the Lords begun to adviſe with the Magiſtrates what was beſt to be done for the ſafety of the Biſhop of *Galloway*? whom they had left beſieged in the Council-houſe, it was thought fit by all, that the Lords ſhould return to our Council-houſe, and contain themſelves therein till the Magiſtrates might try what they could do for calming the Commotion in the Streets: but no ſooner had the Lords preſented themſelves to the Streets, but they were received with ſuch violence, as they were forced to retire, untill ſuch time as two of the Bayliffs, with their Sergeants and Officers, and ſuch others as they got to attend them, accompanying the Lords, and repeating to the Multitude what had been yielded to in the Paper exhibited to them, a little way was made at firſt; but preſently when they entred upon the Great-Street, the Barbarous Multitude run moſt inragedly upon them; their out-crys were horrible and confuſed, but were (as much as in ſuch a confuſion could be diſtinguiſhed) *God defend all thoſe who will defend* God's *Cauſe, and God confound the Service-Book, and all the maintainers of it.* The Lords being in preſent and eminent danger, aſſured the People that they would repreſent their grievances to His Majeſty; for when they perceived that the People refuſed to obey any Commandment which was laid upon them in the Kings Name, and that they ſlighted,

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ſlighted their requiring of them to retire unto their own Houſes, and to behave themſelves as quiet and good Subjects, under pain of His Majeſties higheſt diſpleaſure, they were glad then to take themſelves to entreaties and plauſible perſwaſions, but all in vain; for the People ſtill increaſed their fury, and that to ſuch a height, as that the Lord *Treaſurer* was thrown down, his Hat, Cloak, and White-Staff pulled from him, ſo that if by the ſtrength of ſome about him, he had not been pulled up preſently again upon his Feet, he had undoubtedly been trod to death; and in that poſture without Hat or Cloak, like a notorious Malefector, was he carried by the Croud to the Council-houſe-dore, where the Biſhop of *Galloway* and others of the Council were impriſoned in great fear, expecting the Lords return for their relief.

Not long after the Provoſt and Bayliffs came thither to them, told them they had uſed their uttermoſt power and perſwaſions with the beſt, ableſt, and of the prime eſteem of all their Citizens, for the appeaſing of the preſent Tumult, and ſecuring their Lordſhips perſons, but could find no concurrence nor obedience. Whereupon the Lords reſolved to ſend for ſome of the Nobility and Gentry, and others who were now frequently aſſembled for aſſiſting the Petition againſt the Service-Book, to trie what help they would or could contribute for quieting the inraged People, and what aſſiſtance they might expect from them in freeing them from the preſent danger. They being ſent for, came to the Lords, and declared unto them how much they were unſatiſfied with the preſent mutiny, offered their Perſons and Powers for ſecuring them from all violence, which the Lords in the Council-houſe accepting of, with much ado (being guarded by them whom the People would not offend) the Lord *Treaſurer* got to the Palace at *Haly-Rood-Houſe*, and the Biſhop of *Galloway* to his Lodging: but the Lord *Provoſt* was again ſet upon, as he was entring his own Houſe, and was ſo preſſed upon by the Multitude that they crouded with him into his own Yard, railing upon him and throwing Stones at his Windows, until ſome of his Servants diſcharging a Piece, which had nothing but Powder in it, they retired for fear.

This Morning Storm being a little blown over, the Council in the Afternoon met at the Palace at *Haly-Rood-Houſe*, and commanded a Proclamation preſently to be made at the Croſs of *Edenburgh*, the tenour whereof here followeth.

At *Haly-Rood-Houſe* the 18*th*. of October 1637.

A Proclamation requiring the Multitude to keep the peace.

Foraſmuch as a number of the Lords of His Majeſties Privy-Council, as likewiſe the Town Council of Edenburgh, being this day conveened in their ſeveral Judicatories, for His Majeſties ſpecial affairs and ſervice, they were moſt rudely interrupted in the Courſe of their proceedings, by a tumultuos gathering of the promiſcuous and vulgar Multitude, by whom His Majeſties Council and Servants in an open way was ſhamefully environed; which being a matter very diſgraceful to His Majeſties Authority and Lawfull Government, and which in the conſequence thereof may produce dangerous effects, if the like be not prevented in the time to come: therefore the Lords of the Secret Council, according to the duty of their place and charge incumbent to them, ordains a Macer of Council to paſs to the Mercate-Croſs of Edenburgh, and there by open Proclamation to diſcharge all publick Gatherings and Convocations of His Majeſties Subjects, within the City of Edenburgh, and upon the Streets thereof; as likewiſe all private meetings tending to faction and tumult; and in His Majeſties Name and Authority, to command all His Majeſties Lieges and Inhabitants within the ſaid City, to contain themſelves in peace and quietneſs: and for that effect to keep their Houſes, except when their lawful buſineſs doth otherwiſe call them, under all higheſt pain and charge, that by rigour of Law can be inflicted upon the contraveeners of the premiſes in manner above expreſſed.

Notwithſtanding this Proclamation, the next Council-day the People of *Edenburgh* ſent their Commiſſioners publickly to the Council-Table, to require that their Miniſters and Reader might be reſtored to them, and that they might have aſſurance for the performance of what was lately promiſed to them by their Magiſtrates, meaning thoſe three things before mentioned, which they were enforced to agree unto by the former Tumult.

After theſe Tumults there were preſented to the Lord Chancellor and Council two Petitions; one in name of all the Men, Women, Children and Servants of *Edenburgh*, only againſt the Service-Book: And another in the name of the Noblemen, Gentry, Miniſters and Burgeſſes againſt the Service-Book, and Book of Canons: that to the Lord Chancellor was as followeth.

My Lord Chancellor.

The Women and Childrens Petition to the Council, againſt the Service-book.

Unto your Lordſhip humbly ſhews,

'WE Men, Women, and Children, and Servants, Indwellers 'within the Burgh of *Edenburgh*; That whereas we being urged with this Book of Service, and having conſidered the 'ſame, we find many things therein ſo far different from that form 'of Gods publick worſhip, univerſally received and profeſſed within this Kindom; and we Burgeſſes being at our entry and admiſſion deeply ſworn for the maintenance thereof, that now 'makes our hearts to tremble, and our weak Conſciences will not 'ſuffer us to imbrace and practice this urged ſervice: We have 'this long time paſt winked at ſome former alterations, being put 'in hope that no further Innovations ſhould follow; but now we 'being oppreſſed with our juſt fears, to ſee our ſelves deprived 'of that liberty in ſerving God, which ever hath been approved 'by Church and Kingdom, in place whereof we are now like to 'be conſtrained to imbrace another, which hath neither been agitated nor received either by General Aſſembly or Parliament: in 'ſuch extremity we are moſt humbly to ſupplicate your Lordſhip, 'to conſider our preſent eſtate, that this buſineſs is a matter of ſo ‘great weight and conſequence, as ſhould not appear to be a needleſs noiſe of ſimple Women; but it is the abſolute deſire of our hearts for preſervation of True Religion amongſt us, which is dearer to us than either Eſtate or Life: and therefore we do crave, that as the reſt of the Kingdom, ſo we may have a time to adviſe, and that your Lordſhips may find out ſome way, whereby we may be delivered from the fear of this and all other Innovations of this kind, and have the happineſs to enjoy the True Religion, as it hath been by the great mercy of God reformed in this Land, and authoriſed by His Majeſty, who may long and proſperouſly reign over us. And your Lordſhips anſwer.

The *Petition* to the Council follows of the Noble-men, Gentry, Miniſters, Burgeſſes, againſt the Service-Book, and Book of Canons.

My Lords of Secret Council.

October 1637. A Petition of the Noble-men, *&c.* againſt the Service-Book.

Unto your Lordſhips humbly ſhew,

‘WE Noble-men, Barons, Miniſters, Burgeſſes, and Commons; That whereas we were in humble and quiet manner, attending a gracious Anſwer of our former ſupplications againſt the Service-Book impoſed upon us, and ready to ſhew the great inconveniences, which upon the introduction thereof muſt enſue; we are without any known deſert, far beyond our expectation, ſurprized and charged by publick Proclamation to depart out of the Town within twenty four hours thereafter under pain of Rebellion; by which peremptory and unuſual charge, our fears of a more ſevere and ſtrict courſe of proceeding are augmented, and courſe of our ſupplication interrupted. Wherefore we are conſtrained, out of the deep grief of our hearts, humbly to remonſtrate; That whereas the Arch-Biſhops and Biſhops of this Realm, being intruſted by His Majeſty with the Government of the affairs of the Church of *Scotland*, have drawn up, and ſet forth, and cauſed to be drawn up and ſet forth and injoyned upon the Subjects two Books; in the one whereof, called the Book of *Common-Prayer*, not only are ſown the ſeeds of divers Superſtitions, Idolatry and Falſe-doctrine, contrary to the true Religion eſtabliſhed within this Realm by divers Acts of Parliament; but alſo the Service-Book of *England* is abuſed, eſpecially in the matter of Communion, by Additions, Subſtractions, interchanging of Words and Sentences, falſifying of Titles, and miſplacing of Collects, to the diſadvantage of Reformation, as the *Romiſh* Maſs is, in the more ſubſtantial points, made up therein, as we offer to inſtruct in time and place convenient, quite contrary unto, and for reverſing the gracious intentions of the Bleſſed Reformers of Religion in *England*. In the other Book called, *Canons and Conſtitutions for the Government of the Church of* Scotland, they have ordained, that whoſoever ſhall affirm that the form of Worſhip inſerted in the Book of Common Prayer and adminiſtration of the Sacraments, (whereof heretofore,

heretofore and now we moſt juſtly complain) doth contain any thing repugnant to the Scriptures, or are Corrupt, Superſtitious or unlawful in the Service and Worſhip of God, ſhall be excommunicated and not be reſtored, but by the Biſhop of the place, or Arch-Biſhop of the Province, after his repentance, and publick revocation of this his wicked error; beſides a hundred *Canons* more, many of them tending to the reviving and foſtering of aboliſhed Superſtitions, and Errors, and to the overthrow of our Church-diſcipline, eſtabliſhed by Acts of Parliament, opening a Door for what further Invention of Religion they pleaſe to make, and ſtopping the way, which Law before did allow unto us, for ſuppreſſing of Error and Superſtition, and ordaining that where in any of the *Canons* there is no penalty expreſly ſet down, the puniſhment ſhall be arbitrary, as the Biſhop ſhall think fitteſt. All which *Canons* were never ſeen or allowed in any General Aſſembly, but are impoſed contrary to order of Law appointed in this Realm for eſtabliſhing Conſtitutions Eccleſiaſtical; unto which two Books, the foreſaid Prelates have under truſt, procured His Majeſties Royal-hand and Letters Patents, for preſſing the ſame upon his Loyal Subjects, and are the contrivers and deviſers of the ſame, as doth clearly appear by the Frontiſpiece of the Book of *Common Prayer*, and have begun to urge the acceptance of the ſame, not only by Injunctions given in Provincial Aſſemblies, but alſo by open Proclamation and charge of *Horning*, whereby we are driven in ſuch ſtraits, as we muſt either by proceſs of Excommunication and Horning, ſuffer the ruine of our Eſtates and Fortunes, or elſe by breach of our Covenant with God, and forſaking the way of True Religion, fall under the wrath of God, which unto us is more grievous than death. Wherefore we being perſwaded, that theſe their proceedings are contrary to our Gracious Soveraign his pious intentions, who out of his Zeal and Princely Care of the preſervation of True Religion eſtabliſhed in this his ancient Kingdom, hath ratified the ſame in his Highneſs Parliament 1633. And ſo His Majeſty to be highly wronged by the ſaid Prelates, who have ſo far abuſed their Credit with ſo good a King, as thus to enſnare His Subjects, rend our Church, undermine Religion in Doctrine, Sacraments and Diſcipline, move diſcontent between the King and His Subjects, and diſcord between Subject and Subject, contrary to ſeveral Acts of Parliament. We out of bound duty to God, our King, and Native Country complain of the foreſaid Prelates, humbly craving, that this matter may be put to tryal, and theſe our Parties taken order with according to the Laws of the Realm: and they be not ſuffered to ſit any more as Judges, until the Cauſe be tried and decided according to juſtice. And if this ſhall ſeem to be to you a matter of higher importance than you will condeſcend unto, before His Majeſty be acquainted therewith, then we humbly ſupplicate, That this our grievance and complaint may be fully repreſented to His Majeſty, that from the influence of his gracious Soveraignty and Juſtice, theſe wrongs may be redreſſed, and we have the happineſs to enjoy the Religion, as it hath been reformed in this Land.

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Theſe Petitions were ſent up to the King by the Secret-Council; but the King finding no diſavowing of the late Tumults, reſolved to delay the Anſwering of their Petitions; but in the mean time commanded His Privy Council to ſignifie to His Subjects His averſeneſs from Popery, and deteſtation of Superſtition: and ſo accordingly the Council cauſed the enſuing Proclamation to be made at *Linlithgow*, dated *December* the 7*th.* 1637. being as followeth.

At *Linlithgow December* 7. 1637.

The Kings Declaration againſt theſe Barbarous Tumults, and that His Majeſty abhorreth all Superſtition of Popery.

FOraſmuch as the King's Majeſty having ſeen the Petition preſented to the Lords of His Privy Council, and by them ſent up to His Majeſty concerning the Service-Book, determined to have taken the ſame into Conſideration, and to have given His Gracious Anſwer there-anent with all convenience; like as His Majeſty by His Letter to His Council, of the date of the 9th. of October laſt, did ſignifie His Gracious Reſolution to the effect aforeſaid: but ſince that time His Majeſty finding (far contrary to his expectation) that ſuch diſorderly, tumultuous and barbarous Inſolencies have been committed within the City of Edenburgh upon the 18th. day of October laſt, to the great contempt of His Majeſties Royal Authority, by abuſing His Majeſties Councellors and Officers of State, with others bearing Charge and Authority under His Majeſty within the ſaid City; His Majeſty in a juſt reſentment of that foul indignity (wherein His Majeſties Honour did ſo much ſuffer) hath been moved to delay the ſignification of His Majeſties gracious intentions, in giving to His Subjects ſuch ſatisfactory Anſwers to their Petitions, as in equity might be expected from ſo Juſt and Religious a Prince: but yet His Majeſty being unwilling that His Loyal and Faithful Subjects ſhould be poſſeſſed with groundleſs and unneceſſary doubts and fears, His Majeſty is pleaſed out of His Goodneſs to declare, like as by theſe preſents he declareth, That as he abhorreth all ſuperſtition of Popery, ſo he will be moſt careful, that nothing be allowed within His Majeſties Dominions, but that which ſhall tend to the advancement of True Religion, as it is preſently profeſſed within His moſt ancient Kingdom of Scotland, and that nothing is or was intended to be done therein, againſt the laudable Laws of this His Majeſties Native Kingdom; and ordaineth publication to be made thereof in form as aforeſaid.

April 1637.

Having given the Reader the trouble with an account of the *Scotiſh* Affairs, from the twenty third of *July* to the month of *December*, we ſhall now revert to *England*, and give an account of affairs there as we left them in order of time.

At this time it was endeavoured to block up the paſſage of thoſe voluntary Exiles that were willing to go to another part of the World: where, as they ſaid, they might not meet with ſuch diſturbance as they had here in *England* from the Eccleſiaſtical Courts. Here followeth the Proclamation prohibiting their Exportation.

13 *Caroli.*

April 30. A Proclamation againſt the diſorderly Tranſporting His Majeſties Subjects to the Plantations within the parts of *America.*

The King being informed, that great numbers of His Subjects were yearly tranſported into thoſe parts of America, which have been granted by Patent to ſeveral Perſons, and there ſettle themſelves, ſome of them with their Families, and whole Eſtates, amongſt whom were many idle and refractory humors, whoſe only or principal end is to live without the reach of Authority; did command His Officers, and Miniſters of the Ports, not to ſuffer any Perſons, being Subſidy-Men, or of their value, to paſs to any of thoſe Plantations without a Licence from His Majeſties Commiſſioners for Plantations firſt obtained; nor any under the Degree of Subſidy-men, without a Certificate from two Juſtices of Peace where they lived, that they have taken the Oaths of Allegiance and Supremacy, and a Teſtimony from the Miniſter of the Pariſh of their Conformity to the Orders and Diſcipline of the Church of *England.*

May 1. 1638. Order of the Council.

THe Privy-Council made another Order for Reaſons importing the State beſt known to themſelves, ‘That the Lord Treaſurer of *England* ſhall take ſpeedy and effectual courſe for the ſtay of eight Ships now in the River of *Thames*, prepared to go for *New-England*, and ſhall likewiſe give Order for the putting on Land all the Paſſengers and Proviſions therein intended for that Voyage. And ſome days after His Majeſty, and the Board, taking into conſideration the frequent reſort into *New-England* of divers Perſons ill-affected to the Religion eſtabliſhed in the Church of *England*, and to the good and peaceable Government of this State, howbeit, upon the humble Petition of the Merchants, Paſſengers, and owners of the Ships now bound for *New-England*, and upon the Reaſons by them repreſented to the Board, His Majeſty was then graciouſly pleaſed to free them from the late Reſtraint to proceed in their intended Voyage. Neverthelеſs His Majeſty knowing the Factious diſpoſition of a great part of the People of that Plantation, and how unfit and unworthy they are of any ſupport or countenance from hence in reſpect of the great diſorders and want of Government among them, whereof ſundry and great Complaints have been preſented to the Board, and made appear to be true, by thoſe that being well-affected both for Religion and Government, have ſuffered much loſs in their Eſtates by the unruly Factious Party, did think fit and Order, That Mr. Attorney-General ſhall forthwith draw up a *Proclamation* expreſſing His Majeſties Royal Pleaſure to prohibit all Merchants, Maſters, and Owners of Ships, henceforward to ſet forth any Ship or Ships with Paſſengers for *New-England*, till they have firſt obtained ſpecial *Licence* on that behalf, from ſuch of the Lords of His Majeſties moſt Honourable Privy-Council, as are appointed for the Buſineſſes of Forreign Plantations by ſpecial Commiſſion.

According to this Order of the Council a Proclamation iſſued forth.

And upon the ſame Grounds and Reaſons the Paſſage to the *Summer-Iſlands* was barred by this Order of the Council.

A Warrant to the Lord Admiral to ſtop unconformable Miniſters from going beyond Sea.

‘WHereas it is obſerved, That ſuch *Miniſters who are unconformable* to the Diſcipline and Ceremonies of the Church, have and do frequently *tranſport themſelves* to the *Summer-Iſlands*, and other His Majeſties Plantations abroad, where they take liberty to nouriſh and preſerve their factious and *Schiſmatical humors*, to the ſeducing and abuſing of His Majeſties Subjects, and the hindrance of that good Conformity and Unity in the Church, which His Majeſty is careful and deſirous to eſtabliſh throughout His Dominions: We are therefore in His Majeſties Name, and by His expreſs Command, to pray and require your Lordſhip, to take preſent and ſtrict order that no *Clergy-man* be henceforth ſuffered to go over into the *Summer-Iſlands*, but ſuch only as ſhall have approbation on that behalf from Our very good Lords, the Lord Arch-biſhop of *Canterbury* his Grace, and the Lord Biſhop of *London*. And for all ſuch of them as are already gone thither without ſuch approbation, that you cauſe them forthwith to be remanded back hither.

Non-conformiſts ſell their Eſtates.

The ſevere Cenſures in *Star-Chamber*, and the greatneſs of the Fines, and the rigorous Proceedings to impoſe Ceremonies, the ſuſpending and ſilencing Multitudes of Miniſters, for not reading in the Church the Book for Sports to be exerciſed on the Lords day, cauſed many of the Nation, both Miniſters and others, to ſell their Eſtates, and to ſet Sail for *New-England*, (a late Plantation in *America*) where they hold a Plantation by *Patent* from the King.

At this time there was a great diſcourſe, that the Arch-Biſhop of *Canterbury* his Chaplain had Licenſed a Book containing Paſſages tending to Popery, which got ſo great ground and credit in the Report, as the State thought fit to purge themſelves from owning any ſuch Paſſages in the Book; and the Chaplain being well befriended, did acquit himſelf, as by the following Proclamation doth appear.

A Proclamation for calling in a Book, entituled an Introduction to a Devout Life; *and that the ſame be publickly burnt.*

May 14.

WHereas a Book, entituled An Introduction to a Devout Life, was lately printed by Nicholas Oakes of London, and many of them publiſhed and diſperſed throughout the Realm, the Copy of which Book being brought to the Chaplain of the Lord Arch-biſhop of Canterbury for Licenſe and Allowance, was by him, upon diligent peruſal, in ſundry places expunged and purged of divers Paſſages therein tending to Popery: Nevertheleſs the ſame Book, after it was ſo amended and allowed to be printed, was corrupted and falſified by the Tranſlator and Stationer, who between them inſerted again the ſame Popiſh and unſound Paſſages: And the Stationer is now apprehended, and the Tranſlator ſought for to be proceeded againſt according to Juſtice.

His Majeſty, out of His Pious and conſtant care, to uphold and maintain the Religion profeſſed in the Church of England in its purity, without error or corruption, doth therefore hereby declare His Royal Will and Pleaſure to be, and doth ſtraitly Charge and Command all Perſons, of what degree, quality, or condition ſoever, to whoſe hands any of the ſaid Books are, or ſhall come, that without delay they deliver or ſend them to the Biſhop, or Chancellor of the Dioceſs, whom His Majeſty requireth, to cauſe the ſame to be publickly burnt, as ſuch of them as have been already ſeized on, have been by His Majeſties expreſs Command: And to this His Majeſties Royal Pleaſure, he requireth all His Loving Subjects to yield all due conformity and obedience, as they will avoid the Cenſure of high Contempt.

Concerning Goldſmiths Shops in *Cheapſide.*

AT this time great care was taken about the repair of St. *Pauls*, and that nothing ſhould ſtand in the way, which might hinder the beauty of the Church; which occaſioned the pulling down of St. *Gregories* Church, to the great grief, trouble and charge of the Inhabitants, and *Cheapſide* leading into *Pauls* Church-yard, being very glorious by the ſhew of Goldſmiths Shops: for the Honour of the City, as well as for the Church, theſe following Orders were made by the Council-Board, for removing of certain Shops, which did eclipſe the glory of that Place.

A Letter from the Lords of the Council to the Lord Major and Aldermen of *London*.

Shops in *Cheapſide* and *Lombard-ſtreet* that are not Goldſmiths to be ſhut up.

WHereas by Our Letters of the 15th *of* July, *and laſt of* January 1635. *We did not only take notice of the preſent remiſneſs and backwardneſs in the then Lord Major and Aldermen in ſeeing Our directions, by His Majeſties expreſs Command, forthwith put in execution, by bringing the Goldſmiths, living diſperſed in the City, to ſeat themſelves either in* Cheapſide *or* Lombard-ſtreet, *for which purpoſe We required that all other Tradeſmen ſhould be removed, and give place unto them; but if they ſhould obſtinately refuſe, and remain refractory, then to take ſecurity of them to perform the ſame by a certain day, or in default of giving ſuch ſecurity, to commit them to priſon until they conform themſelves. Notwithſtanding all which His Majeſty hath been informed, that there are yet a great number of Houſes of other ſeveral Trades, that live both in* Cheapſide *and* Lombard-ſtreet, *contrary to His Majeſties Command, and Our ſaid Directions, which neglect being both inexcuſable, and very worthy of blame; We muſt let your Lordſhip,* &c. *know, that if ſpeedy and effectual care be not taken by you, in ſeeing the ſame duly performed, His Majeſty will not paſs it by, without calling you to an account for it. And in the mean while We are by His Majeſties Command to require and charge you, forthwith to cauſe all ſuch Shops as are not Goldſmiths, and have been taken or opened either in* Cheapſide *or* Lombard-ſtreet *ſince Our ſaid Letters, to be preſently ſhut up and not permitted to be opened, till further order from this*

this Board; whereof your Lordſhip, &c. *may not fail. And ſo*, &c. *Dated the* 24th *of* May 1637. *And Signed by*,

Lord Arch-biſhop of *Canterbury*,	Earl of *Dorſet*,
Lord *Keeper*,	Lord Viſcount *Wimbledon*,
Lord *Treaſurer*,	Lord *Cottington*,
Lord *Privy-Seal*,	Mr. *Comptroller*,
Lord Great *Chamberlain*,	Mr. Secretary *Cooke*.

And the 7*th* of *July* following this further Order was made, in the inner *Star-Chamber*.

Star-Chamber, *July* 7. 1637.

Shops in *Cheapſide* and *Lombard-ſtreet* which are not Goldſmiths to be ſhut up.

Whereas their Lordſhips did this day take notice, that contrary to the Orders and Directions of their Lordſhips, divers Tradeſmen which are not Goldſmiths, do contemptuouſly open again their Shops, both in Cheapſide and Lombard-ſtreet, though they kept them for a while ſhut; their Lordſhips greatly blaming the Lord Major and Aldermen of the City of London, that they have ſo negligently performed his Majeſties Commands, and the ſtrict Directions of the Board, by Letters of the 24th of May laſt, and before, concerning the ſhutting up of all ſuch Houſes and Shops in Cheapſide and Lombard-ſtreet as aforeſaid, and that ſome of their Lordſhips have been Eye-witneſſes (very lately) of their diſobedience in this particular, did think fit and order, that if the Alderman or his Deputy ſhall not forthwith cauſe to be ſhut up every ſuch Shop ſtanding within his Ward in Cheapſide and Lombard-ſtreet, which are not Goldſmiths; upon knowledge thereof the ſaid Alderman, or his Deputy, ſhall be committed to Priſon by Warrant from the Board.

And their Lordſhips did command, That this Order ſhould be ſent to the Lord Major, to the end, that notice might be given to whom it appertained.

Another Letter from the Lords of the Council, directed to the Lord Major of *London*; Dated the 12*th* of *January* 1637.

To put in execution former Directions touching ſhutting up of ſuch Houſes and Shops in *Cheapſide*, &c. as are not Goldſmiths.

By *ſeveral Letters and Orders of this Board, and particularly that of the* 24th *of* May, *and the* 7th *of* July *laſt, we took notice how negligently the then Lord Major and Aldermen had performed His Majeſties Commands, and the ſtrict Directions of this Board, concerning the Shutting up of all ſuch Houſes and Shops in* Cheapſide *and* Lombard-ſtreet *as were not* Goldſmiths; *and did Order, That if the Aldermen of the ſaid Wards, or their* Deputies, *ſhould not forthwith cauſe to be ſhut up every ſuch Shop ſtanding within their Wards in* Cheapſide *and* Lombard-ſtreet, *which are not* Goldſmiths; *the ſaid Aldermen, or his Deputy neglecting ſo to do, ſhould be committed to Priſon*

Priſon by Warrant from the Board. Yet nevertheleſs, as we are informed, there are at the leaſt 24 Houſes and Shops that are not inhabited by Goldſmiths, but in ſome of them are one Grove, *and one Widow* Hill *Stationers, one* Dover *a Milliner, and one* Brown *a Bandſeller, one* Sanders *a Drugſter, and one* Medcalfe *a Cook, one* Edwards *a Girdler, do, by connivance, ſtill inhabit there, having ſome part of their Shops ſhut, and the reſt open; which contempt of theirs, and diſreſpect, and neglect of the Aldermen, or their Deputies of thoſe Wards, as we cannot but take notice of; ſo we muſt hereby pray and require your Lordſhip (without delay) to accquaint the ſaid Aldermen and their Deputies therewith, and that if they do not preſently put our former Directions in that particular in execution; we ſhall then give ſuch further Order, as ſhall teach them to know, that the Commands of this Board ought not to be ſlighted. And hereof we ſhall expect to receive a particular account from your Lordſhip, who we hope will have a better care to ſee His Majeſties Commands performed on this behalf, than your Predeceſſors have had. And ſo,*&c. *Dated the* 12th *of* January 1637. *Signed by*

Lord *Keeper*,
Lord *Treaſurer*,
Lord *Privy-Seal*,
Lord Marqueſs *Hamilton*,
Earl *Marſhal*,
Lord *Chamberlain*,
Earl of *Dorſet*,
Lord *Cottington*,
Lord *Newburgh*,
Mr. Secretary *Cook*,
Mr. Secretary *Windebancke*.

Panzani, the Popes Nuntio, his Letter to one of His Majeſties principal Secretaries of State.

Moſt Excellent Sir, Patron moſt Honoured,

May 31. 1637. A Letter from the Popes Nuntio.

I Would have retained my ſelf from writing to your moſt Illuſtrious Lordſhip, for fear of being to you ſome impediment, I knowing your many Occupations: but I have heard from many Perſons, and in particular by Letters of Seignior Franciſco, *ſometimes my Secretary, the Honourable Mention that other-whiles your moſt Illuſtrious Lordſhip is wont to make of my Perſon; and having alſo oftentimes underſtood from the moſt famous Seignior* Cavaliere Hamilton, *and from Father* John *the* Benedictine, *how much your moſt Illuſtrious Lordſhip ſtraineth in favouring of me, I have been forced to commit this rude incivility, taking in hand my Pen to give you trouble. I aſſure your moſt famous Lordſhip, that I live ſo much obliged unto you, that I ſhall never be able to pretend to give ſatisfaction for one or the leaſt particle of that which I owe; ſeeing that during my abode in* London, *moſt rare were thoſe days in which I did not receive from your moſt Illuſtrious Lordſhip ſome Grace in the behalf and favour of the Poor Catholicks,* &c.

I muſt alſo congratulate my ſelf with your moſt famous Lordſhip, concerning the moſt Noble Manners and Behaviours of your Lordſhips Sons, the which, with their ſingular Modeſty, and other moſt Laudable Vertues, have gained ſuch an opinion amongſt them that have known them in this Court, that I could never be able to expreſs it, and the Lord Cardinal Barbarino, *in particular, cannot ſatiate himſelf in praiſing them. It grieves*

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grieves me not to have had the fortune to meet with them in this City, becauſe willingly I would have atteſted my devotion towards your moſt famous Lordſhip; to the which, and to all your moſt Illuſtrious Family, I reſt, deſiring Eternal Felicity. In the mean while I humbly intreat you to favour me with ſome Commandment, and I kiſs your Hands;

From *Rome* the 31*ſt*
of *May* 1637.

Your moſt Illuſtrious Lordſhips
moſt devout, and moſt obliged Servant,

Gregory Panzani.

Trin'-Term.
A Judge refuſing to take bail upon a *Habeas Corpus*.

SIr *R. B.* being one of the Juſtices of the Court of *Kings-Bench*, and duly ſworn in *Trinity-Term* 1637. deferred to diſcharge or bail *Alexander Jennings*, Priſoner in the *Fleet*, brought by *Habeas Corpus* to the Bar of the ſaid Court; the return of his Commitment being, that he was committed by two ſeveral Warrants from the Lords of the Council, dated the fifth of *November* 1636. the firſt being read only in Court expreſſing no cauſe, the other for not paying Meſſengers Fees; and until he ſhould bring a Certificate, that he had paid his Aſſeſſment for Ship-money in the County of *Bucks*, they therefore remitted him. And in *Michaelmas-Term* after, the ſaid *Jennings* being brought by another *Habeas Corpus* before him as aforeſaid, and the ſame returned; yet he the ſaid Sir *R. B.* refuſed to diſcharge or bail him, but remitted him. And in *Eaſter-Term*, after ſeveral Rules were given for His Majeſties Councel, to ſhew cauſe why the ſaid *Jennings* ſhould not be bailed; a fourth Rule was made for the ſaid *Jennings*, to let His Majeſties Attorney-General have notice thereof, and notice was given accordingly; and the ſaid *Jennings* by another *Habeas Corpus* brought to the Bar in *Trinity-Term* after, and the ſame return; with this addition of a new Commitment of the fourth of *May*, ſuggeſting he the ſaid *Jennings* had uſed divers ſcandalous words in derogation and diſparagement of His Majeſties Government: he the ſaid *Jennings*, after ſeveral Rules in the end of the ſaid *Trinity-Term*, was again remitted to Priſon; and he the ſaid Sir *R. B.* did on the fifth of *June* laſt, defer to grant His Majeſties Writs of *Habeas Corpus* for *William Pargiter*, and *Samuel Danvers* Eſquires, Priſoners in the *Gatehouſe*, and in the *Fleet*; and afterwards having granted the ſaid Writ of *Habeas Corpus*, the ſaid *Pargiter* and *Danvers* were on the eighth of *June* laſt brought to the Bar of the ſaid Court, where the returns of their Commitments were ſeveral Warrants from the Lords of the Council, not expreſſing any cauſe; yet he the ſaid Sir *R. B.* then ſitting in the ſaid Court, deferred to bail the ſaid *Pargiter* and *Danvers*, and the eighteenth of *June* laſt made a Rule for a new Return to be received, which were returned the 25*th* of *June* laſt *in hæc verba*.

Alexander Jennings and *Samuel Danvers* their Caſe.

June 25.

‘Whereas His Majeſty finding that His Subjects of *Scotland* ‘have in a Rebellious and hoſtile manner aſſembled themſelves ‘together, and intend, not only to ſhake off their obedience ‘unto His Majeſty, but alſo as Enemies, to invade and infeſt ‘this His Kingdom of *England*, to the danger of His Royal Perſon, *&c.*

For prevention whereof, His Majeſty hath, by the Advice of His Council-Board, given ſpecial commandment to all the Lord Lieutenants of the Counties of this Realm, appointed for their Rendezvouz, in their ſeveral and reſpective Counties, there to be conducted and drawn together into a Body for this Service. And whereas His Majeſty, according to the Laws and Statutes of this Realm, and the conſtant cuſtom of His Predeceſſors, Kings and Queens of this Realm, hath power for the defence of this Kingdom, and reſiſting the force of the Enemies thereof, to grant forth Commiſſions under His great Seal to ſuch fit Perſons as he ſhall make choice of, to array and arm the Subjects of this Kingdom, and to compel thoſe who are of able Bodies, and of able Eſtates, to arm themſelves; and ſuch as ſhould not be of able Bodies, but of ability in Eſtate, to aſſeſs them according to their Eſtates, to contribute towards the Charge of arraying others being able of Body, and not able in Eſtate to arm themſelves; and ſuch Perſons as ſhould be contrariant to commit to Priſon, there to remain until the King ſhould take further order therein.

And whereas the Earl of *Exeter*, by vertue of His Majeſties Commiſſion to him directed, for the arraying and arming of a certain number of Perſons in the County of *Northampton*, hath aſſeſt *William Pargiter*, being a Man unfit of Body for that Service, but being of Eſtate and Ability to contribute amongſt others, to pay the Sum of Five Shillings towards the arraying and arming of others of able Bodies, and wanting ability to array and arm themſelves.

And whereas We have received information from the ſaid Earl, That the ſaid *William Pargiter* hath not only, in a wilful and diſobedient manner refuſed to pay the ſaid Money aſſeſſed upon him towards ſo important a Service, to the diſturbance and hindrance of the neceſſary defence of this Kingdom; but alſo by his ill example hath miſled many others, and, as we have juſt cauſe to believe, hath practiſed to ſeduce others from that ready obedience which they owe, and would otherwiſe have yielded to His Majeſties juſt command, for the publick defence of His Perſon and Kingdom, which we purpoſe with all convenient ſpeed to enquire further and examine.

Theſe are therefore to will and require you to take into your Cuſtody the Perſons of the ſaid *William Pargiter* and *Samuel Danvers*, and them ſafely to keep Priſoners till further order from this Board, or until by due courſe of Law they ſhall be delivered. Yet he the ſaid Sir *R. B.* being deſired to bail the ſaid *Pargiter* and *Danvers*, remitted them, where they remained Priſoners till the ninth of *November* laſt, or thereabouts; although the ſaid *Jennings*, *Pargiter* and *Danvers*, on all and every the ſaid Returns, were clearly bailable by Law; and the Councel of the ſaid *Jennings*, *Pargiter* and *Danvers*, offered in Court very ſufficient Bail. And he the ſaid Sir *R. B.* being one of the Juſtices of the Court of *Kings-bench*, denyed to grant His Majeſties Writs of *Habeas Corpus* to very many others His Majeſties Subjects; and when he had granted the ſaid Writs of *Habeas Corpus* to very many His Majeſties Subjects,

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and on the return no cauſe appeared, or ſuch only as was clearly bailable by Law; yet he remanded them, where they remained Priſoners very long: Which ſaid deferring to grant the ſaid Writs of *Habeas Corpus*, and refuſals and delays to diſcharge Priſoners, or ſuffer them to be bailed, are deſtructive to the fundamental Laws of this Realm, and contrary to former reſolutions in Parliament, and to the Petition of Right; which ſaid Reſolutions and Petition of Right were well known to him the ſaid Sir *R. B.* and were reſolved on and Enacted when he was the Kings Serjeant at Law, and Attendant in the Lords Houſe in Parliament.

Sir John Banks *Knight, His Majeſties Attorney-General, Plaintiff, the Right Reverend Father in God* John *Lord Biſhop of* Lincoln, Walter Walker, Tho. Lund, Cadwalader Powel, Richard Williams, William Catlin *Clerk,* Ed. Lake, Jo. Moſteyn, *and* George Walker, *Defendants.*

Proceedings upon the firſt Bill againſt the Biſhop of Lincoln.

Camera Stellat' 11 *die* Julij 13 Car' *Regis.* Proceedings againſt the Biſhop of *Lincoln* upon the firſt Bill.

P*Rigeons* Credit coming in queſtion, being a material Witneſs for the Biſhop, the Kings Attorney-General let fall the firſt Bill, fearing a defect of Teſtimony, and preferred a ſecond Bill againſt the Biſhop for *Tampering with the Kings Witneſſes*, and upon that account the Cauſe came on the 11*th* of *July*, which held nine days debate in Hearing; and great was the Coneourſe of People every day to the Court of *Star-Chamber* to hear this great Cauſe, the Biſhop being at that time much pityed by the People, who then caſt out Speeches that that Biſhop was proſecuted becauſe the State wanted Money to go to war againſt the *Scots*, and that it was fit he ſhould bleed in his Purſe by the Cenſure of the Court of *Star-Chamber* to pay a round Fine to the King of 10 or 12000 *l.*

This being a remarkable Cauſe, we will treſpaſs upon the Readers Patience to caſt his Eye upon Mr. Attorney-Generals Reply, and ſeveral of the Speeches made that day in Court at the paſſing of the Cenſure for the brief of that Bill and Anſwer is miſlaid, which we had once more at large.

The Information doth charge the ſaid Biſhop with *a Practice* unduly to gain the ſight and peruſal of certain Examinations taken by the Lords of His Majeſties Privy-Council, and commanded by them to be kept ſecret from the view of all Men, to the end unlawfully and corruptly to procure Witneſſes, directions and inſtructions for Witneſſes to make Proofs to contradict and weaken the ſaid Examinations: And for practiſing and corruptly tampering with Witneſſes to retract their former Teſtimonies, and to vary from the ſame upon their ſecond Examination: And for tampering with, and ſolliciting other Witneſſes, produced, and to be examined for His Majeſty, not to depoſe againſt the ſaid Lord Biſhop, but to conceal their knowledge, and ſay they did not remember; and for Perjury in an Affidavit made by the Defendant *Catlin* in this Court, and ſubordination thereof: And for other offences, as by the ſaid Complainants Information more at large it doth and may appear.

Upon full and deliberate Hearing whereof it plainly and evidently appeared to this Honourable Court, that there being another Cauſe formerly depending in this Court, between His Majeſties Attorney-General Plaintiff, and the ſaid Lord Biſhop of *Lincoln* Defendant, for publiſhing falſe News and Tales, to the ſcandal of His Majeſties Government, and for revealing of Counſels of State contrary to His Oath of a Privy-Councellor; one *John Prigeon* Gent. was in that Cauſe examined as a Witneſs for the Defendant, and by an Order made in *Hillary-Term* 10 *Car. Regis*, liberty was given to the Plaintiff to examine the Credit of the ſaid *Prigeon* upon certain exceptions, which were delivered into this Court: And liberty given to the Defendant alſo to examine Witneſſes to uphold and maintain his Credit; in one of which Exceptions was (amongſt other things) contained, That the ſaid *Prigeon* being by one *Elizabeth Hodgſon*, upon her Oath, accuſed to have begotten a Baſtard-Child on her Body: And being by the two next Juſtices of the Peace adjudged the reputed Father; and appealing from them to the next Quarter-Seſſions held in the ninth Year of His Majeſties Reign; to miſlead the Court of Quarter-Seſſions, and to free himſelf from that accuſation, did at ſeveral times, and by ſeveral Perſons and means, after he was ſo accuſed, labour to corrupt the ſaid *Elizabeth Hodgſon*, and for Money to procure her to lay the ſaid Baſtard-Child on ſome other Father, and to ſwear that ſome other, and not the ſaid *Prigeon* had begotten the ſaid Baſtard; and that he did labour, ſome Witneſſes that could have teſtified againſt him, touching the ſaid Baſtard at the ſaid Quarter-Seſſions, to ſuppreſs their Teſtimonies, and drew or endeavoured to draw others to equivocate upon their Oaths, when they did appear.

Mr. *Gardiner*, Recorder of *London*, made a long and witty defence for the Biſhop for ſeveral days together, much of which is repeated by ſome of the Lords in their Speeches, which (for brevity ſake) we omit; referring the Reader to the Decretal Order of the Court, which the Regiſter hath exactly drawn up, and which is mentioned at large in the Appendix; and alſo to thoſe Repetitions which ſome of the Lords do make of the Defence.

As to the firſt Bill depending againſt the Biſhop of *Lincoln* in the Court of *Star-Chamber*, it was occaſioned by the Examinations taken by ſome of the Privy-Council, of Sir *John Lamb*, and Dr. *Sibthorp*, who (amongſt divers other things) teſtified againſt the Biſhop of *Lincoln*, that the ſaid Biſhop did give them great diſcouragement in their Proceedings in the Eccleſiaſtical Courts againſt the Puritans; and that the Biſhop asked Sir *John Lamb*, what kind of People thoſe Puritans were of whom he complained, and whether they did pay the Loan-Money? to which Sir *John* replyed, They did conform upon that account, and paid their Money; but nevertheleſs they were *Puritans*, not conformable to the Church: to which the Biſhop replyed, If they pay their Monies ſo readily to the King, the *Puritans* are the Kings beſt Subjects, and I am ſure, (ſaid the Biſhop) the *Puritans* will carry all at laſt. Theſe Examinations were Sealed up, and Mr. *Trumbel*, Clerk of the Council, was required to keep them ſecret, and permit none to ſee them;

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but a diſcovery thereof was made to the Biſhop, which, amongſt other Matters of State, was the occaſion of the firſt Bill in this Court againſt the Biſhop, as the Information did ſet forth.

Sir John Banks *Knight, His Majeſties Attorney-General, his Reply in the Caſe againſt the Biſhop of* Lincoln.

Sir *Jo. Banks* his Reply in the Cauſe againſt the Biſhop of *Lincoln.*

May it pleaſe your Lordſhips,

YOur Lordſhips have heard a Defence made by the Defendants Councel, that conſiſts more of obſervation than of Proof, and in examination of his Defence, I ſhall make it appear plainly, that they very much fail in their own Obſervations. In their Obſervations they have been curious in diſtinction of Times, Place, and other Circumſtances, to deſcant upon the Particulars of Witneſſes, and Men that were no Parties to the Suit; but for the main ſubſtantial Parts of the Defence they have omitted. I ſhall deſire to obſerve to your Lordſhips, that (with a great ſcandal on His Majeſties Proceedings in this Court) they have told you Stories and Tales that ſhould be ground of this Suit, *viz.* That it was through malice and hatred between Sir *John Mounſon*, Mr. *Amcocks*, and *Prigeon*; whereas it ſhall appear unto your Lordſhips, that the Suit was upon moſt juſt Grounds, for the vindicating of publick Juſtice, and that Sir *John Mounſon* hath done nothing in this Cauſe, but according to the Duty of his Place, and clearing his own Reputation. It will be neceſſary, ſince theſe things have been ſtirred, not for your Lordſhips Information (who knows it well) but for the ſatisfaction of the World, to clear and juſtifie His Majeſties Proceedings, that I give you ſome Information of the true Ground of this Suit, and of the neceſſity of it.

Michaelmas 4 *Car.* an Information was exhibited againſt my Lord Biſhop by my Predeceſſor, and that was for the contriving and publiſhing divers falſe Tales and News, to the ſcandal of His Majeſties Government, and for revealing ſome things contrary to the Duty of his Place, and Oath, as a Privy-Councellor. This Cauſe came to Iſſue, and in the examination of Witneſſes, another Iſſue happened, a collateral matter by it ſelf touching the Credit of *Prigeon*: Upon examination of this it fell out, (which we could, not diſcover before Publication in the firſt Cauſe) that there had been ſuch tampering, ſeducing, and labouring of the Kings Witneſſes, as never was in any Cauſe: There hath been ſuch Preparations, ſuch Inſtructions, ſuch Limitations to his own Witneſſes, to direct them how far they ſhould ſwear, to what to give anſwer, and to what not. My Lords, theſe Proceedings (if they might be ſuffered) tend totally to the ſubverſion of all Juſtice: For the Proceedings in this Court, as in all other Courts, is by examination of Witneſſes returned in Parchment not *viva voce*; therefore if any be inſtructed what to ſwear to, and it ſo returned in Writing, whether through threats, or for fear, or favour, or affection, it is impoſſible you ſhould give a juſt Sentence, though you intend it never ſo clear. My Lords, this appearing after Publication in the firſt Cauſe, it was time (for Example ſake) to bring this Cauſe and theſe Miſdemeanours to a publick Sentence, to be a terror to all others for the like. So as (my Lords) this Cauſe is not grounded upon the fabulous Story between Sir *Jo. Mounſon*, Mr. *Amcooks*, and *Prigeon*, but upon theſe juſt Grounds and Proceedings; and herein we have great cauſe to bleſs God, and magnifie His Majeſties Juſtice, that we live not under a Cobweb-Law, that taketh ſmall Flies, and lets great ones paſs. This Preſence doth tell us, that Honourable Perſons who do deſerve well have His Majeſties Favour, and their own Merits do receive a double Honour; and this perſon (how great ſoever) if he deſerve ill, he muſt receive a Sentence according to his juſt demerit.

My Lords, I ſhall come now to the particular Charges, and therein I ſhall begin with the firſt Charge, which is concerning the tampering with the four Witneſſes, who depoſed about this Baſtard-Child; wherein the ſtate of the Queſtion ſtandeth thus.

In *February* 10 *Car.* there was an Order for the examinotion of *Prigeons* Credit: Among other things there fell out a Queſtion concerning a Baſtard-Child, whether *John Prigeon* was the reputed Father yea or no? There was for the Proof of the Fact produced before the Juſtices Dr. *Topham* and Dr. *Farmery*; and before the Juſtices at publick Seſſions ſeveral Witneſſes, four of them, *Lunn*, *Wetherel*, *Anne Smith*, and *Tub*, depoſed directly, that this *Prigeon* was the Father of this Child; ſome by confeſſion from him, ſome by confeſſion from her ſelf being the Mother of the Child, who were preſent at the time of her delivery.

Theſe Examinations thus taken, for the truth of it that he was the Father of the Baſtard-Child, the Juſtices did certifie it in publick Seſſions accordingly. But now my Lord of *Lincoln* conceiveth with himſelf, that he cannot ſupport the Credit of *Prigeon* (which concerned him ſo much) unleſs he could get theſe four Witneſſes to vary from their former Teſtimony, and by his Agents hath laboured as you have heard. To this they have ſeemed to make ſome Anſwer: 1. The Order made 2. *Maij* 9 *Car.* and that was before Sir *John Bowles*, Serjeant *Callis*, and others; and that Order was to acquit *Prigeon* of the Baſtard-Child, and to lay it upon one *Booth*. To that I ſhall give a clear Anſwer: Firſt of all, Dr. *Topham* and *Farmery* that were the Men that took the Examinations concerning this Baſtard-Child, were not preſent at the making of this Order. Secondly, The Witneſſes, thoſe four of them that ſhould give the Teſtimony for the Proof, no one of them were preſent; and it is proved that *Wetherel* was hired to be abſent: And in the laſt place, this Order 2. *Maij* was contraried by the Order 3. *Octob.* when all the other Juſtices ſave Sir *John Bowles* were preſent at the Seſſions. And for the Order that was confirmed by the Court of *Kings-Bench*, it was upon the Regality of the Order, but not in reſpect of the Fact. And (my Lords) there is another Ground of it; for at that time *Prigeon* had ſubmitted to keep the Baſtard-Child, and given Bond to diſcharge the Pariſh, and maintain the Child. This was proved by two Witneſſes: But the offence is not concerning this Baſtard-Child; for ſuppoſe a Man had a Baſtard-Child, will that make his Teſtimony wholly void? The Charge is, that after ſuch time, as this was fully depoſed by four Witneſſes, there muſt be a labouring with them, and giving of

Money

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To take off this Charge concerning *Wetherel*, they have read *Wetherels* Depoſition, (againſt whom all this Proof is) to the 2, 3, 4, and 5 *Int.* to which Interrogatories his Depoſition is a plain Negative pregnant, made upon a leading *Int.* thus: Whether did *Powel* at the time and place aforeſaid requeſt you to write your Name to any Note at all? (to ſhew that it is leading) *Witherel* anſwereth *Int.* 5. That the ſaid *Powel* did not in *January* aforeſaid, at the place aforeſaid, requeſt him to write his Anſwer to any Note, or to any Note to ſuch effect; ſo he ſweareth he did not at that time and place ſhew ſuch a Note. The Depoſition of *Walker* is, That by the direction of *Owen* and *Powel* he tendered the Note, as by the direction of the Lord Biſhop. Another thing upon the examination of *Wetherel*, he was not examined till the 16*th* of *May* 13. and at that time he had Copies of *Walkers* Examinations, and ſo prepared himſelf.

This is the Anſwer I give to the Depoſition of *Wetherel.*

They had next *George Walker*, a Defendant, who hath confeſſed againſt himſelf ſufficient matter, for which I hope your Lordſhips will Sentence him. It is proved he was imployed to tamper with *Alice Smith*, and he muſt be the Man to give an account to my Lord Biſhop of the Proceedings. They ſay it was a lawful and juſtifiable thing to ask a Witneſs a Queſtion, and that *Wetherel* was but ask'd the Queſtion, and nothing more: My Lords, here is more than asking the Queſtion, it appeareth in the Proof that there was a Note delivered by *Powel* to *Walker* to ſubſcribe, there was ſhewing to *Wetherel* a Dictionary to expound the words *Equivocation* and *Subornation*; ſo it was not an asking for bare information, but a tendring of Notes to avoid equivocation in the Cauſe.

In the next place they have inſiſted upon the Depoſition of *Lunn* and *Alice Smith*; wherein they ſay, that what they have ſaid was but an Explanation of what they had formerly ſworn, and no retractation, and that it was lawful for a Witneſs to explain himſelf; but it will appear to be a plain Retractation. 1. *Alice Smith* did depoſe formerly, that *Prigeon* ſent for her, deſiring her to ſee if ſhe could get the Woman lay the Child upon any other. That was her Depoſition at the Seſſions. But in the ſecond Cauſe ſhe ſweareth it was to get her to lay the Child upon any other that ſhe reputed to be the Father of it, and not upon himſelf. And ſo for *Anne Tub* her Depoſition at the Seſſions, that *Prigeon* had offered her 20 *s.* to get her lay the Child upon any other but upon him; but her Depoſition in the ſecond Cauſe to lay the Child upon ſome that were the true Father: ſo here is a Depoſition that a Bribe ſhould be given to lay the Child upon any other but upon *Prigeon*, and now to depoſe to lay the Child upon the true Father, is a croſſing of the former Depoſition, and far from an Explanation.

They have taken ſome Exceptions to *George Walker*, to ſhew how improbable a thing it was, that he ſhould be a fit perſon to negotiate in this buſineſs, and they told your Lordſhips ſome Reaſons, *George Walker* and *Prigeon* were not kind, and therefore unlikely *George Walker* ſhould be imployed for ſupporting the Credit of *Prigeon*. 1. In this Particular they have not read that there was any difference between them two. 2. *George Walker* might be very well made choice of to be imployed, for he was a Proctor in my Lord Biſhops Court. 3. Suppoſe there were differences between them two, this was an Imployment for the Biſhop of *Lincoln*; for this was a Service for my Lord Biſhop, who was much engaged to maintain the Credit of *Prigeon*, for it appears out of his own mouth by 3 Witneſſes, that it had coſt him 1200 *l.* and 1000 *l.* to maintain his Credit; for *Prigeon* at this time had taken the Child upon him, but the Service that was to be done was for the Biſhop, and therefore *George Walker* a fit man for it. But they ſay here was only a Queſtion asked of *Alice Smith*, whether ſhe had ſaid ſo? here was no tampering with her to alter her Depoſition: Look upon the Depoſition of *Alice Smith* to *Int.* 29, 31. and there it will appear unto your Lordſhips, it was not a bare asking of a Queſtion; did not he ſay it was to lay the Child upon any other that was the true Father? but the very queſtion asked, they endeavoured to have proved in the ſecond Cauſe. The queſtion was, whether that *Alice Smith* could depoſe that *Prigeon* ſaid unto her, get the Woman to lay the Child upon the true Father? *George Walker* brought word to the Biſhop they could get nothing from her as yet.

E. Smith Int. 29. ſaith, *Alice Smith* did then and there ſeriouſly affirm, that *Prigeon* offered her 5 *l.* to lay the Baſtard-Child upon any other, and not upon him: and then this Deponent asked her, if ſhe were not miſtaken, for he meant it was to lay the Child upon any other that was the right Father; ſhe anſwered again, no, ſhe was not miſtaken, the 5 *l.* was to procure her to lay it upon any other, and not upon him; and ſaid further, that the Woman had acknowledged *Prigeon* had twice the uſe of her Body againſt the Church-wall; that *George Walker*, in the preſence of *Powel* and *Owen*, and others, related unto them the ſubſtance and effect of the whole Diſcourſe with *Alice Smith* at *Morton*; and one of them deſired to write his Letter to the Biſhop to give him ſatisfaction, and told this Deponent it was deſired by *Owen* and *Powel* to give his Lordſhip an account of their Journey; in which Letter was expreſſed, that they could gain nothing out of *Alice Smith*.

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My Lords, to confirm this we read *George Walker Int.* 17. who proveth the like preſſing of *Alice Smith*; and in the end the conſequence was, *Alice Smith* did vary from what ſhe had formerly ſworn.

Next place they have given ſome Anſwer unto *Robert Richardſon*, to the 35. *Int.* (which being read was to this effect) ſaith, *John Prigeon* the elder did acquaint this Deponent to come and ſpeak with the Biſhop of *Lincoln* before his Examination, and accordingly his Lordſhip did in his little Parlour ſpeak with this Deponent, and did then and there acquaint him, that he had ſeen the Copy of the Examinations taken at the Seſſions, and did ask this Deponent who drew up the ſame; this Deponent anſwered his Lordſhip, that he did it as Clark of the Peace: the Biſhop ſaid, he was miſtaken in the Penning of the Depoſition, for that he ſhould have ſaid, to lay the Child upon the right Father, and not otherwiſe. The Biſhop ask'd how he would interpret the Record; he ſaid he could think no otherwiſe of it than as the Witneſs had ſworn. And this Deponent further ſaith he verily believeth his Lordſhip would have had him to have altered the Record, that it might not trench upon *Prigeons* Credit, for he would have had him given it a right Father.

My Lords, your Lordſhips may obſerve firſt of all, that my Lord Biſhop ſent for *Richardſon* to come to him and ſpeak with him, before he ſhould be examined; then my Lord asked who drew the Depoſition of *Anne Tub* and *Alice Smith*; he told him they were drawn up in open Court; he ſaid he thought the Deponent was deceiv'd, for it ſhould be upon the right Father; ſo here was a Retractation, which was the Point in iſſue. 3. He asketh him how he would interpret the Record, and wiſhed him to be tender of *Prigeons* Credit.

My Lords, this is of great conſequence; for if my Lord Biſhop could have gained the razing of this Record, to lay the Baſtard-Child upon any other that was the right Father, then he had gained the Cauſe; for the tampering with Witneſſes was the Ground of the Cauſe.

The next Objection they made, was touching the fetching away of this ſame *Alice Smith*. They have told your Lordſhips, that ſhe was brought to *Huntington*, and not finding the Commiſſioners there, they brought her up to *London*, and here ſhe was examined, and if the Kings Council would have examined her, they might have exhibited *Interr.*; and they have told your Lordſhips, that the Charge was, that ſhe was ſhifted from place to place, that ſhe might not be examined as a Witneſs for the King. They have utterly miſtaken this Charge of the Information; for the Charge is, that they did ſhift her away from place to place, that ſhe ſhould not be examined as a Witneſs at the Commiſſion. 2. Of purpoſe to cauſe her to vary and retract her Teſtimony, by working with her during the time of the execution of the Commiſſion, that ſhe ſhould have been examined for the King: For this Commiſſion was executed at *Bedford* but twelve Miles from *Huntington*, where they were with *Alice Smith*; and if they had not an end in it, they might as well have brought her to *Bedford*, being but twelve Miles, as to *London*, being 50 Miles. 9. *Martij* the Commiſſion

miſſion was executed at *Bedford*: 13. *Martij* executed at *Leiceſter*: 21. *Martij* adjourned and executed at *Lincoln*: 7. *Aprilis* executed at *Huntington*; and the very day that ſhe was examined at *London*, this *Alice Smith* they ſent unto her, and profered her Money, told her ſhe ſhould never want; ſhe went away in poor Habit, glad to borrow her Maids Cloaths, returneth again Gentlewoman-like, and lendeth Money.

They ſay, when ſhe was at *London*, ſhe continued there keeping an Ale-houſe at *Whittingtons-Cat* till the Sickneſs in *Michaelmas-Term*, and then was forced to go into the Country; and all that time they might have examined her for the King, living in ſo open a manner. I agree, ſhe might have lived openly at *Whittingtons-Cat*, and be known to the Juſtices of the Peace for keeping of an Ale-houſe, or perhaps for her good Behaviour; but how the Proſecutor of the Cauſe ſhould come to find her, I know not: when ſhe was with her Husband, all his Goods had like to have been taken in Execution, and ſhe had not 40 *s.* to redeem them; yet ſhe had Means enough to furniſh an Ale-houſe, and to live afterwards Gentlewoman-like. But (my Lords) they have preſſed us how we bring theſe Charges home upon my Lord Biſhop, nothing fixeth upon him they ſay; God forbid he ſhould be charged, unleſs he be an Actor or a Procurer.

1. Obſerve theſe Retractations, and theſe variations in the Depoſitions, they were procured to maintain the Credit of *Prigeon*: It appeareth by three Witneſſes that have been read, out of my Lord Biſhops own mouth, that the mantaining of the Credit of *Prigeon* hath coſt my Lord Biſhop 1200 *l.* and another ſpeaketh of 1000 *l.* If this Charge come not home to my Lord Biſhop, why ſhould he conclude himſelf of expending 1200 *l.* to maintain his Credit; for it did concern my Lord Biſhop, for he was his Principal Witneſs in the firſt Cauſe.

Owen and *Powel* were the Servants of the Biſhop; and when in their Journey they could not prevail any thing with *Alice Smith*, then the account of this muſt be given to my Lord Biſhop, and *Walker* muſt write a Letter accordingly: *Cui bono*, ſay they, who ſhould receive benefit but *Prigeon*? *Prigeon* was the Principal Witneſs in the firſt Cauſe, my Lord Biſhop did maintain his Credit; it was no advantage to *Prigeon*, for the Baſtard-Child was ſubmitted unto. And then your Lordſhips have heard what a tampering hath been with *Richardſon*, and that by my Lord himſelf, who ſent for him to come and ſpeak with him before he was examined; and if he had prevailed with *Richardſon* upon this, there had been an end of the buſineſs, for the Retractation of *Anne Tub*, and *Alice Smith*, and *Wetherel*, had been as he would have it; then for the leading *Interr'* exhibited by himſelf in this Cauſe; ſo as I ſay theſe things things trench upon the Biſhop, and upon *Cadwallader Powel*, and *George Walker*, that were imployed about *Alice Smith*: he procured *VVetherel* to ſubſcribe a Note, would have the meaning of the words *Equivocation* and *Subornation* to be expounded; and this is the Man muſt give an account of the Proceedings with *Alice Smith* to the Biſhop; and all this appeareth upon his own Examination.

Theſe are the things upon the firſt Charge.

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I ſhall proceed to the ſecond Charge, my Lord Biſhop of *Lincolns* ſcandal of the publick Juſtices of the Seſſions, in ſaying the Order 3. *Octob.* was a Pocket-Order, made in an Inne or an Ale-houſe, and before any Witneſſes were examined. Your Lordſhips may remember, that upon this Charge we made Proof, 1. That the matter of the Order was reſolved by the whole Court. 2. That what Sir *Jo. Mounſon* did was at the open Seſſions, and at the deſire of the other Juſtices. 3. That my Lord Biſhop of *Lincoln* had notice of the due making of this Order, and was ſatisfied it was juſtly and duly made; yet when Sir *John Mounſon* was gone into the Country, he queſtioned it, that it was not made legally, but was a Pocket-Order made in an Inne or an Ale-houſe; proved by three Witneſſes.

That which hath been ſaid againſt this Charge, That the Biſhop had reaſon to queſtion this Order 3. *Octob.* for *J. S.* told him Sir *Jo. Mounſon* pulled it out of his Pocket upon the Bench; it appeareth by Dr. *Farmery*, *VVilliam Parkinſon*, and Mr. *Dalliſon*, that my Lord Biſhop was informed the Order was duly made, yet he doth publiſh it to be made in an Inne or an Ale-houſe.

Next place they ſay *Parkinſon* was a ſingle Witneſs,; he was no ſingle Witneſs, neither for the tampering, nor for the ſcandal: for it appears by *VVilliam Amcocks*, the Biſhop would have had the Order 3. *Octob.* impeached; and that if he were examined, he ſhould ſay nothing: *Richardſon* ſaid, that the Biſhop would have had him accuſe Sir *Jo. Mounſon* for the undue making of the Order; ſo as I ſay for the ſcandal, and for the tampering in this kind, *Parkinſon* was not a ſingle Witneſs; nor in the affirming that the Biſhop ſaid it had coſt him 1000 *l.* to maintain the Credit of *Prigeon*, for Sir *Thomas Mounſon* and *Smith* both ſwear the Biſhop ſaid it had coſt him 1200 *l.* and *Parkinſon* ſpeaketh of 1000 *l* and ſaith further, that the Biſhop threatned to bring him into the *Star-Chamber*, becauſe he would not comply with the Biſhop; but they ſay againſt *Parkinſon* he was prepared by an *Affidavit*. For that, I muſt remember unto your Lordſhips that this *Affidavit* was made by *Perkinſon* upon occaſion of the abuſe offered by my Lord Biſhop at the execution of the Commiſſion; at which time the ſecond Suit was not thought of, for it was doubted whether we ſhould proceed upon the *Affidavit* according to many Preſidents, or by way of Information, which was the cauſe of this Information. They ſay this Report might be raiſed by *Prigeon:* beſides, no time appears when this ſcandal was raiſed; they are miſtaken in this, for it appeareth by *Perkinſon* 43. *Int.* that the Biſhop ſaid 20. *Martij* 10 *Car.* it was a Pocket-Order, and made before Witneſſes were examined: and then *Richardſon Int.* 78. to the ſame purpoſe; and *E. Smith Int.* 78. that this ſcandalous Report was publiſhed in *March* 10. They ſay here was only a breach of a Promiſe; the Biſhop only made a Promiſe to Sir *Jo. Mounſon*, that his Order ſhould not be examined after he was gone into the Country; and will your Lordſhips puniſh a Man for the breach of a Promiſe: The breach of the Promiſe was not the thing, as the betraying of the Truth in the Kings Cauſe, and it was the policy of the Biſhop to ſend away Sir *Jo. Mounſon*, and afterwards draw it into queſtion in his abſence.

I do not remember any more they have ſaid concerning this Charge. But now it appeareth upon this Charge, 1. That the Biſhop hath publiſhed that this Order was made in an Inne or an Ale-houſe, before any Witueſſes were examined, to the ſcandal of publick Juſtice. That is the firſt offence in this ſecond Charge. 2. It is ſcandalous againſt his own knowledge, proved by three Witneſſes. 3. His endeavour to ſuborn *Parkinſon*, 1. To ſend for him before he was examined, and would have had him ſay the Order 3. *Octob.* was made in an Inne or an Ale-houſe. 2. To affirm to *Perkinſon*, that ſome of the Juſtices had confeſſed as much, and did threaten him, that if he did not agree with the Juſtices, he ſhould be queſtioned in the *Star-Chamber*; and when he could not prevail with him, then he did direct him, if he were examined he ſhould anſwer only to the bare *Interr'*; ſo in theſe Particulars my Lord Biſhop is concerned in this Charge. *Lunn*, he is concerned in this alſo, for he was imployed to ſpeak with *Parkinſon*, and kept him from the Church, leſt he ſhould meet with *Kilvert* who was an Informer: And *Int.* 5, he wiſhed *Parkinſon* to anſwer to no more than to the bare *Int.* and he ſhould be well paid for his pains. So as I ſhall leave this ſecond Charge, which doth reflect upon my Lord Biſhop and *Lunn*. And whereas they have pretended, that Sir *Jo. Mounſon* ſhould be an Enemy to *Prigeon*, there was no Proof at all of that in the Books; for in truth he was the beſt means to releaſe *Prigeon*, to get the Order in the *Kings-Bench*.

The third Charge is concerning the *Affidavit* of Catlin 11. *Maij* 11 *Car.* made a ſcandalous *Affidavit*, which was, that *Parkinſon* told him, he came to ſwear againſt the Biſhop, and that Sir *Jo. Mounſon* had promiſed him 100 *l.* for it, and he would ſwear home, and feather his Neſt by ſwearing againſt my Lord Biſhop. 1. Your Lordſhips have obſerved what manner of Perſon he was that made the *Affidavit*, he appeareth by the Sentence in the High Commiſſion to be a common Swearer, a common Bail, *&c.* ſo infamous, as I ſhall not need to repeat the thing in the Sentence; and for any thing ſaid to ſupport his Credit, nothing will ſway with your Lordſhips Judgments.

That that *Affidavit* is falſe, appeareth by *Parkinſons* Oath; and that it was contrived in an Inne in the preſence of *VValker* and *Moſtein* is plainly proved.

In this the Defendants Councel firſt make Objection againſt the Sentence, that this Sentence was after ſuch time as he was examined; and though he be convicted of a ſcandal ſubſequent, that doth no way blemiſh his Teſtimony: 1. I ſay, by the Sentence it doth appear it was for offences done three or four years before his Depoſition taken; ſo the Sentence was for matter of offence done before his Depoſition, and the Sentence is but *Declaratory* of what he was then: But they have read five Miniſters, that *Catlin* is a Man of good Credit, and one that preacheth well, and maketh a Conſcience of an Oath. 1. Theſe Witneſſes are but ſuch Witneſſes as we produce upon our Law-wager, or for Compurgators; they ſwear only as in common Charity: every Man is bound to think another Man honeſt, unleſs they did know the contrary, and ſome of theſe Witneſſes live a great way off, ſome 40 Miles. The main part of their defence hath been to diſcredit *Parkinſon*, and that they

An. 1637. have done two ways: 1. They ſay he was a diſguiſed Perſon, and came in a Miniſters Habit, and called himſelf by the name of *Parſon VVatſon*, to entrap *Catlin*, and therefore a Witneſs not to be believed. 2. They do pretend that *Parkinſon's* Depoſition was taken to fortifie his *Affidavit*.

For the firſt, this great Matter that he ſhould be a diſguiſed Perſon, and forſwear his Name, and call'd himſelf by the Name of *Parſon VVatſon*, and *Catlin* not to know him, the matter was thus.

When *Parkinſon* did ſee what an *Affidavit Catlin* made againſt him, he did ſay, that this *Catlin* did not know him; to that end and purpoſe, going wth Mr. *Culverwell* a Gentleman of 400 *l. per Annum*, went purpoſely into *Catlins* company to ſee if he did know him. We ſhall prove unto your Lotdſhips, that *Parkinſon* did not come in any diſguiſed Habit; true, he was in a black Suit, but in no Miniſters habit, nor Coat upon it, but in a black Suit proper for a Juſtice of Peace's Clark: Your Lordſhips will rather believe that which is judicially ſworn, than extrajudicially ſpoken. I ſhall deſire to read two or three Witneſſes to prove, that *Perkinſon* did not come in any ſuch diſguiſed Habit; which being read, Mr. Attorney proceeded, ſaying, 1. I ſhall obſerve, that the two Witneſſes, *Booth* and his Wife, ſwear he did not come in any Miniſters Habit. 2. It appeareth for half an hour together *Catlin* did not know *Parkinſon*, till Mr. *Culverwells* laughing at Parſon *VVatſons* profer to Preach at *Catlins* Church next day.

In this third Charge I ſhall obſerve, how it trencheth upon theſe Defendants, (1.) You find *Catlin* guilty of Perjury in making of a falſe Affidavit againſt *Parkinſon*; and that he hath been formerly indited of Perjury, your Lordſhips have heard by the Sentence in the High Commiſſion. *Walker* and *Moſtein* were preſent at the contriving of the Affidavit. It was all one to *Catlin* whether to ſwear againſt Sir. *Jo. Mounſon*, or Doctor *Farmery*.

My Lord Biſhop of *Lincoln* (it ſhould ſeem) did take this as a courteſie done unto him, for he did intend to give *Catlin* a Living of fourſcore pounds *per Annum*, but that he was adviſed by *Walker* to ſtay this Living till this Cauſe was heard. My Lord Biſhop writ his Letter unto *Richardſon* on *Catlins* behalf, that if any Indictment were at Seſſions againſt *Catlin* for a Common Barrator, he ſhould ſtay the ſame, and *Powel* his own Servant carried the Letter. Beſides Witneſſes ſwear *Catlin* did boaſt of his Favour from the Biſhop: he brought Gold home with him, beſides three pound given him to bear his charges.

I ſhall now proceed unto the fourth Charge, which ſtandeth thus: 20 *Martii* 10 *Caroli*, a Commiſſion was executed at *Lincoln*, and this was to examine him touching the credit of *Prigeon*; divers Witneſſes were there produced on the Kings part. My Lord Biſhop, and other the Defendants did draw from the Kings Witneſſes what they had depoſed, and threatned ſome of them after they were examined on the Kings part; this is the Charge.

Lancelot Harpham to the 94*th Inter.* ſaith, upon this Deponents Relation my Lord Biſhop willed *Lun* to Call for Pen, Ink and Paper, and wiſhed this Deponent to write down the ſubſtance of what he had ſworn, which this Deponent by his Lordſhips perſwaſions did; but when his Lordſhip had read the ſame he liked it not, but wiſhed the ſaid *Lunn* to write down the Subſtance of this Deponents Relation, which he did accordingly, and then this Deponent ſubſcribed his Name thereunto; then the Attorney-General ſaid, here was the offence of the Biſhop to draw from *Harpham* the ſubſtance of what he had ſworn, the Charge being for tampering with *Harpham*, and other the Kings witneſſes. *Bates* ſaith he was ſent with a meſſage from the Biſhop to *Edward Smith*. Theſe things are laid as crimes upon my Lord Biſhop in this fourth Charge. (1.) In ſending for *Edward Smith* before he was examined, and conveying him out at the back-dore that my Lord Biſhop ſhould inſtruct him what to depoſe, ſending for him after examination, queſtioning him what he had depoſed, and told him he had ſworn maliciouſly. Next place was this Meſſage intended for *Edward Smith*. (3.) The threatning of *Edward Smith* the Kings Witneſs, that he would ſit upon his Skirts. (4.) My Lord Biſhops ſending for *Harpham* after he was examined, making him ſet down the ſubſtance of his Depoſition. (5.) *William Amcock* ſweareth that *Powell* ſhewed him an Interrogatory ready drawn to ſwear unto, and wiſhed him to be careful what he ſwore, when he was examined for the King; For *Lunn*, he ſaid, he never plaid the Knave but in this buſineſs.

As to the executing of the Commiſſion at *Lincoln* in *March*, 10 *Caroli*, wherein *Kilvert* was imployed to attend for the King: my Lord Biſhop of *Lincoln* called him *baſe Fellow*, *ſawcy Fellow*, *baſe Raſcal*, proved by three Witneſſes. The Charge is likewiſe againſt *Lunn*, who called him *baſe Fellow*, and told him *if the buſineſs were over, he ſhould know he was a man*. Theſe imperious Speeches from the Biſhop muſt needs diſhearten the Witneſſes that did come for the King.

Laſtly, As to the Charge for undue getting of Copies, to the intent to make a Counter-proof of the Kings Witneſſes. Your Lordſhips may remember how *Allen* gave Information to the King againſt the Biſhop, for the contriving of falſe News and Tales ſcandalous to the Kings Government. The Referrees that took the examination of Dr. *Jo. Lamb*, Dr. *Sibthorpe* and others, they did truſt Sir *William Beecher* in this examination; they gave him a Charge that the Examinations ſhould be kept ſecret, accordingly he ſealed them up, and when his waiting month was done, he delivered them over to Mr. *Trumbell*; yet by undue means my Lord Biſhop got Copies thereof. (1.) It appeareth by Sir *William Beecher*, *Inter.* 5. that he was moved by ſeveral perſons at Court, to let the Lord Biſhop underſtand the effect of theſe Examinations; and that my Lord Biſhop made uſe of thoſe Examinations, it appeareth by the proof that hath been read; and that the Seal was broken off, and Copies delivered to his Steward. Now whether theſe be not ſtrong preſumptions, that my Lord Biſhop had the ſight of them, I muſt leave to your Lordſhips.

My Lords, I have done with the particular Charges, and your Lordſhips have heard in the proſecution of this Cauſe, and in the proof of it a heap of Offences, all tending to the ſubverſion of publick Juſtice; a labouring, tampering, ſuborning, ſeducing and ſending away of the Kings Witneſſes to ſuppreſs the truth, to ſwear againſt the truth, and to cauſe Witneſſes to make a Retractation;

tion; a ſcandal raiſed againſt the proceedings of the Juſtices at the Seſſions, and in particular an aſperſion caſt on the perſon of Sir *John Mounſon*, as though he had made the Order in an Inn or an Alehouſe, before any Witneſſes were examined. I hope your Lordſhips will clear him in his Reputation, that he hath done nothing in this Cauſe but what becometh a Perſon in his place, and what at other times hath been done by him and other Juſtices in a publick manner. My Lords, theſe Offences, if they were committed by an ordinary Perſon are great Crimes in themſelves, but being done by my Lord Biſhop of *Lincoln*, who is *Pralatus*, to be a Guide, a Light, a Judge among the Kings People, and to have a ſuperintendent Cure of Souls within his Dioceſs, theſe things conſidered in his Perſon muſt needs aggravate his Offences, for him that ſhould be a Light, to become Darkneſs, and a Guide to lead men into Error, a Judge to overturn the Courſe of Juſtice, in ſuborning of Witneſſes, *&c.* Theſe things if they be not remedied will draw upon this Nation, that Infamy that was upon the people of *Greece*, that they would buy and ſell teſtimony, *Dare mutuum Teſtimonium*: But what followed upon that, but the ſubverſion and ruine of the Common-wealth? For him that hath this ſuperintendent Cure of ſouls, to do any thing for the deſtroying of mens ſouls, it is an high Offence. *Fleta lib.* 5. *cap.* who writ in the time of *E.* 2. *Si Perjurus, &c.* That the Man-ſlayer killeth the body, but the ſuborner killeth his own ſoul, and the ſoul of him that ſweareth.

(1.) Againſt my Lord Biſhop I pray Judgement, that he may be deeply fined, and receive a declaratory ſentence of this Court, as unworthy of any Eccleſiaſtical Dignity or Sacred Orders, and to be recommended to the High-Commiſſion for that purpoſe; *Paſ.* 34. *Eliz.* in a Suit in the Star-Chamber againſt the Biſhop of St. *Davids* for contriving and publiſhing of a forged Will, he was here fined and referred to the High Commiſſion for further proceedings.

10. *Jac. John* ——— Biſhop of *Down* was convented before the High Commiſſion, and was there degraded for ſuborning of Witneſſes.

Third place, I deſire not only a Reparation of the Credit of Sir *Jo. Mounſon*, but damages for the ſcandal; and though he be neither Party nor Relator, yet damages have been given by this Court to a third Perſon.

Mich. 31. *Eliz.* Three Gentlemen that were no parties had 300*l.* damages given them as in the caſe of the Kings Attorney againſt *Price*, damages were given to a Sheriff that was no party.

Mr. Attorney-General having ended his Reply, the Court proceeded to paſs their Cenſure; ——— and the Lord *Cottington* firſt begun and ſpake to this effect.

The

The Lord *Cottington*'s Speech.

My Lords,

Concerning the Biſhop of *Lincoln.*

‘THe buſineſs we are now met about, to put a Period unto which hath taken up ſo much time already in this Court, that I intend to be very ſhort in what I have to ſay. If we go to the Well-head, and look at the Original, (from whence theſe foul Streams have iſſued) it is very ſmall, and the inconveniences my Lord hath faln into, are rather of his own ſeeking, than any ways properly offered unto him out of the former Paſſages, which touched his reputation in this Court: However that Maxime ſtands true, *Quiſq; eſt fabricator ſuæ fortunæ*. I am ſure in this, that through the whole Paſſage and Current of it, he hath ſought and wrought his own overthrow; and I am ſorry that ſo great a Perſon, ſo wiſe, and ſo well-experienced a Man, and one who hath ſate here himſelf, ſhould now come to be Cenſured for ſo foul Crimes, ſo far unbeſeeming his Function, and thoſe Dignities he hath been graced withal in this Common-wealth. I find (all the way) ſeveral undue practiſes, many hainous attempts, and foul faults in his Agents, countenanced (nay maintained and ſet on) by his inſtigation, for which I hold both him and them worthy the Cenſure of this Court.

‘I promiſe brevity, therefore I omit the relating of any thing concerning the truth of the matter, which concerned *Alice Smith* and *Elizabeth Hodgſon*. If that *Prigeon* had been free from the getting of the Baſtard, and that he had ſuffered that way innocently; it had been better for my Lord of *Lincoln* to have adviſed him to a patient undergoing that affliction, and have ſtopt the publick defamations, which might grow thereupon, with as little noiſe as he might, *Quam queat minimo*: But theſe ſtirs which follow after, and the great Expences which my Lord Biſhop of *Lincoln* was at to preſerve *Prigeons* Reputation, plainly ſhewed there was ſomewhat more in it than ordinary, when, rather than that ſhould be tainted, my Lord would abſolutely overthrow his own.

‘*Prigeon* was to be a Witneſs for my Lord Biſhop, and a main perſon he was, on whom he depended for the clearing himſelf of thoſe Charges, which your Lordſhips know he was taxed withal, by the firſt Bill. In the mean time a Baſtard is laid unto him by *Elizabeth Hodgſon*, which in my Lords Eſtimation was much diſabling to *Prigeons* Teſtimony; and therefore my Lord Biſhop what doth he? He not only labours to ſuppreſs a Truth, and to conceal a fault in his Witneſs, but he will have him diſcharged of it, *Quo jure quave injuria*, it matters not.

‘Hereupon the Proceedings of the Juſtices of the Peace muſt be either made none, or put out of order, ſo that they ſtand inſtead of none. A new Father muſt be found, and becauſe there was a Commiſſion to be ſate upon, and Witneſſes to be examined, ſome muſt be abſented till the Commiſſion was over: others are deterred and threatned, and Sir *John Mounſon* and Dr. *Farmary* 'muſt be held for to act nothing that muſt ſtand in this Cauſe, '(though in the publick Seſſions) but their Orders in that Cauſe 'are Pocket-Orders.

'*Owen* and *Powel*, two Servants to my Lord Biſhop of *Lincoln*, 'they ſet their Wits to work to convey *Alice Smith* out of the way, 'and that with Rewards of no ſmall value. Letters are written, 'and much ado there is; the ſeveral Miſdemeanours of *Lunn* and '*Walker* are apparent enough; and *Catlin* he comes not behind the 'reſt, nor muſt I let him paſs, although he hath better luck in the car'riage of his knavery than any of the reſt; and for the procuring, 'gaining, and keeping of Depoſitions from the cuſtody of the 'Council-Table, and the Clarks there, it's plain enough, I will 'make my word good, and go to Cenſure.

'*Cadwallader Powel* I fine at 200 *l.* *Owen* I fine at as much; *George* '*Walker* and *Catlin* at 300 *l.* a-piece.

'*Lunn*, (who is an Agent in all the Buſineſs) I hold him unfit 'for to be an Officer any more, (he now being a Proctor-Regiſter) 'I fine him at 300 *l.* And for my Lord Biſhop of *Lincoln*, I fine 'him at 10000 *l.* to the King, and to be Impriſoned in the *Tower* 'during His Majeſties Pleaſure, and to be ſuſpended from all his Ec'cleſiaſtical Functions, both *ab Officio & Beneficio*; and I refer him 'over to the High Commiſſion-Court to Cenſure him as they think 'fit concerning his Degrees, and to repair Sir *John Mounſons* Re'putation, to pay him for the injury done to him, in particular '1000 Marks.

Sir John Finch *his Speech*.

My Lords,

'THis Cauſe hath held us already nine days. I find in it ſix 'Charges.

'1. The firſt and main is for tampering with Witneſſes, to re'tract their Teſtimonies, or to vary from the ſame.

'2. For ſeducing them not to depoſe at all.

'3. For undue practiſing to gain a ſight of ſome Examinations 'kept in the Council-Chamber by the Clarks of the Council.

'4. For preparing and inſtructing Witneſſes by the ſaid Exami'nations.

'5. Perjury in *Catlin* in an *Affidavit*, and ſubornation thereof.

'6. Other undue Proceedings, whereby to cauſe Witneſſes to ſay, 'that they did not remember, or the like.

'I will only inſiſt upon two things.

'*Firſt*, How this trenched upon my Lord Biſhop of *Lincoln*.

'*Secondly*, How far, and in what manner he purſued it.

'I queſtion not whether the Child gotten upon the Body of *E*'*lizabeth Hodgſon* be *Prigeon*'s, yea or no; however the Juſtices of the 'Peace at the Seſſions, Doctor *Topham* and Doctor *Farmary* give up, 'that it is laid to him: Yet legally *Prigeon* is free, for by a *Statute* '18 *Eliz.* though the Order be, yet an Appeal may be made. Now 'in the ſecond place, what is this to my Lord Biſhop of *Lincoln*, '*utrum pater ſit necne*?

‘The Biſhop is taxed for ſcandalous words in matter of State, ‘contrary to his Duty as a Subject to his Sovereign, contrary to his ‘Oath as a Privy-Councellor. Now *Prigeon* being a Witneſs, ‘muſt juſtifie that no ſuch fault ſlipt from my Lord Biſhop, his Teſtimony, which ſeems to be ſuſpected, and why? not for the having a Child fathered upon him, but for that he goes about in ‘*publico* to ſuborn Witneſſes, and to wreſt the Truth by unlawful ‘courſes, and it is to be thought that he, who was of ſuch an evil ‘Conſcience, as that he would cauſe others, by any way of bribes, ‘gifts, threats, or the like, to forſwear themſelves, and hazard ‘their Souls, might himſelf eaſily be tampered withal to do unjuſt ‘Acts, and to take that falſe Oath alſo by himſelf, being led to it ‘by Hopes and Rewards, which he by all means ſought to procure ‘in others, for his own ſafety.

‘Now if my Lord Biſhop of *Lincoln* had uſed other means, and ‘gone the right way to maintain the Credit of his Witneſſes in a ‘fair manner, it had been commendable; but whether he did ſo or ‘no it is to be inquired after.

‘By the way, my Lord, give me leave to ſay what I think, it is ‘not always neceſſary in this Court to have a Truth proved by two ‘or three Witneſſes: Men will be wary in Bribery, and Extortion, ‘and the like, to do it in publick, or to have many acquainted ‘with thoſe works of darkneſs. And *ſingularis Teſtis* many times ‘ſhall move and induce me verily to believe an Act done, when ‘more Proofs are ſhunned.

‘But to come to ſome of the Particulars, I find here, that *Wetherel* ‘hath been often tampered withal, by two of the Biſhops Servants, ‘*Owen* and *Powel*, and there was a Note ſhewed to *George Walker* ‘to enquire of *Wetherel*, whether *Prigeon* had done any thing with ‘him or no?

‘But to take off this, (Mr. *Recorder* ſaith) *George Walker* is *ſingularis Teſtis*. Now its plain *VVetherel* ſwears punctually, that he ‘met with *Prigeon*, and was adviſed to ſpeak ſparingly, and no more ‘than he needs muſt.

‘For *Alice Smith*, ſhe depoſeth that *Prigeon* wiſh'd her to win *Elizabeth Hodgſon* to lay it to ſome body elſe, and he would give her 20 *s.* ‘and ſo doth *Anne Dove*; now *Alice* muſt afterwards equivocate, ‘and ſay, ſhe was profered Money to get her to lay it on the right ‘Father, which to induce her to is no hurt.

‘And I find, that *Alice Smith* is carried away on Horſe-back by ‘*Powel*, and abſented till the Commiſſion was ſet, and was paſt, at ‘*Lincoln*, and then brought back again by *Powel*. And I find ſhe ‘went out poor and needy, ſhe returns well clad, Gentlewoman-‘like, and able to lend 8 *l.* at a time, who was (before *Owen* and ‘*Powel* tampered with her) ſo poor, that her Goods were diſtrained upon for Rent.

‘*George VValker*, he ſaith he could do no good with them, and ſo ‘writes to the Biſhop. Now for *Richardſon*, the Biſhop told him, ‘that he knew the Orders that were made at the Seſſions, and *Richardſon* is tampered withal to ſuppreſs that Order, and told, that if ‘he would, he might do the Biſhop good Service.

‘Now for *Lunn*, I find him run through with the Biſhop in all ‘the Caſe, he teacheth to ſmother and to equivocate; ſo that I find

An. 1637. '*Powel*, *Owen* and *VValker*, guilty of the firſt Charge; *Lunn* I ſhall Sentence, but not for that Charge.

'Now my Lord himſelf, out of his own mouth, profeſs'd to two Witneſſes, *videlicet*, to Sir *John Mounſon*, and one *Edward Smith*, that to defend *Prigeons* Credit it had coſt him 1000 *l.* if not 1200 *l.*

'My Lord Biſhop excepts againſt ſome Witneſſes, as *Bates* I hold him faulty, and for Mr. *Kilverts* miſdemeanours, (though he did provoke my Lord) yet he ſhould have forborn. It was not ſo much to affront my Lord Biſhop, as to animate his Witneſſes for the King, which the preſence of ſo great a Perſon might have daunted.

'And your Lordſhips know, that in the Circuit, if a great Man have a Cauſe at the Bar, he is not to ſit on the Bench, his nod or frown, nay his bare Preſence, (by way of obſervation) may do much with inferior Perſons. I diſcommend my Lord for his paſſion, and commend *Kilvert* for the zealous proſecution of his Cauſe. I muſt clear Sir *John Mounſon*, and for *Pattiſon* diſguiſing of himſelf in the Habit of a Miniſter, (true it is, a ſhift they had to find out what might be;) But the matter was apparent to all they know he was a counterfeit.

'And for *Catlins* Teſtimony, I weigh it not; but I find my Lord tampering with *Smith*, with *Edward Smith*. He muſt be brought in by Mr. *Moſteon*, and at the back door too, and after that he had taken his Oath, was told he had ſworn maliciouſly, and was adviſed before-hand what to ſay, and the Biſhop chid him, and ask'd why he would be ſworn and not acquaint him, and let him know before; and there is many Proofs of my Lord Biſhops dehorting and terryfying others.

'For *Walker*, I ſhall not Cenſure him, being not the manner of this Court to Cenſure, when he is not charged with any particular, but in general.

'For *Lunn*, I find him threatning Mr. *Kilvert*, and I find him tampering divers ways, and getting the Writings from the Clarks.

'I agree with my Lord *Cottington*, and fine him 1000 Marks. I clear *Moſteon*. *Catlin* I leave with a *non liquet*; and do cenſure *Lunn* to be diſabled, (by way of his profeſſion) either to be Regiſter or Proctor any more.

'For *Cadwallader Powel* and *Owen*, I agree with my Lord *Cottington*.

'And for my Lord Biſhop, I cenſure him 10000 *l.* Fine to the Kings Majeſty, to be ſuſpended *ab omni officio & beneficio*, during His Majeſties Pleaſure, and likewiſe to be Impriſoned in the *Tower* during the Kings Pleaſure, (as my Lord *Cottington* ſaid before;) alſo for to repair the Credit of Sir *John Mounſon*, I fine him 1000 Marks to him; and ſure, My Lords, his Perſon doth not diminiſh, but rather aggravate his faults: for to be faulty in ſcandalizing his Maſter, and then ſuborningly to boulſter up his fault, by ſuch groſs and unbeſeeming manner, is worſe in him than it had been in another Man.

'For as Mr. Attorney well noted, for him that is ſet to have a care of Souls, to be corrupter of them; for him that is ſet as a Light

13 Caroli.

‘on a Hill, to hide the Truth; I call to mind his Greatneſs, his Place and his Dignity: but had he lived a private ignorant Man, I ſhould have gone very deep with him; but he that hath knowledge to rectifie himſelf, and hath ſat in the place to direct Conſciences, to wreſt and wrong Conſciences, I muſt go as deep full in every thing as my Lord *Cottington*, and I ſhall here crave your excuſe, and end.

Sir John Bamſton *his Speech.*

‘I Believe, my Lords, that the Lord Biſhop is guilty of three of the Charges, and I conceive he had a ſight of the Writings from the Council-Chamber.

‘I find him procuring ſome to abſent, to deter others, and all to ſupport *Prigeons* Credit. *Alice Smith* firſt depoſeth, that *Prigeon* offered her 5 *l.* to prevail with *Elizabeth Hodgson* to lay the Child to any other Man.

‘Now my Lord Biſhop he muſt intermeddle to ſupport his Credit. I diſallow of his tampering with *Wetherel*; to wiſh a Witneſs to keep away, or to wiſh him to ſay leſs than he knows, is not juſtifiable; it not ſo much concerned him, but it ſeems he thought it did, and therefore he muſt ſpend 1000 *l.* or 1200 *l.* to make that good: So Sir *John Mounſon* and *Alice Smith* depoſeth, *Alice Smith* is fetched, and carried, and maintained, enriched by the Biſhops Servants. I find many ſhifts in my Lord Biſhop to effect his deſire; it's plain ſhe went away poor, returns rich. *VVetherel* muſt muſt be tampered withal, is alſo plain by ſeveral Confeſſions.

‘Now to the ſecond Charge, the ſlander is laid on the Juſtices: Sir *John Mounſon* ſat openly in Court, the Order apparently made, yet the Biſhop ſtrives to ſuppreſs it. He uſeth all the ways he can, either by fair incitements, or by foul menaces and threats, to have them in the *Star-Chamber*, *&c.*

‘Now, my Lords, however he prevailed not, yet he attempted, he endeavoured ſubornation of Perjury: And wiſely did Mr. Attorney to lay the Charge in that manner he did, for undue and unjuſt undertaking to ſuborn Witneſſes, it's a Crime equal, (though he effect it not) yet it's *maleficium condemnationis*, and is cenſurable.

‘I find my Lord Biſhop of *Lincoln* much too blame in tampering, perſwading, threatning, and directing of Witneſſes. A foul fault in any, but in him moſt groſs, who hath *Curam Animarum*, throughout all his Dioceſs. To deſtroy Souls is moſt odious, and to be ſeverely puniſhed.

‘To proceed therefore to Cenſure, I meddle not with *Bates* his Teſtimony, but I ſhall fine *Powel* 300 *l.* I clear *Moſtein*: And for *Lunn* I ſhall fine him 1000 Marks, and to be diſabled alſo from his Function. And for my Lord of *Lincoln*, I hold him not fit to have the cure of Souls, and therefore I do Cenſure him to be ſuſpended *tam ab Officio, quam a Beneficio*, and agree for the Fine of 10000 *l.* and Impriſonment during the Kings Pleaſure. And for Sir *John Mounſon*, I find he hath done nothing but as he ought, and there-

An. 1637. 'fore I hold it fit his Credit ſhould be repaired, and to that end 'I ſhall agree with my Lord *Cottington* to give him 1000 Marks.

Mr. Secretary Windebanke *his Speech.*

'IT's needleſs for me to relate the Buſineſs, or to declare the name 'of the Crime for which this great Perſon is Cenſured here in 'this Court. To free your Lordſhips from any further trouble, '(having ſeriouſly conſidered the matter) I do find not only my 'Lord Biſhop himſelf, but alſo his Agents faulty; and therefore 'for the Fines, Puniſhments, and Impriſonments both to him and 'them, I agree in all with my Lord *Cottington*; and for Sir *John* '*Mounſon* alſo.

Sir Thomas Germine's *Speech.*

'I Agree with my Lord *Cottington.*

The Earl of Lindſey *his Speech.*

'I Do agree with my Lord *Cottington in omnibus.*

The Earl of Arundel's *Speech.*

My Lords,

'THe Cauſe is great, the Perſons eminent, the Proſecutors '(as in relation to the King) to be reſpected. The Perſon 'that now is on the Stage to be Cenſured, one of the grave Biſhops 'of the Realm, one who himſelf hath born ſway, and hath ſat in 'a high Office under two Famous Kings, and now comes to be 'Cenſured for undue Proceedings in matter of Juſtice. He who 'had the protection of Equity, now hath turned to be a ſubverter 'of Right, and an oppreſſor of the Truth, by concealing her from 'that ſhe delights in, the Light: unduly menacing, deterring, and 'debarring Witneſſes in a Cauſe of ſuch a nature, as concerned ſo 'great a Perſon as the greateſt we have to do withal (under God) 'on Earth. I proteſt I ſpeak it with grief, I am ſorry for his Perſon, 'much more for his Profeſſion, no Child being more reverent to a 'Mother, than I am tender of the Church, and of that Coat: But 'upon ſuch blemiſhes to forbear Cenſure, were to allow of them: 'I do therefore agree with my Lord *Cottington* in the Fine, Impri'ſonment, and in all the reſt.

The Earl of Mancheſters *Speech.*

My Lords,

‘I Cannot but admire to ſee, that a Man of that eminency for Parts and fortune to overſhoot himſelf ſo far, and to be tranſported in ſo ignoble a way, as my Lord Biſhop of *Lincoln* hath been, that he would undo his own to maintain the Credit of another Man.

‘Give me leave a little to unfold the occurrences, that it may appear how this came about, and what occaſioned this his ſo groſs an Error.

‘About the fourth Year of His now Majeſties Reign, a Bill was exhibited into this Court againſt my Lord Biſhop of *Lincoln*, the Complaint was about matter of State: Now *Prigeon* was a main Witneſs for the clearing my Lord from being held guilty of what was thus alledged.

‘The Bill was ſlow-paced, and ſlept from 4 till almoſt 8 *Car. Regis*, and now a Provocation begets an Information *November* the *8th*; and in *February* following the Baſtard is born, here is a touch upon *Prigeons* Credit, this matters not to the Biſhop for ought we ſee; but in *May* following it muſt be laid on another Father, and one *Boone* is found out for the ſame purpoſe, and it muſt be fathered on him. The Juſtices of Aſſize publickly ordered, and ſet it down, that it is laid upon *Prigeon*, and hereupon he is thought to be diſabled of his Teſtimony for the Biſhop of *Lincoln*, if he have occaſion to uſe him, for his clearing in caſe of thoſe accuſations and informations laid againſt him.

‘Whereupon this *Prigeon* muſt be ſet upright, and made an honeſt Man, and be rectified, (though it be by indirect and unlawful means;) nay moſt unconſcionable Courſes, by wreſting the Conſciences, and falſifying Oaths for the ſame.

‘Now, my Lords, your Lordſhips well know, that every Mans State, every Mans Credit, his Poſſeſſions and Livelihood much depends upon Oaths; for if not upon the Jurors, yet the Witneſſes in any Caſe of Evidence, (be it for matter of Title, or matter of Fact) if they be by ſiniſter Courſes, and by Bribes and Threats, (be it for fear or for love) if they be cauſed to ſwear againſt their Conſciences, and that tye be takenaway whereby they ſtand obliged before God and Men to give Right to the Truth, no Man is ſure of any thing he enjoys, nor can expect to get any thing that is unjuſtly detained and with-held from him in the Proceeding of any Court whatſoever.

‘And I find my Lord Biſhop much too blame, and indeed no more than an Abetter in many Paſſages of this Cauſe tending this way.

‘There be ſix faults he is charged withal, and I find him faulty in three great ones.

‘For his tampering with Witneſſes it's plain enough, and I am ſorry it breaks out ſo in all the way as the Cauſe goes. 1. In withdrawing Witneſſes, and abſenting them out of the way.

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‘2. In preparing, fitting, and diſpoſing Witneſſes to his own ends. ‘3. In deterring them before they are to take Oath, and threatning ‘them after. 4. In ſifting out unlawfully (by indirect and ſiniſter ‘Courſes) what Evidence and Proof was given, ſo to be better ‘enabled to have croſs Oaths and Proofs againſt the Evidence that ‘was before. 5. To cauſe Witneſſes to ſpeak leſs than they know, ‘and to conceal the Truth, or at leaſt to vary from that which they ‘had formerly ſworn. 6. Getting the Copies out from the Clarks ‘of the *Star-Chamber*, and keeping them a long time from that place, ‘where they ought to be and reſide.

‘Now for a Man of Art, of a prompt and ingenious Wit, a well-‘experienced Man, who hath been a Judge, and well knew the ‘Inconveniences of theſe defaults, and the groſneſs of them, to ‘run into them ſo violently, and ſo foul, I cannot but admire, and ‘much pity him.

‘Nay, he doth take upon him to defend, and to patronize *Catlin* ‘too, although it be abſolutely to overthrow and undo himſelf. ‘But as it is ſaid, *Nemo Læditur niſi a ſeipſo*, if my Lordſhip had ‘not been over-buſie for to do thoſe Men good, he had never done ‘himſelf this harm.

‘Now for *Kilverts* affront to him, I muſt needs ſay it may ſeem ‘over-much in the place where it was done, being in the chief place ‘of the Dioceſs, and to his own Perſon: But being it was in ſuch ‘a Cauſe, where Witneſſes were to be heard and examined for the ‘King, and my Lord being a great Man in that place, I paſs it by, as ‘his zeal and earneſtneſs in proſecution of the Cauſe, which might ‘elſe have ſuffered, had he not uſed the better courage, and put the ‘better face upon it.

‘For the getting the Writings from the Council-Chamber it's ‘plain enough, and they were abſent long enough, and whether ‘he had uſed or peruſed them it matters not; ſurely he would not ‘have them gotten from their due ſtation, and place of abode, only ‘to lie by him, but that he would make uſe of them. And I ‘muſt needs commend Sir *William Beechers* diſcretion and ingenuity ‘for his courage in that Particular.

‘Your Lordſhips have heard already by the two Lord-Chief-Juſtices, what the nature of theſe Crimes are, (though it be not ‘ſubornation of Perjury) yet it is manifeſt injury to the witneſſing ‘of a Truth; and I ſuppoſe both they that do prevail, and they that ‘are over-ruled and won to ſuch diſhoneſt Courſes, are much faulty; and therefore I ſhall agree with my Lord *Cottington* for ‘the Fine upon the two Servants of my Lord Biſhop, *Owen* and ‘*Powel*.

‘And alſo I fine *Lunn* in 1000 Marks; I clear *Moſtein*, and I muſt ‘not let *Catlin* eſcape, (if I can legally do it) but he hath better ‘fortune than the reſt, though I think not a whit leſs culpable.

‘And for my Lord Biſhop, I muſt, for his Fine, Impriſonment, ‘and ſuſpenſion from his Dignities, Offices, and Benefices, agree ‘with my Lord *Cottington*, and ſo in all the reſt.

The

The Lord Treaſurer *his Speech.*

My Lords,

‘THis Cauſe hath held a great time, your Lordſhips have had much patience and great attention, and applied your ſelves to give ear to the defences that have been made therein, which have been very well performed by the Counſel on my Lord Biſhops behalf.

‘The Cauſe is great, a great Man that is this day ſentenced, and in a matter of very high nature for me (my Lords) to run over the ſeveral Charges, and to explain how and wherein I find my Lord Biſhop and his Agents culpable, and very well deſerving the Cenſure of this Court for their Crimes, it were bootleſs, nay altogether needleſs to inſiſt upon the tampering with *Alice Smith* and *Wetherel*, with the undue Practiſes of *Lunn*, *Owen* and *Powel*, theſe things have been copiouſly ſet out before, and for me to repeat, or to make any relation of my obſervations in the occurrences and paſſages of the Cauſe, it were but *Actum agere*.

‘The buſineſs falls out very unhappily, and all the way carries with it a reliſh. My Lord Biſhops encouraging and ſetting on the ſeveral Agents, that were uſed for the clearing and juſtifying *Prigeons* reputation; ſo that in the proſecution of the matter, probable ſurmiſes come to be violent and forcible inſtigations; and whereas my Lord Biſhop ſtrives to ſuppreſs a fault, which is like to redound to *Prigeons* diſeſteem; my Lord utterly overthrows his own Credit, and labouring to take a ſtain out of anothers Face, opens ſeveral Scars and Ulcers in his own.

‘My Lord Biſhop might better have let the Truth have been bolted out, than ſo ſmother it, as to injure his own reputation, and cauſe himſelf to undergo far heavier and fouler aſperſions, than the Crimes in his Witneſſes could ever have brought upon them or him.

‘I much pity him, and I am heartily ſorry that he was ſo overled with deſire, as ſo hotly to purſue a thing that might with a great deal of more diſcretion have been let alone.

‘And truly I conceive it is now apparent to him, and he himſelf is ſorry for his own intemperate proſecutions; and I hold no Cenſure can be ſo heavy to him, as that your Lordſhips ſhould hold him Cenſurable, and that he ſhould now incur the diſlike and condemnation of this Court, wherein he hath ſate as eminent in Place and Dignity, as the reſt that now are to paſs Sentence upon him.

‘What Cenſure therefore my Lord *Cottington* before me hath given, both for *Lunn*, *Owen*, and *Powel*, both in number, rate and weight I agree unto; and ſo I do alſo for the Fine upon my Lord Biſhop of *Lincoln*, his Impriſonment during the Kings Pleaſure, and the reſt.

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The Lord Arch-Biſhop of Canterbury *his Speech.*

‘Sorry I am (my Lords) that ſuch a Man as my Lord Biſhop of *Lincoln* for profeſſion; and ſorry that he, being ſo wiſe, ſo diſcreet and underſtanding a Man every way, ſhould come to ſtand culpable of ſuch faults as ſhould deſerve the Cenſure of this Court, and in this nature, that it ſhould fall out that by being over-active and over-doing Buſineſſes of other Mens, to do his own, nay even thereby alſo to undo himſelf.

‘We have Adverſaries too too many amongſt our ſelves, but this days work opens a way for the *Romaniſts* to take advantage by it, to ſee ſo eminent a Perſon as a Biſhop, and ſo eminent a Biſhop as he, to become thus cenſurable in a thing of ſo high a nature in this high Court, it opens way I ſay to them of rejoycing, which I would to God had not been at all, or at leaſt not by him.

‘When I look upon and conſider his excellent Parts, both of Nature, and atchieved unto by Study and Art; when I think upon his Wiſdom, Learning, agility of Memory, and the experience that accompanies him with all thoſe endowments, it puts me to ſtand; that after he had been overtaken in one error in the firſt Cauſe, he ſhould not have recalled himſelf, and made a ſtand, but that he hath now run into a far worſe, and more deſperate a one in this Cauſe, by obnoxious and criminal ways, even to a very precipitation and downfall of himſelf and his Credit. What though there was ſome queſtion made, and ſome Proofs on foot, whereby his Loyalty to the King his Maſter ſeemed to be in deſpute, and his diſcretion might have ſome ways come to tryal in matter of words, diſcovering his affection in ſome matter of State? muſt he ſeek unlawful means to procure his Actions and Words to be lawful, and leave the courſe of a good Conſcience to bolſter up a fancy of innocency in another Man, and make himſelf plainly faulty, for to make another Man ſeem free from ſhame? I could wiſh heartily from my heart (however this Cauſe be, let it be as it is) that his deportment in paſſion had been like to that of St. *Sicelia.* I read it in a very good Author, and it is not impertinent, nor unworthy whatſoever patience, when a great ſtir there was, and all the Stream and Current run quite againſt her to bear her down in a moſt furious and violent manner, ſhe mildly in the heat of theſe Storms, and when thoſe Billows ſeem'd to overwhelm her, and hide her from all hopes of being admitted hearing her to plead her innocency, much leſs to gain ſucceſs to her deſires, it being told her there were many Witneſſes againſt her, but none that did, or would be, or ſeen to appear for her, or in her behalf. She uſed the ſaying of holy *Job*, *Teſtis meus eſt in Cœlis*, my Witneſs is above: and ſo it fell out, for (as the Story ſaith) when the matter came to be ſcanned, the Witneſſes that were againſt her, (by what means, or from whence, or how, I know not) but they were ſo daunted and ſtruck with ſuch an amazement, that it was their general Vote, *Nos nihil habemus contra Ciceliam*, I have it in St. *Auguſtine*, a Father of the Church, whoſe Authority there 'is no doubt off, he being held learned amongſt the beſt of that 'time) *lib.* 1. *contra hæreticum donatum.* It had been better with 'my Lord Biſhop if he had had ſuch a Cauſe: I am ſure if the 'circumſtances of his behaviour had been more temperate and 'mixt with more patience, the event could not have been ſo un'lucky, and his Cenſure ſo ſharp, as it is now like to be.

'I may be bold to ſay it, my Lords, for it's no untruth; I have 'been five ſeveral times upon my knees to the King my Maſter in 'his behalf, I delivered for him ſeveral Petitions my ſelf into the 'Kings own Hand, and I then did that (which had I known what 'now I do) I ſhould not have done. I ſent him under my own 'Hand the Kings Anſwer upon every Petition. And after all thoſe 'five ſeveral Services, I muſt tell you, my Lords, I was but courſly 'dealt withal, nay very ill requited; yet was I overcome to move 'again at *Chriſtmas* laſt, and I have it under his own Hand, or (if 'his Secretary writ the Letter) his own Hand and Name is un'derſcribed, that he had better and more hopes by my once moving 'the King, than he had formerly had, by the ſolicitation and means 'of all the friends he had at Court.

'And no longer ago than at *Chriſtmas* laſt I moved the King my 'Maſter again in his behalf; and then (had he ſolicited that which 'was intented for his good, and proſecuted the ſame with ſubmiſ'ſion) it had in all likelyhood gone better with him than he could 'have expected, nay I think, as the caſe ſtood, better than he then 'deſired.

'But a croſs Buſineſs came juſt in the way at the very time, (of 'which your Lordſhips, or the moſt part of you, I am ſure, are 'privy to) and had not I then interpoſed my ſelf, (the King being 'then ſo exaſperated againſt him) he had faln. But to let paſs my 'deſires, and the earneſtneſs I uſed, and the tenderneſs I had, leſt 'my publick aſperſion ſhould have been opened, and ſuch as could 'not have been wiped away, but needs muſt have left a ſtain to my 'Coat.

'I muſt needs ſay thus much for His Majeſty, he was very inclina'ble to have had a fair reconcilement, as may appear by His often 'asking *what* Lincoln *did, doth he ſeek to repair my Credit? Hath he 'any ſhew of ſorrowfulneſs for his fault?* And, my Lords, I may ſafe'ly ſay (becauſe I truly ſpeak it) who ever penned his Petitions '(howſoever they ſeemed to be his Friends, or whoever adviſed 'him to let them paſs in that form) they did him (though que'ſtionleſs he is able to Pen them himſelf) an injury, yet if he did 'it by advice they were not therein his Friends, for in them all 'there is not one word tending to ſubmiſſion and confeſſion, or ſo 'much as an acknowledgement of a fault, whereby any ſhew of 'Recantation in that nature might be made to his Majeſty, as both 'in duty he ought, and in wiſdom might have made proffer of, and 'with more ſafety and aſſurance have performed, inſomuch as that 'by his ſtiff and ſtubborn behaviour, there was no way but to have 'the buſineſs fully ript up, heard, and decided.

'Yet there were not wanting divers ill diſpoſed perſons, who 'bruited it forth, and very boldly gave out, that my Lord Biſhop 'of *Lincoln* had not made any fault, or done or ſpoken ought, but 'that which he could ſtand unto, and needed not to be aſhamed of, *An.* 1637. ‘only that he was rich and muſt be let blood, he might well ſpare it, and the King wanted 10000 or 12000 *l.* and ſo he ſhould have little ſaid to him, if it was once condeſcended unto, and either given by him, or gotten from him. But howſoever theſe Reports go, the King is juſt as he is honourable; and though he was inclined to mercy (for ſo the Biſhop of *Lincoln* had found it, if he had ſought it ſeaſonably) yet now you ſee, there is cauſe, and juſt cauſe of cenſure, and in a very high nature of deſert in him to be ſentenced by this Court.

‘Now for the nature of the cauſe, the ſeveral charges of the proofs, and the defences alſo that have been by the Lord Biſhops Council, hath fully and amply been opened by the two Lords Chief Juſtices, and if I ſhould attempt any thing this way, it were but needleſs labour to my ſelf, and would breed a tedious troubleſomneſs to your Lordſhips, *dictum dicere* would be all, when I had ſaid all.

‘I leave to meddle with the manner of the proceedings, and muſt give Mr. Attorney a great and large Commendation, and Mr. Sollicitor alſo for their wiſe ſtating of the Cauſe, and for their wiſdom, wit, temper, and patience in the proſecuting of the ſame.

‘The matter is ill, and howſoever it perhaps be not ſubornation of Perjury, yet to tamper with Witneſſes, to threaten, deter, afright, corrupt or to ſilence, or abſent thoſe that are to witneſs a truth, and to give evidence in a Court of Juſtice are *ejuſdem naturæ*, a very foul Crime and a moſt odious and deteſtable Fault, in any man of what condition ſoever he be: and if theſe things be ſuffered and may go unpuniſhable, no ſtate can ſtand, and it deſtroys the intereſt of *meum & tuum*, and no man is ſure of what he holds, or can ſay whether he hath an eſtate or no.

‘It's a point that ruins all right, and is the utter Enemy and Subverter of all Juſtice, and muſt needs overthrow any State, where it is not weeded out and prevented by ſevere *Animadverſion* and corrections when it happens to be found out.

‘*Eirſt*, It deſtroys *Maximum Mandatum* the great Commandment given by the great Lawgiver, God himſelf, *Thou ſhalt not bear falſe witneſs*; In the fifth of *Leviticus*, if a man know a truth he is not to conceal it; nay, he is to witneſs it.

‘In the 23*d*. of *Exodus*, a man is not in any caſe to bear unjuſt witneſs, and ſo in the ninth of *Deuteronomy*, it is in *Criminalibus*, and he that did bear falſe witneſs was to ſuffer *per legem Talionis* that ſame puniſhment and loſs, which by his falſe Teſtimony the other Party had undergone.

‘In all the time that paſſes from the Creation of the World until the Law, I do not find that the Holy Ghoſt once made mention of any, that attempted in this way. I find no ſhadow nor overture of any ſuch Crime; the corruption of nature had not then grown to the height, and ſo over-flowed the Banks, as to break out ſo outragiouſly, and produce any ſuch ill diſpoſed perſons.

‘Inſomuch as I find not any tract, no *veſtigium* of the like preſident for obove 3000 years, and the Fathers of the Church upon that place, where it is ſaid, *out of the mouth of two or three Witneſſes ſhall every thing be juſtified*; they deſcant upon it, why two or three Witneſſes in matters of conſequence? Becauſe, ſay they, ‘ſo many ſhould not be ſubject to be tampered withal, being they might be of ſeveral tempers, ſeveral conditions, and ſo the truth might be had by ſome of them, if not by all.

‘And for a long time I read of none, but of the devilliſh practice and leading piece of impiety ſet on foot by *Jeſabel,* for what cauſe, and how proſecuted, you all well know, and what ſhe was, how ſhe ſped, and what end ſhe made is recorded to poſterity. Yet (my Lords) I pray you obſerve and note with me, how warily the Holy Ghoſt goeth about in the ſetting out of this Fact, and the paſſages therein in the *21ſt.* verſe, as if the Spirit of God was unwilling to diſplay and diſcover the heinouſneſs of this Monſter hatched by this vile Woman; as if he would not have it ſeen, he ſhadows it forth in a low ſtream, that there came in two Sons of *Belial* and ſaid, *&c.* As if the Original of this odious practice was not rooted in humane nature, but took his birth from Hell, it came in with two Sons of *Belial* in the Devils name.

1 Kings ca.21.

‘Well, afterwards ſuch a Tutor could not want apt Scholars, and, as Saint *Paul* ſaith in another caſe, *when I come to ſpeak of it after the manner of men,* I find it then practiſed, and that (with a witneſs) *it outfaced the God of truth,* though truth it ſelf muſt not be trodden under foot; but this engine fetched from Hell, muſt be planted to defeat the Counſels of God Almighty. They found out and hired falſe-witneſſes againſt Chriſt himſelf, who they were you know, Mark 14. 55. *The Chief Prieſts and the Elders, and all the whole Councel ſought falſe witneſs againſt Jeſus to put him to death;* and after Chriſt *Stephen* had the ſame meaſure, *Acts* 6.11. *Then they ſuborned men, who ſaid we have heard him ſpeak blaſphemous words againſt God and againſt* Moſes.

‘Thus amongſt thoſe ſtiff-necked and hard-hearted *Jews*, the fault was in uſe when ſin and iniquity grew ripe, and, as the *Prophet* ſaith, *Faith and truth could ſcarce be found amongſt mortal men;* but the ſubverſion and deſtruction of their City follows, and there comes in the Government of a Warlike Nation and People, the *Romans;* amongſt whom I find ſome Laws made againſt falſe witneſſes, and thoſe very ſevere ones.

‘Beſides other Laws, in the Law of the twelve Tables there is a ſtrict Law confirmed againſt it; and theſe twelve Tables were not made by any mean advice or perſons, but by the perſons of a powerful Council and the *Decemviri:* That he that was found faulty in this notorious Crime, he was to be thrown down a ſteep high Rock, to have his Bones ſhivered all to pieces, *e Monte Tarpeio,* or *e Saxo Tarpeio;* afterwards the Law-givers purſued this fault with baniſhment and confiſcation of Goods, *Confiſcatio bonorum fiat & puniatur uti pro Crimine falſi.*

‘Within thoſe times was a heavy and moſt ſevere puniſhment, whereby their Poſterity alſo was branded with the fault of them that went before them.

‘In the ninty fifth *Council* I find a courſe ſet down for the prevention of this Crime, and a puniſhment ſet for the Offendors therein.

‘And in later times *Bartolus* often meets with it, and goes very preciſely and exactly in the caſe, that if ſo be it be found in any man, ſo much as an overture of tampering with Witneſſes, it is Cen-

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ſurable; *reus eſt*, he is guilty, though he effect not his purpoſe, if he menace, threaten, or deter a Witneſs. And ſo, my Lords, ſhall I do, though he but barely attempt to ſmother, deter, or hinder any Witneſs, when he is to give his Teſtimony; be it by words, looks or actions, promiſes or threats, it comes much to one in my opinion upon the matter.

'Now, my Lords, to come unto the Laws of the Church, if we peruſe the *Canon* and *Eccleſiaſtical Law*, there we ſhall often in every age, have ſomewhat or other ſtill eſtabliſhed againſt it.

'In the *Canon Law* the ſecond part of the *Decretals*, if any man ſhall be a ſuborner of Witneſſes, *Etiamſi inſtigatus aut compulſus a Domino*, if he bring a falſe teſtimony (though he be even enforced to it by his Superior Lord, Governor or his Maſter) deliver him over to Excommunication, *& ſic maneat uſque ad exitum vitæ*, and ſo he muſt ſtand and remain in that ſtate and caſe during term of life. A grievous thing, and a moſt heavy burthen, the ſentence of Excommunication is to an Offender, though now in theſe looſer times it be ſlighted and little ſet by; yet in caſes of this nature when the offence is ſo high and tranſcendent, and of condition tending to the ruine and condemnation of the ſoul, the party at that time, and for that preſent, even Dallying, Mocking and abuſing of God to his very face, to be left void of the Communion of Saints, to be bereaved of the benefit of being a member of Chriſts Flock, and cut off from that holy body the Church, I think that no man is in a worſe and a more miſerable eſtate, and more to be pitied, if he be inſenſible of it himſelf.

'To come to the firſt Council of *Macedon*, the ſeventeenth *Canon*, *Si ſit ille inter falſos juratores, reus eſto*. And what is he guilty of? Of no ſmall matter. Ranked and ranged in the degree and place of a Murtherer *& cum homicidis*.

'Nay, he is worſe than a manſlayer, for he that kills a man deſtroys but one, and that but the body neither, for he cannot any ways infringe the union of his ſoul that it had with his Maker. But he that goes about to ſuborn and procure falſe witneſſes; he at one time deſtroys two Souls, both his own, and the ſoul of him that he ſo in that kind intermedles withal; and unleſs he be rejoyned again by the renewing of Faith and ſerious and hearty repentance, he ſets both their ſouls and God at odds.

'Afterwards you find it in the Weſtern parts of *England*, and in *France*, in the ſeventeenth Council of *Agatha* you have a tamperer with Witneſſes adjudged to death (even in the time of *Alexicus*, who was no better than a Barbarous *Goth*) this Crime was diſallowed, made horrid, and held ſeverely to be puniſhed.

'You may find it in St. *Auguſtin*, who lived about ſome 400 years after *Chriſt*; and indeed he moſt excellently ſets it out in his 28*th Sermon, de Nativitate Domini*, either he had it out of that Council, or the Council out of him, being much what both at one time and in one age.

'Some parts of *Greece* I find did affect and patronize Lying, but *Tully* wittily guirds them for it, ſaying, they were not wiſe to countenance folly; yet I find that *Ariſtotle* in his *Rethoricks* concerning the Interrogatories to Witneſſes, gives admirable rules, and ſuch as (though ſhort) comprehends the moſt-what of the ‘moſt ſetled and the wittieſt, and the ſafeſt ways uſed now adays in that kind, *lib.* 2. *Rhet.* you may read the ways of prevention herein by him ſet down.

‘And to come into our own Country about the year 1224, in the Reign of King *H.* 3. and your Lordſhips know, that it was a troubleſome time; yet I read that *Stephen Langley*, my Predeceſſor, (then Arch-Biſhop of *Canterbury*) called a Council to be held at *Oxford*: the main buſineſs was for the reformation of two points; the one was concerning Marriage, the other concerning *Exheriditation*, *&c.* where I find a foul penance inflicted and ſet out for him, that ſhall either bear falſe witneſs by himſelf, or procure it in another.

‘For he that is a tamperer this way, he is guilty of no ſmall Crime doing, doing (at the ſame time) wrong to three of the greateſt Perſons in the World, *viz.* 1. To God. 2. To the King. 3. To the Innocents.

‘*Firſt*, He manifeſtly wrongs God by a notorious contempt, by a very ſlighting and vilifying his Omniſcience, Omnipreſence and Omnipotency.

‘He robs God of that which is his very eſſence, for God is truth, (and who dare thus out-face Gods truth!) and wittingly deviſeth and practiſeth to lay it aſide and keep it from the Light; I find him in very nature to be abhorred and held unfit for humane ſociety. *Ariſtotle* himſelf in that glimmering he had of Divine Learning, deciphers ſuch a one, and ſets him out by theſe very Characters: he muſt be one *qui pietatem non curat*, a man that matters not at all for Piety; he muſt either deny the Deity, or elſe think he can eſcape the reach of the Celeſtial Powers, ſuch a one *qui putat ſe latere Deo*, he is able to ſkulk on the one ſide, and abſent himſelf from the hand of God at his pleaſure.

‘*Secondly*, In the next place, another great Perſon (unto whom he doth injury) is the King, whom he plainly cheateth to his Face, and wrongs in the very Seat of Juſtice, even forcing his Officers, the grave and learned Judges, will they nill they, to do Injuſtice: for if the Witneſſes be ſuborned and give in falſe evidence the Jurors cannot come near the truth, and the Judges muſt needs Enact, Order, and Sentence what otherwiſe they neither would, nor ought to have done.

‘Laſt of all, the third Perſon that is wronged *in conſpectu Dei*, is a perſon of no ſmall eſteem, the Innocent (one many times little enough eſteemed, God knows, in the eye of the world, but gracious and great in the ſight of God,) and he is alſo moſt ſhamefully wronged and abuſed; nay, perhaps undone by the indirect practiſes of thoſe falſe Witneſſes. Some-times his Perſon is traduced, his Fame and Credit either ſtained or elſe quite taken away, or ſo ſhaken that it's a ſhy matter to deal with him: another while his Eſtate, his Birth-right is wreſted from him, or elſe withdrawn, and for a time with-held from him: one while his Goods, another while his Lands, a third time himſelf is at ſtake; ſo Life, Lands, Goods, and All are in danger: well though ſuch Witneſſes be againſt him, his plea is never a whit the worſe in *Foro Cœli*, his Inheritance is laid up amongſt the Saints, *Teſtimonium ejus eſt in Cœlis*, *doubtleſs there is a reward for the Righteous*, An. 1637. '*verily there is a God that judgeth the Earth, for there is nothing hid which ſhall not be revealed.*

'And thus, my Lords, have I ſaid what I thought fit, though not ſo much as the Crimes deſerve, for my time being ſcanted, I have laid it out (though roughly) yet ſo as it may eaſily be ſeen of what a vile nature this cankered and peſtilent Weed is, and from whence it had its original, and how odious and deteſtable it hath been to all ages, how dangerous the effects be that proceed from it, and therefore how carefully it ought to be lookt unto, and ſuppreſt in all Common-wealths.

'I ſhall make my word good in my brevity concerning the laſt thing I am to perform, and ſhall paſs over the Sentence very ſpeedily; to make any repetitions were but *Actum agere* (as my Lord of *London* ſaid) therefore I will be ſhort.

'I find much tampering and ſtriving by my Lord Biſhops Agents for to ſuppreſs and decline a truth.

'I wonder that *Lake* ſhould be ſent to the Univerſity of *Cambridge* preſently to take the Degree of Doctor, and that they would let him paſs.

'I cannot commend *Moſteon* (though otherwiſe a very civil and deſerving man, and I think very true and truſty to His Maſter) yet to be preſent when a Blank is put up, and an *Affidavit* to be made to a Blank by his privity and in his preſence, this is not honeſt; he might have done well to have diſallowed the proceedings, or at leaſt not been preſent, and have countenanced the ſame. And *Walter Walker*, though he be a Solliciter, and muſt and ought to follow the Cauſes he undertakes, with as much skill, induſtry, and advice as he may, yet he might have been aſhamed of this *blank Affidavit*, and he ought indeed to have ſuppreſt it.

'If *Walker* had been a good Servant it had gone better with the Biſhop, than now it is like to do: and if *Walker* do eſcape ſetencing it's more by hap than skill, more by luck than honeſty. I find him to be a very arrant honeſt man in all the buſineſs, and my Lord Biſhop is a very miſerable man, thus to defend *Pridgeons* good name, with the loſs of his own.

'*Catlin*, he muſt have a Living given him, and well he deſerved it, but as yet he had not plaid his part to the full, and therefore ſtay your hand (my Lord ſaith *Walker*) till the buſineſs be done. A manifeſt plain proof that there was ſome uſe to be made of this cunning and crafty Fellow, to countenance the buſineſs in hand. And I can ſay no leſs, than that I find *Catlin* to be a very lewd man, a very Incendiary, and truly to be parallel'd with that *Catlin* of *Rome*, againſt whom ſo many learned and eloquent Orations were writ, by *Cicero* that famous Orator.

'For *Lunn*, let him go on in Gods Name, to be put off from the place and offices that he hath; and for *Powel* I could go deeper than any before me hath yet done, who proſecutes an unjuſt act ſo long, ſo oft, and never repents of it.

'For *Kelverts* affronting of my Lord Biſhop in that manner he did, I muſt ſet that, and the Biſhops offering to be preſent at the examination of the Witneſſes, both in one diſtance, and they may very well the one of them quit the other; and I muſt commend *Kelvert*, or any man elſe that ſhall go on in the Kings buſineſs, 'and concerning ſo great a matter; for if he had gone on piningly, faintly, and cowardly have put his head in a hole; if he had by my Lords preſence, and by the terms he uſed, gone ſheepiſhly on in his buſineſs, the matter might have failed. Some of your Lordſhips have condemned him for his bold carriage toward a Biſhop in his own Dioceſs, but I cannot, for my Lord and his paſſions were more to be condemned. A temper would better have befitted him, and indeed he ought not to have given any ſuch occaſion, and therefore it may be ſaid, *Etiamſi ego dignus ſum hac contumelia, indignus tamen qui fecerit*, I paſs that by as to be excuſed, by reaſon of the weightineſs of the matter.

'For the gaining of Papers from the Council Table, I find my Lord Biſhop had them long enough in his cuſtody, and they were returned unſealed; and I do find that he proceeds to counterproofs directly, according as he was informed by theſe Papers, which in my mind ſhews apparently that he both had them and peruſed them.

'For Sir *John Mounſon*, the King is wounded through his ſides, I have known him a long time, and I never knew nor heard any thing of him but good, and therefore do hold one thouſand Marks little enough for reparation of his Credit, who did nothing but that which was his duty, and belonged to his place.

'Now for my Lord Biſhop of *Lincoln*, truly I am heartily ſorry to do that which I muſt do, both by reaſon he is of my own Coat, and alſo by reaſon of the place he hath in former time ſuſtained in this Court amongſt your Lordſhips, and in this Common-wealth, but I muſt not forbear to do that which my Conſcience leads me unto, and leſs I muſt not do than for to diſcharge that as I ought to do.

'Wherefore I ſhall agree with my Lord *Cottington* and the reſt that have gone before me in the fine of 10000 *l.* to His Majeſty; and likewiſe for his impriſonment in the *Tower* during the Kings pleaſure, as alſo to be ſuſpended from the exerciſing of his Eccleſiaſtical Function, *tam a Beneficiis, quam Officiis*, and to be referred over to be proceeded againſt in the High Commiſſion Court, as the merit of his offence ſhall deſerve.

The Lord Keeper *his Speech.*

'THis Cauſe, my Lords, is a Cauſe of great conſequence, and it is a very foul matter, though I muſt needs ſay the defences that hath been made in it, hath been very fair by Mr. *Recorder*, and the Councel on my Lord of *Lincoln*'s behalf.

'*Moſtein* I muſt acquit, for *Catlin* I came reſolved to Cenſure him for Perjury; but ſeing the Court lets him paſs, I ſhall not ſentence him, though he is a very notorious Actor, and had a hand in that *Blank Affidavit*, and help'd *Smith*, and countenanced and directed him what to ſwear, and what to let alone.

'All my Lords actions (for which he is much to be blamed) are ſubſequent to that *Affidavit*; I muſt do my duty, and diſcharge my Conſcience, and ſhew my love to the common good, (what

'ever

An. 1637. ‘ever my private wiſhes are) that things had not faln out thus with ‘my Lord as they do.

‘I ſhall divide all into two parts, ſome things I hold faulty, and ‘ſome I ſhall not Cenſure; I ſhall not Cenſure Mr. *Kilvert* for his ‘unmannerlineſs, though the affront was great to a Man of his ‘Place in the Country, where he was Biſhop of the Dioceſs, and ‘in the chief Seat of his Juriſdiction. Mr. *Kilvert* might have ‘forborn him ſomewhat in that reſpect; but the cauſe being of that ‘high nature, and concerning them it did, he had ſomewhat the ‘more reaſon to be the more confident and bolder in the proſecution ‘thereof than ordinary, and for that concerning Sir *William Beecher* ‘I find no proof of it.

‘I find that *Lunn*, *Tubb*, and *Wetherel*, were tampered with-‘al, but I cannot find my Lord Biſhop faulty with them: For ‘*George Walker*, I find him Cenſurable; and ſo is my Lord alſo ‘himſelf in other matters, as will appear when I ſhall come at ‘them.

‘I find by the Proof of two Witneſſes, that my Lord confeſs'd ‘himſelf, that it coſt him 1000 *l.* or 1200 *l.* to bolſter up *Prigeons* ‘Reputation, and to do this he falls into error concerning the Order ‘made by Sir *John Mounſon*; that muſt be ſuppreſt, and I know ‘not how ſo much Money ſhould be expended, but upon ſuch cour-‘ſes as were uſed with *Smith* and *Catlin*.

‘*Catlin* told *Smith* he ſhould be made by it; ſo that the Order ‘muſt be to undermine the Witneſſes, and get them to vary from ‘what they had formerly ſworn before the Juſtices at the publick ‘Seſſions. I know that Men in Caſes of this nature do not bluntly ‘promiſe this or that; but I find *Walker* goes about by Queſtions at ‘firſt a-far off, and then comes cloſe to inſtruct *Smith* what to ‘ſwear; and Rewards are not behind, neither do I conceive in ſuch ‘Caſes, that there are ever two Witneſſes to be expected, but as ‘my Lord Chief-Juſtice of the *Common-Pleas* explained it, *ſingu-‘laris Teſtis*, ſhall induce me to believe a Truth in ſome Caſes, ‘and it muſt of neceſſity, when Circumſtances concur with the ‘ſame.

‘So that whatſoever Mr. Recorder ſaid, the return of that Order ‘made by the Juſtices was *coram non Judice*, it matters not with me. ‘The Witneſſes knew nothing of the queſtionableneſs of the Pro-‘ceedings, but went on the way their Conſciences at that time led ‘them: Now for my Lord Biſhop of *Lincoln* to ſeek to diſhearten ‘them, to terrifie them by Threats, and ſeek otherwiſe after by ‘Rewards and Promiſes to ſubvert, (or at leaſt) to divert the Cur-‘rent of Juſtice, I know not how to excuſe them, but that he is ‘much too blame to give ſuch ill Names and diſgraceful Titles to an ‘Order made in Court, as to call it a *Pocket Order*, thereby bringing ‘an *Odium* and defamation upon the Juſtices, who proceeded as ‘they ought, and in open Court, as appears by Doctor *Farmary*, ‘and by *Aſcot*, who had both of them a hand in it, (as I take it) ‘as well as Sir *John Mounſon*, and therefore their Credits muſt be re-‘paired alſo.

‘For *Alice Smith*, ſhe was tampered withal by *Owen* and *Powel* to ‘ſalve up *Prigeons* Credit; and after that ſhe had taken one Oath ‘before the Juſtices, then (for the preſent the Commiſſion to be 'ſat at *Lincoln*) ſhe is taken and withdrawn out of the way, and 'hath Rewards given her, (as is apparent) either to deny, or alter, 'and vary from what ſhe had ſworn before. She had 5 *l.* offered her 'to perſwade *Elizabeth Hodgſon* to lay the Child to another Father; 'and then afterwards it was given her to perſwade her to lay it to 'the right Father; and yet here is no falſe Oath, but may be true, as 'I can inſtance that a Depoſition may be made by a Party that may 'ſwear two things that are contrary, and yet the Depoſitions of 'both of them may be true.

'And yet an Attainder hath been upon the like; now upon an 'Attainder the puniſhment is great, he loſeth his Freehold, and 'Goods, all are forfeited to the King, his Houſes are to be razed 'down, Meadows plowed up, and Woods to be felled, and he him'ſelf to be impriſoned or baniſhed, his Wife and Children to be 'turned out of all.

Fitz-Herb. Natura brevium lib. 10.

'So in another Caſe, one hath a hold from an Abbot, and a Rent 'is due, as *Foſter* in Fee he holds *jure Rectoriæ*, and it's ſworn he 'had Common, time out of mind: And if the words *jure Rectoriæ* 'be not expreſt, all may be true.

'In this Caſe of *Alice Smith* it may be queſtioned what Money 'was promiſed, 5 *l.* to what end? to ſwear that ſhe was moved to 'get the Child laid to another: Well, afterwards ſhe muſt ſwear 'that it was to lay the Child to the right Father, Mr. *Valentine* and 'Mr. *Powel* ſhewed her the Interrogatories, ſhe muſt ſwear againſt 'the firſt Order, and Mr. *Valentine* ſaid his Heart trembled at the 'Queſtions.

'There is much cunning in this way of tampering with a Witneſs, for my Lord Biſhop asks them leading Queſtions, by which 'they have Inſtructions what, and how far to ſwear.

And *Prigeon* tells *Richardſon*, that if he could get the Order al'tered, he might do the Biſhop ſpecial Service.

'Now it may be, ſaid he, may not a Man meddle, nor queſtion 'with a Witneſs? yes, but with certain limitations, for elſe, if the 'Witneſſes be made and corrupted, the Jurors and Judges both of 'them may be abuſed; and if that Witneſſes may be led and in'ſtructed by Queſtions, or the like, it comes all to one as Suborna'tion.

'A Sollicitor may warn Witneſſes to come in, he may incite them, 'and enforce them, and one as well as the other: but for a ſtranger to 'labour a Juror or a Witneſs, is not ſo allowable. But a Sollicitor muſt 'not inſtruct a Witneſs, nor threaten him, nor carry Letters to him, to 'induce him this way, or that; yet he may diſcourſe with him, 'and ask him what he can ſay to this or that Point, and ſo he may 'know whether he be fit to be uſed in the Cauſe or no: by which 'means this Court is freed from the labour of asking many idle 'queſtions of the Witneſſes to no end, if they can ſay nothing to 'them, and ſo ſpend good time to no end nor purpoſe; yet he may 'not perſwade him, or threaten him to ſay more or leſs, than he of 'himſelf was inclined unto, and was by his Conſcience before-hand 'bound to deliver as truth.

'The term in Law is called *Embracery* of a Jury, *Amplexus*, to 'curry favour, when one hugs them, and houſes them in their Arms 'to procure reſpect unduly to their own ends; you have it men-

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‘tioned 13 *H.* 4. & 16. when there is a leading of a Jury 22 *H.* 6. whereupon it hath been ordered, that in Caſes which have any relation to great Perſons, who uſually are on the Bench, they are upon Tryals to abſent themſelves, and not to be in preſence of the Bar.

‘And as my Lord Chief-Juſtice of the Common-Pleas well inſiſted upon in this Caſe, the countenance of a great Man, and one that is powerful in the Country to do a poor Witneſs harm in another way upon any other occaſion, when it ſhall come to his turn, and occaſion be offered for him to do it; the very looks I ſay of ſuch a Man is able to put the Witneſs off from what he was reſolved to ſpeak, and daſh him out of countenance, that he will either, for fear that ſuch a Man ſhall take diſlike at him, or for hopes of much favour with him, and to gain his good will, ſpeak ſparingly of the matter in hand, at leaſt if he do not altogether decline another way in his words to that which he in his Conſcience knows to be the very truth.

‘So that in the Point it is plain, that when a Man ſhall alter the Teſtimony of a Witneſs, and cauſe him to decline from the truth, whether it be by threats, promiſes, or rewards, it hath ever been much diſallowed, and he that attempts the ſame is cenſurable, though perhaps he effects it not.

‘Now, my Lord, to come to the Cenſure, for I have been ſomewhat the more bold upon your patience, than I would otherwiſe, becauſe I would have it appear how far one may, and wherein one may not tamper, or meddle with Witneſſes, which thing is the main matter in this Caſe we have had ſo long in hand; for had not my Lord Biſhop moved this way, I ſhould not have found matter in this Bill to have ſentenced him at all.

‘But for to juſtifie *Prigeons* Credit, and to make him ſtand upright, and to clear the reputation of him, and others, ſo much Money is ſpent, and theſe unjuſt and undue undertakings have been made by my Lord of *Lincolns* Servants, and his Agents, to tamper, ſeduce, and withdraw the Witneſſes aſide againſt the Laws of God and Man, and to the very overthrow of my Lord himſelf.

‘For *Cadwallader Powel* it’s plain all the way what he did, and in what undue courſes he ſought to ſuppreſs the truth; I ſhall agree with your Lordſhips for him in his Fine, and do Cenſure him at 300 *l.* Fine; and for *Owen*, I ſhall alſo agree with you in his Fine of 300 *l.* alſo for *Lunn*, I could go deeper, and ſet him a greater puniſhment than your Lordſhips have, but do agree with you in his Fine of 1000 Marks, and to be diſabled from being in any Office or Practice hereafter in his Profeſſion, or in any other Court.

‘Now for my Lord Biſhop of *Lincoln*, truly I am heartily ſorry for him; but *ex ſe cadit*, he is the cauſe of his own overthrow, *Et ruit Roma viribus ſuis*, no Man hurts him but himſelf. I think of him as a great Perſon, and more to be pitied for that he is a Church-man, and in ſo eminent a Rank as a Biſhop, and none of the meaneſt of that Dignity: and as my Lord of *Canterbury* ſpoke, that it was the more grief to him to paſs Sentence in ſo deep a manner upon him, by reaſon he was of the ſame Coat; ſo, my Lords, I cannot but be ſenſible of his precedency to me in that place I 'now undergo by the favour, and at the Pleaſure of the Kings Majeſty, my honoured Maſter.

'For a Man of his Wiſdom, of that Experience, and having 'ſeen the various Changes of Times, and of ſeveral Mens Fortunes, lived in that eminency, and ſo well-literated, to ſeek his 'own overthrow, to ſupport and maintain the reputation of another, is a thing not to be ſo much as dreamed on, or could be once 'thought upon, that ſuch weakneſs ſhould ever faſten and take 'place in a Perſon ſo well-guarded and accompanied with Vertues 'and commendable Qualities, as my Lord Biſhop was ever eſteemed to have.

'And for a Church-man, whoſe Profeſſion is to ſupport Mens 'Conſciences in the right way, and for to reduce them into it when 'they ſhall chance to err, for him to be a ſeducer of the Conſcience, 'is a fouler and worſe ſtain in him than in another.

'But when to that Sacred Calling (the Profeſſors whereof are 'ever to be had in reſpect) ſhall be added another Charge, and 'care by the favour of the King, to become a Judge, and a Judge 'of that great Court of *Chancery*, where Equity and Conſcience 'give the very denomination of the Court; to be advanced to this 'eminency is a thing of great conſequence, and to be admitted to 'this Place is a ſign of great Truſt repoſed and placed in that Servant by his Maſter. Now I cannot, my Lords, but be heartily 'ſorry, and very much pity, that a Church-man, and Biſhop, and 'one that hath been a Prelate, and eminently Dignified for the 'ſpace of this 16 or 17 years at leaſt together, ſhould ſo groſly be 'overſeen in the countenancing and cheriſhing ſuch foul Crimes: 'Nay, a Man that had born the great Seal of *England* before two 'ſuch great Kings, and been highly graced with ſo many large Teſtimonies, and remarkable Favours from them both, to uncaſe 'himſelf of all thoſe, and that at once, and for ſo ſmall a matter, 'ſo little really in it ſelf concerning him, I cannot but wonder how 'he ſhould fall into ſuch an error, and more pity his misfortunes 'to ſee him ſo much his own Enemy.

'But as it hath been obſerved by you all, he hath overthrown 'himſelf: And therefore I muſt do my duty, and proceed to his 'Cenſure alſo, as I have in the reſt; *vincat veritas & fiat juſtitia.*

'I ſhall agree with my Lord *Cottington* for his Fine to the King 'in 10000 *l.* and ſo I do alſo with my Lord *Cottington* for his Impriſonment in the *Tower* during His Majeſties Pleaſure.

'And withal to be ſuſpended from all his Eccleſiaſtical Dignities, 'Offices, and Functions, and in all with my Lord *Cottington*, *ab* '*Officiis & Beneficiis*, and to be referred to the High Commiſſion 'for the reſt.

This Biſhop of *Lincoln*, (once a great Miniſter of State) wreſtled through theſe difficulties and cloſe Impriſonments; was at laſt ſet at liberty out of the *Tower*, and called by the Kings Writ to ſit in the Houſe of Peers, and after that was advanced by the King, and reſtored to all his Eccleſiaſtical Dignities and Functions.

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July 1637.

THe Licenſing of all new Books was at this time in the power of the Arch-biſhop of *Canterbury* and his Subſtitutes and Dependents, who uſed that ſtrictneſs, that nothing could paſs the *Preſs* without his or their *Approbation*, but the *Authors*, *Printers*, and *Stationers* muſt run a hazard of ruine. But leſt the Printers (being thus reſtrained) ſhould fall to the re-printing of old Books of Divinity formerly Licenſed, this Decree was made in the *Star-Chamber*, That no perſon ſhall preſume to print any Book or Pamphlet whatſoever, unleſs the ſame be firſt licenſed, with all the Titles, Epiſtles, and Prefaces therewith imprinted, by the Lord Arch-biſhop of *Canterbury*, or the Biſhop of *London* for the time being, or by their appointment; and within the limits of either Univerſity by the Chancellor or Vice-Chancellor thereof; upon pain that every Printer ſo offending ſhall for ever thereafter be diſabled to exerciſe the Art of Printing, and ſhall ſuffer ſuch farther puniſhment, as by this Court, or the high Commiſſion, ſhall be thought fitting, that before any Books imported from Forreign Parts ſhall be expoſed to ſale, a true Catalogue thereof ſhall be preſented to the Arch-biſhop of *Canterbury*, or the Biſhop of *London*. And that no *Officers of the Cuſtom* ſhall deliver any Forreign Books out of their Hands and Cuſtody, before thoſe Biſhops ſhall have appointed one of their Chaplains, or ſome other Learned Man, with the Maſter and Wardens of the Company of Stationers, or one of them, to be preſent at the opening of the Packs and Fardels, and to view the ſame. And thoſe that diſobey this Injunction, are to be Cenſured in this, or the High Commiſſion-Court, as the ſeveral Cauſes ſhall require. And if in this Search there happen to be found any *Schiſmatical* or offenſive Books, they ſhall be brought to the aforeſaid *Biſhops*, or the *High Commiſſion-Office*, that the Offenders may be puniſhed. That no Perſon whatſoever ſhall imprint in the Parts beyond the Seas, or import from thence, any *Engliſh* Books, or whereof the greater part is *Engliſh*, whether formerly Printed or not. And that no Books whatſoever ſhall be re-printed, though formerly Licenſed, without a new Licenſe firſt obtained, upon pain of like Cenſure and Puniſhment. And that if any Perſon whatſoever, that is not an allowed Printer, ſhall preſume to ſet up a Preſs for Printing, or work at any ſuch Preſs, or Set and Compoſe Letters for the ſame, he ſhall be ſet in the *Pillory*, and *Whipt* through the City of *London*.

After the making of this Decree Mr. *Fox* his Acts and Monuments, (called the Book of Martyrs) Biſhop *Jewels* Works, and ſome parts of Dr. *Willets*, with others, formerly publiſhed by Authority, were denyed new Licenſes; as alſo the *Practice of Piety*, which had been re-printed 36 times.

Auguſt 18. Complaint that the Biſhops in *England* kept Courts in their own Names, without a Patent from the King.

AT this time the Eccleſiaſtical Courts, exerciſing their Power ſeverely againſt the *Puritans*, fell under the weight of a general envy and diſlike, and were ſpoken againſt by many, as an incroachment upon the Kings Prerogative contrary to Law, becauſe they were held in the Biſhops Names, and without a Patent under the Great Seal of *England*. And in regard of divers late Pamphlets publiſhed to that purpoſe, the King was pleaſed by Proclamation to declare the Right, and vindicate the Proceedings of the Eccleſiaſtical Courts and Officers. That the Judges being required to give their Opinions, had certified, that Proceſs may iſſue out of Eccleſiaſtical Courts in the Name of the Biſhops. That a Patent under the Great Seal is not neceſſary for the keeping of Eccleſiaſtical Courts, the enabling of Citations, Examinations, Suſpenſions, and other Cenſures of the Church. That it is not neceſſary that Proceſſes Eccleſiaſtical, Inſtitutions, or Inductions to Benefices, or correction of Eccleſiaſtical Offences in thoſe Courts, be in the Kings Name, or under his Seal, or that the Seals of their Office have the Kings Arms. And that the Statute of the firſt of *Edward* the Sixth, that enacted the contrary, is not now in force. That Biſhops, Arch-deacons, and other Eccleſiaſtical Officers, may keep their Viſitations without Commiſſion under the Great Seal of *England*.

The King, by Proclamation, vindicates the Right of the Biſhops in ſo doing. The Judges Opinions therein.

IN the Year 1632. the Lord *Weſton*, being then High Treaſurer of *England*, ſent for the Maſter and Wardens of the Company of *Vintners*, and demanded of them, in the vent and conſumption of Wines, one Peny a Quart, which is 4 *l. per* Tunn, which they utterly refuſed, alledging it would be the utter undoing of the retailing *Vintners*.

The Company of Vintners Caſe as to the payment of 3000 *l. per Annum* into the *Exchequer*, for Licenſe to have liberty to dreſs and ſell Victuals in Taverns, and Wines above the Rates propoſed.

Whereupon a Decree was made in the *Star-Chamber*, That the Retailers of Wines ought not to ſell or dreſs Victuals in their Houſes, which (time out of mind) they were accuſtomed to do; and this was done without any Information or Bill, or any called to defend or juſtifie their trade or uſage of it.

In *Anno* 1634. His Majeſty queſtioned the *Vintners*, and Retailers of Wine, for the breach of the ſaid Decree; but to evade their Cenſure they yielded to lend His Majeſty 6000 Pounds; whereupon His Majeſty did, by His Order, give way to the Retailers of Wines to dreſs and ſell Victuals till *December* next following; at which time his Majeſty promiſed to ſettle it ſo as he thought fit for him to Sign, that was to have the *Vintners* relying upon that Temporary Licenſe, that ſo His Majeſty, by His Declaration, might continue or diſcontinue their power of dreſſing Meat as he ſhould find convenient.

But in *Anno* 1635. the Retailers of Wines were again queſtioned for breach of the former Decree, and the Lord *Cottington* then propounded to them to yield to pay ſomewhat on their vent of Wines to His Majeſty, which the Retailing *Vintners* utterly refuſed to do.

Again, in *Anno* 1636 many Retailers of Wines were by information in Maſter Attorney's Name queſtioned in *Star-Chamber* for breach of the ſaid Decree, and ſo far proceeded againſt, as that they were ſerved with Proceſs of that Court to hear Judgment.

But while things were thus depending *Richard Kilvert* repaired to Alderman *Abel*, (the Maſter of the Company, and a meer ſtranger to Mr. *Kilvert*) and told him, that His Majeſty commanded him to proſecute the *Vintners* in the *Star-Chamber* for ſelling above the price, and breach of the Decree for dreſſing of Meat.

An. 1637.

In *October Anno* 1637. at *Vintners-Hall London, William Abel* Alderman being then Maſter of that Company, imparted to the Company, That Mr. *Richard Kilvert* had been lately with him, and acquainted him with the former Paſſages.

At this Court the Company of *Vintners* taking their Buſineſs into their ſerious Conſiderations, and weighing how they might hazard the utter undoing of ſuch as had tranſgreſſed the Decree, if they ſhould be brought to a Sentence in *Star-Chamber*; they ſubmitted to the payment of 40 *s. per Tunn*, 4 *l.* being demanded; and ſo they, (the Company of *Vintners*) together with the *French* and *Spaniſh* Merchants, contracted by Indenture *Quadrupartite* with His Majeſty, to pay Him 40 *s. per Tunn* on all ſuch Wines as they bought and vented, foreſeeing what great hindrance it would be to them, if ſtrangers ſhould come in and ſearch their Cellars, and know the Particulars of what they had bought and ſold; the Company therefore, to prevent many Inconveniences, deſired rather to Farm the Duty from His Majeſty; and His Majeſty declaring, That he would not contract with the generality of the Company for the ſame, but with ſome particular Members, the Company did deſire Alderman *Abel*, and *Edward Kinnaſton, Robert Shaw, Ralph Moor, George Hubbart*, and *Michael Gardiner*, &c. Free-men of their Company, to perform the Contract with His Majeſty for the ſame Duty, who took it to Farm at 3000 *l. per Ann.* for eight years.

November 22. 1637. Concerning the Tradeſmen and Artificers within three Miles of the City of *London*, not yet admitted into the new Corporation.

Whereas, upon the earneſt and frequent Complaints of the Inhabitants of the Places, as well within the City of London, exempt from the Freedom thereof, as without the ſaid City, and within three Miles of the ſame, for the great grievance by them ſuſtained, through the Intruſion of Aliens and Foreigners into theſe Places; the King, by His Letters Patents under the Great Seal, Dated the ſecond of June, in the twelfth Year of His Majeſties Reign, did Incorporate ſuch Tradeſmen and Artificers Inhabiting the ſame Places, as had ſerved Apprentiſhips for the ſpace of ſeven Years into a Body Corporate and Politick; and did erect a ſetled Government for the more orderly diſpoſing of Tradeſmen there for time to come, prohibiting all Perſons, after the Feaſt of All-Saints then next enſuing, to uſe, or exerciſe any Trade, Myſtery, &c. unleſs he or they be admitted into the Freedom of the ſaid Corporation: According to which the King did reſolve, in all reſpects, to have proceeded againſt thoſe Offenders, intending to have excluded them from the Benefit of the ſaid Freedom, and from the Exerciſe of Trade within the Places aforeſaid.

But foraſmuch as the King is given to underſtand, that partly by reaſon of the Infection, and out of a miſ-underſtanding of the Kings Intention, People did, for a time, put off their Admiſſion into the ſaid Freedom; nevertheleſs, when the time limited was expired, Multitudes of People reſorted to be Admitted; but coming ſo thick, the Governor, Wardens, and Aſſiſtants of the ſaid Corporation, for fear of Admitting ſuch as were incapable thereof, were enforced to deſiſt; therefore the King doth now declare His Pleaſure, That the Governor, Wardens, and Aſſiſtants ſhall, and may proceed without delay to admit into the ſaid Freedom all ſorts of Tradeſmen and Artificers, as well Brewers, Weavers, Brick-makers, as others, &c.

December 20. 1637. A Proclamation on reſtraining the with-drawing his Majeſties Subjects from the Church of *England*, and giving ſcandal in reſorting to Maſſes.

THe Kings Majeſty finding of late, that ſome of His Natural-born Subjects have abuſed His Majeſties Princely Goodneſs, through the eaſe which they enjoy under His Gracious and Mild Government, by withdrawing ſundry of His Subjects to the Roman Superſtition, and to forſake the Church of England; and likewiſe by reſorting to Maſſes and Service, Celebrated according to the Rites of the Church of Rome, expreſly contrary to the Law of this Realm; for prevention whereof, for the time to come, and for preſervation of Religion, as it is eſtabliſhed in the Church of England, which His Majeſty is reſolved conſtantly to maintain; the King therefore hath thought fit to ſet forth this Declaration of His Royal Will and Pleaſure; and doth expreſly command all Perſons, Clerks and Laicks, that they from henceforth forbear to attempt, to withdraw any the Kings Subjects from the Religion that is now profeſſed. And the King doth Declare, That if any of the Roman Party ſhall, from henceforth, give ſcandal, by Celebrating or hearing of any Maſs or Maſſes, that then His Majeſty will cauſe to be put in execution againſt ſuch Contumacious Perſons, thoſe Penalties, which by the Laws are inflicted.

December 28. Concerning Writs iſſued out for payment of Ship-money.

THe Charge of Sir *William Ruſſel* Knight and Baronet, Treaſurer of His Majeſties Navy, touching the Monies by him received of the ſeveral Sheriffs here under-named, and by them Levied by vertue of His Majeſties Writs Iſſued out of the High Court of *Chancery* in the 13*th* Year of His Majeſties Reign; for and towards the ſetting forth, and furniſhing of divers Ships for the defence of this Realm, and paid over by them the ſaid Sheriffs unto the ſaid Sir *William Ruſſel*, by vertue of a ſpecial Commiſſion under the Great Seal, Dated the 28*th* of *December* in the ſaid thirteenth Year of His Majeſties Reign, *Annoq; Dom.* 1637. and by Order from the Board to be expended and diſburſed in and about the ſaid Service.

A Commiſſion to Sir *William Ruſſel* to receive Ship-money upon the Writs iſſued out *Anno* 1637. to be diſburſed.

Imprimis, The ſaid Sir *William Ruſſel* is charged with the Sum of Four Thouſand Pounds by him received of the Sheriff of the County of *Berks*, for and towards the ſetting forth and furniſhing of one Ship of 400 Tunns for Service aforeſaid.	4000 *l.*
Item, With the Sum of Four Thouſand Five Hundred Pounds received of the Sheriff of *Buckingham* towards the ſetting forth of one Ship of 450 Tunns.	4500 *l.*
Item, With the Sum of Three Thouſand Pounds received of the Sheriff of *Bedford*, towards the ſetting forth one Ship of 300 Tunns.	3000 *l.*

Item,

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Item, With the Sum of Eight Hundred Pounds received of the Major and Sheriffs of *Briſtol*, towards the ſetting forth of one Ship of Fourſcore Tunns.	800 *l.*
Item, With the Sum of Five Thouſand and Five Hundred Pounds received of the Sheriff of *Cornwall*, towards the ſetting forth of one Ship of 550 Tunns.	5500 *l.*
Item, With the Sum of Three Thouſand Five Hundred Pounds received of the Sheriff of *Cambridge*, towards the ſetting forth of one Ship of 350 Tunns.	3500 *l.*
Item, With the Sum of one Thouſand and Four Hundred Pounds received of the Sheriffs of *Cumberland* and *Weſtmorland* towards the ſetting forth of one Ship of 100 Tunns.	1400 *l.*
Item, With the Sum of Three Thouſand Pounds received of the Sheriff of *Cheſter*, towards the ſetting forth of one Ship of Three Hundred Tunns.	3000 *l.*
Item, With the Sum of Nine Thouſand Pounds received of the Sheriff of *Devon*, towards the ſetting forth of one Ship of Nine Hundred Tunns.	9000 *l.*
Item, With the Sum of Three Thouſand Five Hundred Pounds received of the Sheriff of *Darby*, towards the ſetting forth of one Ship of 550 Tunns.	3500 *l.*
Item, With the Sum of Five Thouſand Pounds received of the Sheriff of *Dorſet*, towards the ſetting forth of one Ship of Four Hundred Tunns.	5000 *l.*
Item, With the Sum of Two Thouſand Pounds received of the Sheriff of *Dureſme*, towards the ſetting forth one Ship of Two Hundred Tunns.	2000 *l.*
Item, With the Sum of Eight Thouſand Pounds received of the Sheriff of *Eſſex*, towards the ſetting forth of one Ship of Eight Hundred Tunns.	8000 *l.*
Item, With the Sum of Five Thouſand Five Hundred Pounds received of the Sheriff of *Glouceſter*, towards the ſetting forth of one Ship of Five Hundred and Fifty Tunns.	5500 *l.*
Item, With the Sum of Six Thouſand Pounds received of the Sheriff of the County of *Southampton*, towards the ſetting forth of one Ship of Six Hundred Tunns.	6000 *l.*
Item, With the Sum of Three Thouſand Five Hundred Pounds received of the Sheriff of *Hereford*, towards the ſetting forth one Ship of Three Hundred and Fifty Tunns.	3500 *l.*

Item, With the Sum of Four Thouſand Pounds received of the Sheriffs of *Hartford*, towards the ſetting forth of one Ship of Four Hundred Tunns.	4000 *l.*
Item, With the Sum of Two Thouſand Pounds received of the Sheriff of *Huntington*, towards the ſetting forth of one Ship of Two Hundred Tunns.	2000 *l.*
Item, With the Sum of Eight Thouſand Pounds received of the Sheriff of *Kent*, and Cinque-Ports in *Kent*, towards the ſetting forth of one Ship of 800 Tunns.	8000 *l.*
Item, With the Sum of Four Thouſand Pounds received of the Sheriffs of *Lancaſter*, towards the ſetting forth of one Ship of Four Hundred Tunns.	4000 *l.*
Item, With the Sum of Four Thouſand Five Hundred Pounds received of the Sheriff of *Leiceſter*, towards the ſetting forth of one Ship of 450 Tunns.	4500 *l.*
Item, With the Sum of Eight Thouſand Pounds received of the Sheriff of *Lincoln*, towards the ſetting forth of one Ship of Eight Hundred Tunns.	8000 *l.*
Item, With the Sum of Five Thouſand Pounds received of the Sheriff of *Middleſex*, towards the ſetting forth of one Ship of Five Hundred Tunns.	5000 *l.*
Item, With the Sum of Fifteen Hundred Pounds received of the Sheriff of *Monmouth*, towards the ſetting forth of one Ship of One Hundred and Fifty Tunns.	1500 *l.*
Item, With the Sum of Six Thouſand Pounds received of the Sheriff of *Northampton*, towards the ſetting forth of one Ship of Six Hundred Tunns.	6000 *l.*
Item, With the Sum of Three Thouſand and Five Hundred Pounds received of the Sheriff of *Nottingham*, towards the ſetting forth of one Ship of 350 Tunns.	3500 *l.*
Item, With the Sum of Two Thouſand and One Hundred Pounds received of the Sheriff of *Northumberland*, towards the ſetting forth of one Ship of 210 Tunns.	2100 *l.*
Item, With the Sum of Seven Thouſand and Eight Hundred Pounds received of the Sheriff of *Northfolke*, towards the ſetting forth of one Ship of 780 Tunns.	7800 *l.*
Item, With the Sum of Three Thouſand and Five Hundred Pounds received of the Sheriff of *Oxford*, towards the ſetting forth of one Ship of 350 Tunns.	3500 *l.*

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Item, With the Sum of Eight Hundred Pounds received of the Sheriff of *Rutland*, towards the ſetting forth of one Ship of 80 Tunns.	800 *l.*
Item, With the Sum of Eight Thouſand Pounds received of the Sheriff of *Somerſet*, towards the ſetting forth of one Ship of 800 Tunns.	8000 *l.*
Item, With the Sum of Three Thouſand and Five Hundred Pounds received of the Sheriff of *Surry*, towards the ſetting forth of one Ship of 350 Tunns.	3500 *l.*
Item, VVith the Sum of Five Thouſand Pounds received of the Sheriff of *Suſſex*, towards the ſetting forth of one Ship of Five Hundred Tunns.	5000 *l.*
Item, VVith the Sum of Eight Thouſand Pounds received of the Sheriff of *Suffolk*, towards the ſetting forth of one Ship of Eight Hundred Tunns.	8000 *l.*
Item, VVith the Sum of Three Thouſand Pounds received of the Sheriff of *Stafford*, towards the ſetting forth of one Ship of Three Hundred Tunns.	3000 *l.*
Item, With the Sum of Four Thouſand and Five Hundred Pounds received of the Sheriff of *Salop*, towards the ſetting forth of one Ship of 450 Tunns.	4500 *l.*
Item, VVith the Sum of Four Thouſand Pounds received of the Sheriff of *Warwick*, towards the ſetting forth of one Ship of Four Hundred Tunns.	4000 *l.*
Item, VVith the Sum of Three Thouſand and Five Hundred Pounds received of the Sheriff of *Worceſter*, towards the ſetting forth of one Ship of 350 Tunns.	3500 *l.*
Item, VVith the Sum of Seven Thouſand Pounds received of the Sheriff of *Wilts*, towards the ſetting forth of Ship of Seven Hundred Tunns.	7000 *l.*
Item, VVith the Sum of Twelve Thouſand Pounds received of the Sheriff of *York*, towards the ſetting forth of Two Ship of Six Hundred Tunns a-piece.	12000 *l.*
Item, VVith the Sum of 448 *l.* received of the Sheriff of *Angleſey*, as part of the Sum of Four Thouſand Pounds charged upon the Counties of *North-Wales*, towards the ſetting forth of one Ship of Four Hundred Tunns.	448 *l.*
Item, VVith the Sum of 575 *l.* received of the Sheriff of *Carnarvon*, as part of the Sum of Four Thouſand Pounds charged upon the Counties in *North-Wales*, towards the ſetting forth of one Ship of Four Hundred Tunns.	575 *l.*

Item,

Item, VVith the Sum of 1122 *l.* received of the Sheriff of *Denbeigh*, as part of the Sum of Four Thouſand Pounds charged upon the Counties of *North-Wales*, towards the ſetting forth of one Ship of Four Hundred Tunns.	1122 *l.*
Item, VVith the Sum of 575 *l.* received of the Sheriff of *Flint*, as part of the Sum of Four Thouſand Pounds charged upon the Counties in *North-Wales*, towards the ſetting forth of one Ship of Four Hundred Tunns.	575 *l.*
Item, VVith the Sum of 864 *l.* received of the Sheriff of *Montgomery*, as part of the Sum of Four Thouſand Pounds charged upon the Counties in *North-Wales*, towards the ſetting forth of one Ship of Four Hundred Tunns.	864 *l.*
Item, VVith the Sum of 416 *l.* received of the Sheriff of *Merioneth*, as part of the Sum of Four Thouſand Pounds charged upon the Counties in *North-Wales*, towards the ſetting forth of one Ship of Four Hundred Tunns.	416 *l.*
Item, VVith the Sum of 933 *l.* received of the Sheriff of *Brecknock*, as part of the Sum of Five Thouſand Pounds charged upon the Counties in *South-Wales*, towards the ſetting forth of one Ship of Five Hundred Tunns.	933 *l.*
Item, VVith the Sum of 654 *l.* received of the Sheriff of *Cardigan*, as part of the Sum of Five Thouſand Pounds charged upon the Counties in *South-Wales*, towards the ſetting forth of one Ship of Five Hundred Tunns.	654 *l.*
Item, VVith the Sum of 1449 *l.* received of the Sheriff of *Glamorgan*, as part of the Sum of Five Thouſand Pounds charged upon the Counties in *South-Wales*, towards the ſetting forth of one Ship of Five Hundred Tunns.	1449 *l.*
Item, With the Sum of 790 *l.* received of the Sheriff of *Carmarthen*, as part of the Sum of Five Thouſand Pounds charged upon the Counties in *South-Wales*, towards the ſetting forth of one Ship of Five Hundred Tunns.	790 *l.*
Item, VVith the Sum of 683 *l.* 10 *s.* received of the Sheriff of *Pembrock*, as part of the Sum of Five Thouſand Pounds charged upon the Counties in *South-Wales*, towards the ſetting forth of one Ship of Five Hundred Tunns.	683 *l.* 10 *s.*
Item, VVith the Sum of 490 *l.* 10 *s.* received of the Sheriff of *Radnor*, as part of the Sum of Five Thouſand Pounds charged upon the Counties in *South-Wales*, towards the ſetting forth of one Ship of Five Hundred Tunns.	490 *l.* 10 *s.*

And ſo the Total Sum charged on the ſaid Sir *William Ruſſel* Kt. and Baronet, Treaſurer of the Navy, amounteth to 196400 *l.*

An. 1637.

December 28. 1637. Touching the Corporation of *Soap-makers* of *London*.

Whereas the Kings moſt Excellent Majeſty, for the better prevention and reformation of ſuch Falſities and Deceits, as might be attempted and practiſed in the making of Soap within the Kingdom, and for the Regulation of that Trade in a juſt and orderly way, did, by Letters Patents under the Great Seal, Dated the 22d of May laſt, with the Advice of his Privy-Council, Incorporate Edward Bromfeild, then Lord Major of the City of London, and divers other Perſons Soap-makers in that City, by the Name of the Governor, Aſſiſtants, and Commonalty of the Society of Soap-makers of London; and hath thereby granted to them and their Succeſſors Power and Priviledge to make Seizure of all ſuch Soap, as ſhall be corruptly, or unduly made, with Inhibition to all other Perſons whatſoever to uſe, or exerciſe that Art, or Myſtery of Soap-making, unleſs they ſhall be made Free of, and allowed by the ſaid Society.

And his Majeſty, by an Indenture of the ſame Date, made between his Majeſty and the ſaid Company, hath provided, that Good and Merchantable Soap, of ſeveral ſorts, ſhall be made ſufficient for the uſe and expence of the Kingdom, and by them ſold at moderate Prices; ſome at three-pence half-peny the pound; and the Soap made of Oyl-Olive, &c. at four-pence half-peny the pound. And therefore the King commands all Perſons whatſoever, other than ſuch as are or ſhall be Free of the ſaid Society, that they do not from henceforth preſume to uſe or exerciſe the Art or Myſtery of Soap-making, to make any manner of Soap whatſoever without the allowance of the ſaid Society. And his Majeſty doth alſo prohibit the Importation, from Foreign Parts, of any hard or ſoft Soap, upon pain of Forfeiture, or if any Pot-Aſhes be Imported, that the ſame be brought only to the Port of London, and there to be ſold by the Importers to the ſaid Society of Soap-makers of London, and to no other Perſons. And to the end alſo that the Soap made by that Company may not be ſold by Retail, or in Groſs, at any exceſſive Prices; his Majeſty doth Charge and Command, That the Major, Bailiff, or other Chief Officer, with the Aſſiſtance of Two Juſtices of the Peace, in every City, Burrough, or Town, do limit ſuch Rates as they, in their Judgments ſhall think reaſonable; Conſideration being had, as well of the ſetled Prices paid to the ſaid Society, as of the Charge of Carriage, and other Caſualties. And his Majeſty doth Authorize the Governor, Aſſiſtants, and Commonalty of the ſaid Society, and their Deputies and Officers, with the Aſſiſtance of the Conſtable, to enter into any Houſes, Cellars, Shops, or other Places, and alſo into any Ships, Barques, or other Veſſels, to ſearch for, ſeize, take and carry away all ſuch Soap, as ſhall be found to be unduly made, not under the Rule, Government, or Allowance of the ſaid Society.

And whereas his Majeſty did heretofore Incorporate divers Perſons into one Body-Politick, by the Name of Governor, Aſſiſtants, and Fellows of the Society of Soapers of Weſtminſter; which Grant being afterwards ſtrengthned, as well with ſundry of his Majeſties Proclamations, as the Decrees and Orders of his

High Court of Star-Chamber, and otherwiſe; the ſaid Society of Soapers hath ſince reſigned and ſurrendred into His Majeſties hands, who hath Cancelled and Vacated the ſame, and all Proclamations, Orders, and Decrees, touching the ſaid Society of the Soapers of Weſtminſter that are no longer to be in force, or put in execution. Nevertheleſs His Majeſties Will and Pleaſure is, That neither Sir Richard Weſton Knight, nor the ſeveral Soap-makers of Briſtol, Bridgewater, Exeter, Somerſet, Dorſet, Devon, and Cornwel, nor any of them reſpectively, ſhall be reſtrained or impeached hereby, in the making and venting ſuch ſorts and proportions of Soap yearly, as they reſpectively are allowed to make and ſell in the particular Counties and Places, to them reſpectively Aſſigned.

February. Lord Chancellor of *Ireland* committed to Priſon.

A*Dam* Lord Viſcount *Loftus*, Lord Chancellor of *Ireland*, being in the Month of *February* required by the Lord Deputy to yield up unto him the Great Seal of the Realm of *Ireland*, he refuſed to do the ſame without particular Warrant from the King firſt obtained, whereupon he was committed to Priſon in *Dublin*-Caſtle for not obeying the Lord Deputies Commands.

Feb. 9. That the Book for *Sports* be read in Churches, and Certificates that the ſame is done.

THe Arch-Biſhop of *Canterbury* having, in his Metropolitical Viſitation, given Inſtructions to proceed againſt ſuch Miniſters as did not read His Majeſties Declaration publickly in the Church concerning Lawful *Sports* on the Lords-day, was imitated by other Biſhops in their reſpective Viſitations, who likewiſe required the Church-wardens upon Oath to repreſent, whether the Kings Declaration for Sports hath been read and publiſhed in the Church by the Miniſter? whereupon many were queſtioned if they could not produce a Certificate that they had read the ſame in the Church; the form of which Certificate was as followeth.

Theſe are to Certifie, That T. G. *Maſter of Arts, and Curate of* Hitchin *in* Hartfordſhire, *within the Archdeaconry of* Huntington, *according to the Injunction at the Viſitation there holden, did diſtinctly and treatably read, upon the* 29th *of* April, *being* Sunday *at Morning-Prayer, after the reading of the firſt Leſſon appointed for the day, moſt of the Pariſhioners being preſent, the Book Entituled,* The Kings Majeſties Declaration to His Subjects concerning Lawful Sports to be uſed.

William Lindall D. D.
Edw. Ratcliffe.

Beſides the Church-wardens Hands, *&c.* was put to the ſame.

Mr. *Lawrence Snelling*, Miniſter of the Church of *Pauls Cray* in the County of *Kent*, was Articled againſt in the High Commiſſion, for not reading the ſaid Book; and being called before them in Court, he Pleaded in his own defence the Law of God, and the Law of the Realm, the Authorities of Councils, Fathers, and late VVriters of all ſorts.

That the Declaration it ſelf appeared not to be His Majeſties, though Publiſhed in His Name, it being not Enrolled in any Court, nor Publiſhed under His Great Seal, as all Proclamations and Briefs to be read in Churches are; that there was no Command at all of the Kings, it ſhould be read by any in Churches, much leſs by Miniſters; no puniſhment threatned, nor preſcribed for not reading it, no Authority given to Arch-biſhops, Biſhops, High-Commiſſioners, or any other Perſons to queſtion, ſuſpend, or puniſh any Miniſter for not reading it; and being a meer Civil, not Eccleſiaſtical Declaration, not enjoyned by any Eccleſiaſtical Canon or Authority, but Temporal only, he pleaded that no Eccleſiaſtical Judges could take cognizance of it, much leſs inflict any Eccleſiaſtical Cenſure for it, eſpecially in the High Commiſſion, it being no offence within the Statute of 1 *Eliz. Ch.* 1. or the Kings Commiſſion Eccleſiaſtical, whereby the High-Commiſſioners ſit, and ſo not queſtionable by them.

All which Particulars being put in his Anſwer, the High Commiſſion-Court (the Lord Arch-biſhop of *Canterbury* being then preſent) ordered the Anſwer not to be accepted, till matters unfit therein were expunged; which being done, they afterwards proceeded to Cenſure, as followeth.

A Sentence in the High Commiſſion againſt Mr. *Snelling*, for not reading the Book of *Sports*, &c.

Die Lunæ, *viz. nono die Menſis* Februarii *Anno Domini* 1637. *coram Commiſſionariis Regiis ad cauſas Eccleſiaſticas, apud Hoſpitium Advocatorum*, &c. *Judicial' ſeden' præſentibus* Stephano Knight *Deputato*, & Johanne Greenhil *Notario publico*.

Officium Dominorum con' Laurent' Snelling *Cleric' Rectorem de* Paulſcrai *in Com'* Cant', *Dr.* Ryves.

The Cauſe is to be informed in, and finally Sentenced out of the ſaid Mr. *Snellings* Anſwer, and he is to appear this day to hear and receive the final Order and Judgment of the Court; at which day and place the ſaid *Laurence Snelling* being publickly called for, appeared perſonally, in whoſe preſence the Articles in this Cauſe exhibited againſt him, with his Anſwers made thereunto, were publickly read; and then Mr Dr. *Ryves*, His Majeſties Advocate preſſed and enforced the Proofs againſt the ſaid Mr. *Snelling*, according as they appeared out of his Anſwers; and after that the ſaid Mr. *Snelling* was heard what he could ſay in his own defence; and after a mature and deliberate hearing of this Cauſe, it appeared to the Court,

That the ſaid Mr. *Snelling* was here charged, for that he being a Miniſter in Holy Orders of Prieſthood, conſtituted by the Authority of the Church for theſe twenty years laſt paſt and upwards, Rector of *Pauls Cray* aforeſaid, for all that time and upwards, was within theſe four or five years laſt paſt made acquainted, that a certain Book Entituled, *The Kings Majeſties Declaration for Lawful Recreations after Evening-Prayer on* Sundays *and Holidays*, was come forth, and commanded by His Majeſty to be read by all Miniſters in their reſpective Pariſh-Churches, and preſented to Mr. Dr. *Wood*, Chancellor of *Rocheſter*, his Ordinary, on the 20*th* of *November* 1633. for refuſing to read and publiſh the ſame in his Pariſh-Church of *Pauls-Cray*.

That upon the ſaid Preſentment he was by his ſaid Ordinary perſonally moniſhed to read the ſame within three weeks following;

that on the *11th* of *December* 1634. aforeſaid, he the ſaid *Laurence Snelling* being again Convented before his ſaid Ordinary, was *primo, ſecundo, & tertio*, perſonally and judicially moniſhed in Court to read and publiſh the ſaid Book in manner aforeſaid, which he refuſing, was ſuſpended *ab Officio & Beneficio*, and hath ſo continued until this preſent, and doth ſo ſtill continue unreleaſed; that on the third of *April* 1635. the ſaid *Laurence Snelling* being preſent in Court before his Ordinary, was 10, 20, and 30 Judicially admoniſhed to read and publiſh the ſaid Book for Lawful Recreations as aforeſaid, but did again utterly refuſe to publiſh or read the ſame, and was thereupon then excommunicated by his ſaid Ordinary, and hath ſo continued ever ſince, and doth ſo continue ſtill excommunicated; that within the time articulate the ſaid Mr. *Snelling* hath divers times omitted to read the Letany, and ſome other parts of Divine Service, and to wear the Surplice: and further, that he hath not bowed his Body, nor made any corporal obeyſance at the reading, or hearing read the Bleſſed Name of our Saviour *Jeſus*.

All which the Premiſſes appearing to be true in ſubſtance and in effect, out of the ſaid Mr. *Snellings* Anſwers, the Court proceeded to the giving of their Sentence in this Cauſe, and for the preſent did order, That unleſs the ſaid Mr. *Snelling* ſhall conform himſelf to the aforeſaid requiſitions of his Ordinary, and read and publiſh the ſaid Book for *Lawful Recreations*, &c. and do all due obeyſance and reverence, at the Bleſſed Name of our Saviour *Jeſus*, betwixt this and the ſecond Court-day of the next Term, he ſhould be *ex nunc, prout ex tunc*, deprived of his Rectory of *Pauls-Cray* aforeſaid, but pay no Coſts of Suit in caſe he be deprived; and to this end and purpoſe he the ſaid Mr. *Snelling* being preſent in Court, was Judicially admoniſhed to read and publiſh the ſaid Book, and to make Corporal Reverence at the Name of our Saviour *Jeſus*, *ſub pœna juris, & deprivationis*; and to the end that he may ſafely repair to his Church to practiſe, and certifie of his Conformity in the Premiſſes, (in caſe he ſhall be willing to conform accordingly) it was by the Court referred to the aforeſaid Ordinary Mr. Dr. *Wood* to abſolve the ſaid Mr. *Snelling* from the Sentence of Excommunication, under which he now ſtands, in caſe he ſhall come and deſire it of his ſaid Ordinary, and take his Oath *de parendo in juri, & ſtando mandatis Eccleſiæ*, &c. according to the form in this caſe provided. But Mr. *Snelling* refuſing to read *the Book of Sports*, &c. was deprived of his Living, and continued an Excommunicate Perſon, *&c.*

The Biſhop of Norwich *his Certificate concerning the* Book of Sports, *&c.*

TO the *12th* Article, that upon Enquiry at my Viſitation, whether the Kings Majeſties Declaration for Lawful Sports had been Publiſhed? I found it had not been done in very many Places of the Dioceſs; having therefore about 60 Books at hand, I cauſed them to be propoſed to ſuch Perſons as I had moſt doubt of, but

many

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many of them refuſed to Publiſh the ſame, and were ſuſpended for their refuſal; yet divers of them preſently promiſed Conformity, and ſo were abſolved; ſo that now in the whole Dioceſs (conſiſting of about 1500 Clergy-men) there are not paſſing twice fifteen Excommunicated or Suſpended; whereof ſome ſo ſtand for Contumacy, in not appearing at the Viſitation and Synod, and ſtill refuſe to ſubmit, and others for obſtinate denying to Publiſh the Kings Declaration.

At White-Hall *the* 11th *of* February 1637.

Preſent,

The Kings Moſt Excellent Majeſty,

Lord Arch-biſhop of *Canterbury,*
Lord *Keeper,*
Lord *Treaſurer,*
Lord *Privy-Seal,*
Lord Marqueſs of *Hamilton,*
Lord Great *Chamberlain,*
Earl *Marſhal,*
Lord *Chamberlain,*

Earl of *Holland,*
Lord *Cottington,*
Lord *Newburgh,*
Mr. *Treaſurer,*
Mr. *Comptroller,*
Mr. *Chamberlain,*
Mr. Secretary *Cook,*
Mr. Secretary *Windebanke.*

Touching St. *Gregories* Church. *Feb.* 11.

WHereas the Board was now acquainted, that notwithſtanding His Majeſties Pleaſure ſignified by the Lord Treaſurer, and the Lord Cottington, to the Pariſhioners of St. Gregories, That the Church ſhould be taken down and removed, being a great impediment to the Work now in hand, for the perfecting and fully repairing of the Cathedral Church of St. Paul, the ſaid Pariſhioners had not as yet done the ſame, nor taken any order for the doing thereof. It was thereupon reſolved and ordered, according to His Majeſties expreſs Will and Pleaſure, as alſo now again declared, That the ſaid Church ſhall be taken down and removed by the laſt of March next.

And the ſaid Pariſhioners are hereby ſtraitly required and enjoyned to cauſe the ſame to be done and performed accordingly, as they will anſwer the contrary at their perils; His Majeſty expecting a dutiful and effectual account thereof from them by the time before limited.

This Order not being obeyed, produced another Order, following.

The laſt of *February* 1637. this Buſineſs came again before the Lords of the Council, which produced this further Order.

Touching St. *Gregories* Church. *Feb.* 28.

Order to pull down the Church of St. *Gregories.*

THis day two of the Petty Canons of the Cathedral Church of St Paul, and the Church-Wardens of the Pariſh of St. Gregories, did, by command from their Lordſhips, attend the Board, and were heard concerning the Petition formerly preſented in the Name of the ſaid Pariſhioners, wherein, upon pretence of diſability to undergo the Charge thereof, they were humble Suitors, that they might be freed from taking down and removing of the Pariſh-Church, which by former Orders of the Board they were in his Majeſties Name, and according to his expreſs Command, required and directed to do, by the laſt of March next. Their Lordſhips finding no cauſe to vary in any particular from their ſaid former Orders, did now again ratifie and confirm the ſame, and did require, that as well the Church-Wardens now preſent, as ſuch others of the chief Pariſhioners, (unto whom the Lord Treaſurer, and the Lord Cottington had already ſignified his Majeſties Pleaſure on that behalf) ſhould, by the time limited as aforeſaid, cauſe the ſaid Church to be taken down and removed. And concerning the difficulty by them made, of finding out and procuring a fit place for the erecting of a new Church within the ſaid Pariſh, and their diſability for the preſent to undergo the charge of building the ſame; the former (as their Lordſhips did now well remember) was already recommended to the Lord Treaſurer, and the Lord Cottington, unto whoſe directions therein their Lordſhips do now again refer them. And for the latter, in caſe their diſability for the preſent be ſuch, as that they are unable to erect a new Church; their Lordſhips leave it to their Election, whether they will build the ſame, or be aſſigned to any one or more Pariſhes in ſuch manner as the Lord Biſhop of London, Lord Treaſurer, ſhall think fit and direct, and ſo remain and continue until a new Church ſhall be by them erected. And do recommend it to his Lordſhip, to take effectual order upon ſuch Election by them made as aforeſaid, for their accommodation therein accordingly.

Feb. 13. Star-Chamber.

INformation was preferred in *Star-Chamber* by the Kings Attorney-General, againſt *John Lilburne* and *John Warton*, for the unlawful Printing and Publiſhing of Libellous and Seditious Books, Entituled *News from Ipſwich*, &c. they were brought up to the Office, and there refuſed to take an Oath to anſwer Interrogatories, ſaying it was the Oath *ex Officio*, and that no free-born *Engliſh* man ought to take it, not being bound by the Law to accuſe himſelf, (whence ever after he was called *Free-born John*) his offence was aggravated, in that he printed theſe Libellous and Seditious Books, contrary to a Decree in *Star-Chamber*, prohibiting printing without Licenſe: which Decree was made this Year in the Month of *July*, and was to this effect.

July 1637. A Decree of Star-Chamber againſt Printing without Licenſe.

'THat none ſhall preſume to Print any Book or Pamphlet 'whatſoever, unleſs the ſame be firſt Licenſed with all the 'Titles, Epiſtles, and Prefaces therewith imprinted, by the Lord 'Arch-biſhop of *Canterbury*, or the Biſhop of *London* for the time 'being, or by their appointment; and within the Limits of either 'Univerſity, by the Chancellor or Vice-Chancellor thereof, upon 'pain that every Printer ſo offending ſhall for ever thereafter be diſabled to exerciſe the Art of Printing, and ſhall ſuffer ſuch further 'puniſhment, as by this Court, or the High-Commiſſion, ſhall be 'thought fitting; that before any Books Imported from Forreign 'Parts ſhall be expoſed to ſale, a true Catalogue thereof ſhall be 'preſented to the Arch-biſhop of *Canterbury*, or the Biſhop of *London*: And that no Officers of the Cuſtom ſhall deliver any For-

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‘reign Books out of their Hands and Cuſtody, before thoſe Biſhops ſhall have appointed one of their Chaplains, or ſome other Learned Man, with the Maſter and Wardens of the Company of *Stationers*, or one of them, to be preſent at the opening of the Pack and Fardels, and to view the ſame. And thoſe that diſobey this Injunction, are to be Cenſured in this or the High-Commiſſion Court, as the ſeveral Cauſes ſhall require. And if in this Search there happen to be found any ſchiſmatical or offenſive Books, they ſhall be brought to the aforeſaid Biſhops, or the High-Commiſſion Office, that the Offenders may be puniſhed. That no Perſon whatſoever ſhall Imprint in the Parts beyond the Sea, or Import from thence, any *Engliſh* Books, or whereof the greater part is *Engliſh*, whether formerly Printed or not. And that no Books whatſoever ſhall be re-printed, though formerly Licenſed, without a new Licenſe firſt obtained, upon pain of like Cenſure and Puniſhment. And that if any Perſon whatſoever that is not an allowed Printer ſhall preſume to ſet up a Preſs for Printing, or work at any ſuch Preſs, or Set and Compoſe Letters for the ſame, he ſhall be ſet in the *Pillory*, and whipt through the City of *London*.

The 13*th* of *February* the ſaid *Lilburne* and *Warton* were brought to the Bar at the Court of *Star-Chamber*, and the Court proceeded to Sentence, which you have here in the very words, as they were entred in the Regiſters Book, written out by Mr. *Arthur* himſelf, the Deputy Regiſter, who was an able and friendly Man in his Place.

But before they proceeded to Sentence this enſuing Order was read.

In Camera Stellat' coram Concilio ibidem 9. *die* Febr. *Anno* 13 Car' *Regis.*

John Lilburne and *Warton* brought to the Bar.

‘UPon Information this day to this Honourable Court, by Sir *John Banks* Knight, His Majeſties Attorney-General, That *John Lilburne* and *John Warton*, who are now at the Bar of this Court, were the 24*th* of *January* laſt ordered to be examined upon Interrogatories touching their unlawful printing, publiſhing, and diſperſing of Libellous and Seditious Books, contrary to the Decree of this Court, which was verified by *Affidavit*; and being brought up to the Office to appear and be examined accordingly, the ſaid *Lilburne* refuſed to appear, and both of them denied to take an Oath to make anſwer to Interrogatories, as appears by Certificate of Mr. *Goad*: It was humbly pray'd that their Appearance may be Recorded, they being now preſent in Court, and that they may now have their Oaths tendred unto them; which if they ſhall refuſe to take, that then this Court will proceed to a Cenſure againſt them for their high Contempt therein, as hath been uſed in like Caſes, which the Court held fit. And hath therefore ordered, That their Appearance ſhall be Recorded, as is deſired. And for that the ſaid Delinquents do now again moſt contemptuouſly refuſe to take their Oaths now tendred to them in 'open Court. Their Lordſhips have further ordered, That the 'ſaid *Lilburne* and *Warton* ſhall be remanded to the Priſon of the '*Fleet*, there to remain cloſe Priſoners until they conform them'ſelves in obedience to take their Oaths, and be examined; 'and that unleſs they do take their Oaths, and yield to be exami'ned by *Monday*-night next, their Lordſhips will, on the laſt ſitting 'of this Term, proceed to Cenſure againſt them for their contempts 'therein, as is deſired.

Hereupon the Court proceeded to Sentence.

In Camera Stellata coram Concilio ibidem 13 *die* Febr' *Anno decimo tertio* Car' Regis.

The Decree and Sentence in *Star-Chamber* againſt *Jo. Lilburne*, as it is on Record.

'WHereas, upon Information to this Court the ninth of this 'inſtant *February*, by Sir *John Banks* Knight, His Maje'ſties Attorney-General, That *John Lilburne* and *John Warton* '(then preſent at the Bar) were the 24*th* of *January* laſt ordered to be 'examined upon Interrogatories touching their unlawful printing, 'importing, publiſhing, and diſperſing of Libellous and Seditious 'Books, contrary to the Decree of this Court, which was verified 'by *Affidavit*; and being brought up to the Office to appear and be 'examined, the ſaid *Lilburne* refuſed to appear, and both of them 'denied to take an Oath to make ſome anſwer to Interrogatories, 'as appeared by the Certificate of Mr. *Goad*, Deputy Clark of this 'Court: The Court did on that day order, That their Appearan'ces ſhould be Recorded, they being preſent in Court as aforeſaid; 'And that in reſpect the ſaid Delinquents did then again con'temptuouſly refuſe to take their Oaths tendred to them in open 'Court, they ſhould be remanded to the Priſon of the *Fleet*, there 'to remain cloſe Priſoners, until they conformed themſelves in obe'dience to take their Oaths and be examined; and that unleſs they 'did take their Oaths, and yield to be examined by *Monday*-night 'then next following, and now laſt paſt, their Lordſhips would on 'this ſitting-day proceed to a Cenſure againſt them for their con'tempts therein. Now this day the ſaid *Lilburne* and *Warton* being 'again brought to the Bar, His Majeſties ſaid Attorney informed 'this Honourable Court, that they ſtill continued in their former 'obſtinacy, and contemptuouſly refuſed to take their Oaths, to 'make true anſwer to the Interrogatories, although they had been 'ſent for, and their Oaths aſſented to be given unto them by Mr. '*Goad*, Deputy-Clark of this Court, who now certified the ſame in 'Court: And therefore His Majeſties ſaid Attorney humbly pleaded 'on His Majeſties behalf, That their Lordſhips would now proceed 'to Cenſure againſt the ſaid Delinquents, for their great contempts 'and diſobedience therein. Whereupon their Lordſhips endeavou'red, by fair perſwaſions, to draw them to conformity and obedi'ence, and withal offered, that if they yet would ſubmit and take 'their Oaths, their Lordſhips would accept thereof, and not pro'ceed to Cenſure againſt them. But ſuch was the inſufferable diſ'obedience and contempt of the ſaid Delinquents, that they ſtill 'perſiſted in their former obſtinacy, and wilfully refuſed to take

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'their Oaths. In reſpect whereof the whole Court did, with an
'unanimous conſent, declare and adjudge the ſaid *Lilburne* and
'*Warton* guilty of a very high contempt and offence of dangerous
'conſequence and evil example, and worthy to undergo very ſharp,
'ſevere, and exemplary Cenſure, which might deter others from
'the like preſumptuous boldneſs in refuſing to take a legal Oath;
'without which many great and exorbitant offences, to the prejudice
'and danger of His Majeſty, His Kingdoms, and Loving Subjects,
'might go away undiſcovered, and unpuniſhed. And therefore
'their Lordſhips have now ordered, adjudged and decreed,
'That the ſaid *Lilburne* and *Warton* ſhall be remanded to the *Fleet*,
'there to remain until they conform themſelves in obedience to
'the Orders of this Court, and that they ſhall pay Five Hundred
'Pounds a-piece for their ſeveral Fines to His Majeſties uſe; and
'before their enlargements out of the *Fleet*, become bound with
'good Sureties for their good behaviour. And to the end that
'others may be the more deterred from daring to offend in the like
'kind hereafter, the Court hath further ordered and decreed, That
'the ſaid *John Lilburne* ſhall be whipt through the Streets, from the
'Priſon of the *Fleet* unto the *Pillory*, to be erected at ſuch time, and
'in ſuch * place as this Court ſhall hold fit and direct; and that both
'he and the ſaid *Warton* ſhall be both of them ſet in the ſaid *Pillory*,
'and from thence be returned to the *Fleet*, there to remain according
'to this Decree.

* The Pillory was placed between *Weſtminſter-Hall-Gate* and the *Star-Chamber*.

And the following Year in *Eaſter-Term*, falling on the 18*th* of *April* was this Sentence executed with the utmoſt rigour on *Lilburne*, who was ſmartly whipt from the *Fleet* to *Weſtminſter*.

Whilſt he was whipt at the Cart, and ſtood in the *Pillory*, he uttered many bold Speeches againſt the Tyranny of Biſhops, *&c.* and when his Head was in the hole of the *Pillory*, he ſcattered ſundry Copies of Pamphlets, (ſaid to be ſeditious) and toſſed them among the People, taking them out of his Pocket; whereupon the Court of *Star-Chamber* (then ſitting being informed) immediately ordered *Lilburne* to be gagged during the reſidue of the time he was to ſtand in the *Pillory*, which was done accordingly; and when he could not ſpeak, he ſtamped with his Feet, thereby intimating to the Beholders, he would ſtill ſpeak were his Mouth at liberty; and the Court of *Star-Chamber* that day made alſo this following Order.

April 8. 1638. *John Lilburne* uttered ſcandalous Speeches in the *Pillory*.

'WHereas *John Lilburne*, Priſoner in the *Fleet*, by Sentence in
'*Star-Chamber*, did this day ſuffer condign Puniſhment for
'his ſeveral offences, by whipping at a Cart, and ſtanding in the
'*Pillory*, and (as their Lordſhips were this day informed) during
'the time that his Body was under the ſaid Execution, audaciouſly
'and wickedly, not only uttered ſundry ſcandalous and ſeditious
'Speeches, but likewiſe ſcattered ſundry Copies of Seditious Books
'amongſt the People that beheld the ſaid Execution, for which
'very thing, amongſt other offences of like nature, he had been
'Cenſured in the ſaid Court by the aforeſaid Sentence. It was
'thereupon ordered by their Lordſhips, That the ſaid *Lilburne*
'ſhould be laid alone with Irons on his Hands and Legs in the

'Wards of the *Fleet*, where the baſeſt and meaneſt ſort of Priſoners are uſed to be put, and that the Warden of the *Fleet* take 'ſpecial care to hinder the reſort of any Perſon whatſoever unto 'him, and particularly that he be not ſupplied with any Hand, and 'that he take ſpecial notice of all Letters, Writings, and Books 'brought unto him, and ſeize and deliver the ſame unto their Lordſhips; And take notice from time to time who they be that reſort to the ſaid Priſon to viſit the ſaid *Lilburne*, or to ſpeak with 'him, and inform the Board. And it was laſtly ordered, That 'hereafter all Perſons that ſhall be produced to receive Corporal 'Puniſhment according to Sentence of that Court, or by order of 'the Board, ſhall have their Garments ſearched before they be 'brought forth, and neither Writing nor other thing ſuffered to be 'about them, and their Hands likewiſe to be bound during the time 'they are under Puniſhment, whereof (together with the other 'Premiſſes) the ſaid Warden of the *Fleet* is hereby required to take 'notice, and to have ſpecial care, that this their Lordſhips Order 'be accordingly obſerved.

And on the ſaid 18*th* of *April* it was further ordered by the ſaid Court of *Star-Chamber*,

John Lilburne to be examined touching his Speeches in the *Pillory*, and diſperſing Libellous Books.

'THat His Majeſties Attorney and Sollicitor-General ſhould be 'hereby prayed and required, to take ſtrict examination of '*John Lilburne* Priſoner in the *Fleet*, touching the demeanour and 'Speeches of him the ſaid *Lilburne* during the time of his whipping 'and ſtanding in the *Pillory* this day, according to ſentence of His 'Majeſties Court of *Star-Chamber*, particularly, whether the ſaid '*Lilburne* did at that time utter any Speeches tending to Sedition, or 'to the diſhonour of the ſaid Court of *Star-chamber*, or any Member 'of the ſaid Court? and whether he did throw about and diſperſe 'at the ſame time any Seditious Pamphlets and Books, either of 'that ſort for which he was formerly Cenſured, or any other of 'like nature? What the Speeches were, and who heard them? 'what the ſaid Books were, and whence and of whom the ſaid '*Lilburne* had them? and what other material Circumſtances they 'ſhall think fit to examine, either the ſaid *Lilburne* upon, or any 'other Perſon by whom they ſhall think good to inform themſelves for the better finding out the truth: And thereupon to 'make Certificate to the Board what they find, together with their 'opinions.

Lilburne having for ſome time endured cloſe Impriſonment, lying with double Irons on his Feet and Hands in the Inner-Wards of the Priſon, there happened a Fire in the Priſon of the *Fleet*, near to the place where he was a Priſoner, which gave a jealouſie that *Lilburne*, in his fury and anguiſh of pain, was deſperate, and had ſet the *Fleet-Priſon* on fire, not regarding himſelf to be burnt with it; whereupon the Inhabitants without the *Fleet*, (the Street then being not five or ſix yards over from the Priſon-door) and the Priſoners within all cryed, *Releaſe* Lilburne, *or we ſhall all be burnt*; and thereupon they run head-long, and made the *Warden* remove him out of his Hold, and the Fire was quenched, and he remained a Pri-

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a Priſoner in a place where he had ſome more Air. He continued in Priſon till *November* the third 1640. when the *firſt long Parliament* begun, and then he was releaſed.

We beg of the Reader further pardon for a little digreſſion. This very *John Lilburne*, after he had ſerved the Parliament in the War many years, was impriſoned by them for ſpeaking and publiſhing things againſt them, as *Vſurpers, and Enemies to* Magna Charta, *&c.* which offended thoſe times; whereupon he was baniſhed the Kingdom on pain of death if he did return: but return he did, in defiance of thoſe then in Power, and was thereupon ſent to *Newgate*, and Arraigned at the Seſſions-Houſe in the *Old-Bayly* for his Life, and was there publickly acquitted by a Jury of Life and Death, notwithſtanding the Law made to baniſh him; which for Joy occaſioned a great Acclamation of the People then preſent. He writ many Books againſt thoſe then in Power and Authority, and ſome particular Members thereof; inſomuch as it was ſaid by *Henry Martin* in favour of him, That if there were none living but himſelf, John *would be againſt* Lilburne, *and* Lilburne *againſt* John. At laſt he dyed a *Quaker*, and was buried in the Church-yard near *Bedlam*; 4000 Citizens and others accompanying his Corps to the Grave.

Pardon digreſſion a little more to what followeth.

When the Impeachment of the Houſe of Commons on *John Lilburnes* behalf went up to the Houſe of Peers againſt thoſe his Judges in *Star-Chamber*, it was thus urged by thoſe that managed the ſame.

THat *Impriſonment* is a Man buried alive, is made *Corpus immobile Legis*, the immoveable Subject of the Law. There is an end when Life is taken away, but in this no end. *Nondum tibi cedit in gratiam*, to put a Man out of his pain was accounted a Favour by the *Romans*.

Cloſe Impriſonment was never uſed to the Primitive Chriſtians by any Tyrant; for then that heavy Charge in Scripture, *I was in Priſon, and ye viſited me not*, might be anſwered; but a Cloſe Impriſonment may preſume a Famiſhment, and ſo Death. The *Romans* had four Puniſhments, *Lapidatio*, *Combuſtio*, *Decollatio*, and *Strangulatio*, but never famiſhing to death. This Man might have been ſo, as it was ſworn.

Three years Impriſonment till the Parliament releaſed him, and might otherwiſe have been for ever.

Whipping was painful and ſhameful, *Flagellation* for Slaves. In the Eleventh of *Elizabeth*, one *Cartwright* brought a Slave from *Ruſſia*, and would ſcourge him, for which he was queſtioned; and it was reſolved, That *England* was too pure an Air for Slaves to breath in. And indeed it was often reſolved, even in *Star-Chamber*, That no Gentleman was to be whipt for any offence whatſoever; and his whipping was too ſevere. The Manager further ſaith,

That *John Lilburne* was a Free Citizen of *London*, diſcended from an ancient Family in the *North*, a Town in *Northumberland*, ſtill bearing the Name of *Lilburne*, or rather *Le-Iſle-borne*, by reaſon of the Water * that runs about it. The Arms belonging to the Family are three Water-budgets, an ancient bearing of Arms.

* Called the *Bourne*.

Now

13 Caroli.

Now as to his whipping, obſerve the diſtance, from the *Fleet* to *Weſtminſter* is about a Mile, that he had 500 Blows (one ſwears a great many more) with a terrible Corded-whip with knots upon it.

Among the *Romans* no Malefactor had above 40 Stripes, and with three Thongs; and St. *Paul* received but 39 Stripes, which was but 13 Blows. And it is worth the obſervation, that not long ſince, at *Orleans* in *France*, a *Prieſt* was ſentenced to be whipt for Fornication with a poor Maid, telling her, that St. *Francis* would come and lye with her ſuch a night, at which time he feigned himſelf to be St. *Francis*, and was taken in Bed with her. The Kings Advocates preſſed the Judges, that he might receive 14 Blows with a three Corded-whip; but the Judges would not Sentence him to more than 13 Blows, becauſe *Ampliandi ſunt favores*; but if our Arithmetick be right, (not to ſport with his pain) *Lilburne* had by this Numeration, three times Five Hundred Stripes in 500 Blows. The Manager further urged,

That this Puniſhment of the *Pillory* was firſt invented for Mountebanks and Cheats, that having gotten upon Banks and Fourms to abuſe the People, were exalted in the ſame kind to be ſet upon the *Pillory*, an open ſhame to the Multitude.

Now *Gagging* is barbarous, and beaſtly; for Man differs from Beaſts both *Ratione* and *Oratione*.

So that to ſum up his Sufferings, by Impriſonment he was made a dead Trunk; by whipping, a Rogue; by Pillory, a Cheat; and by Gagging, a Beaſt. They had better have hanged him outright, *&c.*

Here followeth an Order of the Houſe of Peers made upon *John Lilburne's* Appeal to them *Anno* 1640. againſt his Cenſure in *Star-Chamber*, and his Impriſonment, *&c.* which the Reader is deſired to take in good part, although it be a digreſſion in point of time.

John Lilburne.

Whereas the Cauſe of John Lilburne **Gent. came this day to a Hearing at the Bar, by his Councel, being tranſmitted from the Houſe of Commons, concerning a Sentence pronounced againſt him in the** Star-Chamber, Feb. 17. Anno 13 Car. Regis, **and after an Examination of the whole Proceedings, and a due conſideration of the ſaid Sentence, it is this day adjudged, ordered, and determined by the Lords in Parliament Aſſembled, That the ſaid Sentence, and all Proceedings thereupon, ſhall forthwith be for ever totally vacuated, obliterated, and taken off the File in all Courts where they are yet remaining, as illegal, and moſt unjuſt, againſt the liberty of the Subject, and the Law of Land, and** Magna Charta, **and unfit to continue upon Record; and that the ſaid** Lilburne **ſhall be for ever abſolutely freed, and totally diſcharged from the ſaid Sentence, and all Proceedings thereupon as fully and amply, as though never any ſuch thing had been. And that all Eſtreats and Proceſs in the Court of** Exchequer **for levying of any Fine (if any ſuch be) ſhall be wholly cancelled and made void, any thing to the contrary in any wiſe notwithſtanding.**

John Brown Cler. Parliament.

'Whereas

Mr. *Powels* Sermon referred to be examined, and to be certified. *March* 4.

Paſſages in a Sermon, that Taxes ought to be paid, be they never ſo unjuſt and cruel.

‘WHereas *Richard Powel* Clark hath attended this Board in the Cuſtody of a Meſſenger, at which time the Letter ſent by you Sir *Richard Samuel* was read at the Board, as alſo the Teſtimonies returned in this Cauſe; and upon hearing him, we do find, that perceiving ſome People in the Pariſh unſatisfied, by reaſon of the *diſtreſs made for the Ship-money*, he took occaſion, upon the Text mentioned in the Teſtiment, *viz. Give to* Cæſar *the things that be* Cæſars, and unto God the things which are Gods, to tell them that Subjects ought to pay the Taxes laid on them by their Kings, *although they were cruel and unjuſt*, inſtancing in *Saul*; and that ſuch Kings were ſometimes *given to a Nation by God in his wrath*, for the Peoples ſins; and that if we had ſuch a King, we ought notwithſtanding *to ſubmit unto him*; or words to that effect: but bleſſed be God he hath given us a *Gracious King*, ſuch as no Age can parallel, whom God long continue over us; *ſhall not we then be obedient unto him*? which words are wholly omitted in all the Teſtimonies, and do clearly interpret the former Paſſages, and do juſtifie him in what he delivered to the People. And the Meſſenger, who went for the ſaid *Powel*, doth teſtifie, that ſundry of the Pariſhioners did bear witneſs of the adding of theſe laſt words, which if it prove true, argues very little ſincerity in the accuſation, and in the Teſtimonies. Upon conſideration therefore of the Premiſſes, we have thought fit to intreat you Sir *Richard Samuel*, and you Mr. Doctor *Clark*, and Mr. Doctor *Sibthorpe*, or any two of you, to examine the truth hereof, as well by examination of ſuch Witneſſes as you ſhall think fit, as by the Notes of his Sermon; for which purpoſe we ſend you back the ſaid Notes ſealed up, together with all the other Papers preſented unto us. And do pray and require you to certifie to us, how you find the truth of the Caſe to ſtand, together with your Opinions of the ſame, to the end, that if he have been thus vexed and put to charge without juſt cauſe, we may think how to give him a due reparation of the ſame, and from whom the ſame ſhall come. And ſo we bid, *&c.*

March 11.

AT this time News came from *Scotland*, That the Kings Proclamation, Dated the 19*th* of *February*, publiſhed at *Striveling* the beginning of *March*, wherein His Majeſty declares, That he ordained the Book of Common-Prayer to be compiled for edification of the Kings Subjects in *Scotland*, and to maintain the true Religion already profeſſed there.

Archibald the Kings Fool.

And it ſo happened, that on the 11*th* of the ſaid *March*, that *Archibald*, the Kings Fool, ſaid to his Grace the Arch-biſhop of *Canterbury*, as he was going to the Council-Table, *Whea's feule now?* doth not your Grace hear the News from *Striveling* about the Liturgy? with other words of reflection; this was preſently complained of to the Council, which produced this enſuing Order.

At White-Hall *the* 11th *of* March 1637.

Preſent,

The Kings Moſt Excellent Majeſty;
Lord Arch-biſhop of *Canterbury,*
Lord *Keeper,*
Lord *Treaſurer,*
Lord *Privy-Seal,*
Lord Duke of *Lenox;*
Lord Marqueſs of *Hamilton,*
Earl *Marſhal,*
Lord *Chamberlain,*
Earl of *Northumberland,*
Earl of *Dorſet,*
Earl of *Salisbury;*
Earl of *Holland,*
Lord *Newburgh,*
Mr. *Treaſurer,*
Mr. *Comptroller,*
Mr. Vice-*Chamberlain,*
Mr. Secretary *Cook,*
Mr. Secretary *Windebanke.*

Archibald the Kings Fool baniſhed the Kings Court.

It is this day ordered by His Majeſty, with the Advice of the Board, That Archibald Armeſtrong, **the Kings Fool, for certain ſcandalous words of a high nature, ſpoken by him againſt the Lord Arch-Biſhop of** Canterbury **his Grace, and proved to be uttered by him by two Witneſſes, ſhall have his Coat pulled over his head, and be diſcharged of the Kings Service, and baniſhed the Court; for which the Lord Chamberlain of the Kings Houſhold is prayed and required to give order to be executed. And immediately the ſame was put in execution.**

Mr. *Claypoole* to be proceeded againſt in the *Star-Chamber.*

Whereas *John Claypoole* Gent. was ſent for by Warrant for his miſdemeanours to His Majeſties Service in the *Collection of the Ship-Money:* It was this day thought fit and ordered, That Mr. Attorney-General ſhall examine him, and thereupon proceed againſt him in *Star-Chamber,* as he ſhall think beſt and fitteſt for His Majeſties Service; for which purpoſe the Informations againſt the ſaid *Claypoole* are to be ſent herewith to His Majeſties ſaid Attorney.

A Diſcourſe concerning the High Court of Star-Chamber.

Upon occaſion of the Exemplary Puniſhment of Mr. *Prynn,* about his *Hiſtrio-Maſtix Anno* 1633. and of his loſing his Ears the ſecond time *Anno* 1637. it will not be unſeaſonable to deliver ſomething of the Nature and Prerogative of that Court which inflicted it, *viz.* the High Court of *Star-Chamber,* being an Abſtract of a Treatiſe written by a Perſon well acquainted with the Proceedings of the ſame.

There is little mention made of this Court, either in Reports, or Treatiſes of the Law, except now and then diſperſedly in ſome one or two Cauſes, in an Age where it is mentioned rather, as it ſeemeth, to manifeſt to Poſterity that there was ſuch a Court, than to enlighten the World with the lawful Power, Authority, and Juriſdiction thereof.

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Only Sir *Thomas Smith*, in his Common-wealth hath glanced upon it, and Mr. *Lambert*, the ancient Antiquary, treateth of the Power and Juriſdiction of it; and the reaſon probably why the Learned of the Laws did, in their Reports, forbear to make mention thereof was, becauſe it intrenched in thoſe days, as of late time, too much upon the Common Law of *England*; and the abuſe in the exerciſe of the Juriſdiction of the Court, might induce the Sages of the Law to paſs it over in ſilence, as an Uſurpation of *Monarchy* upon the Common Law of *England*, in the prejudice of the liberty of the Subject, granted by the *Great Charter*.

And without peradventure, thoſe good Laws made in *Edw.* the *3d*'s time, to preſerve the Liberty of the Subject, were chiefly grounded upon the unlimited Power which this Court did then take to it ſelf.

The Reaſon of the name of the Court.

In our Ancient *Year-Books* it is called *Camera Stellata*, not becauſe the Chamber where the Court is kept is adorned with Stars, but becauſe it is the Seat of the *Great Court*, and the Name is given according to the Nature of the Judges thereof; *Denominatio* being *a præſtantiori*, and *majus dignum trahit ad ſe minus*. And it may be ſo fitly called, becauſe the *Stars* (in the common opinion) have no light, but that which is caſt upon them from the Sun by reflection, it being a repreſentative Body; and as King *James* was pleaſed to ſay when he ſate there in His Royal Perſon, *Repreſentation muſt needs ceaſe when the Perſon is preſent.*

So in the preſence of His Majeſty, which is the Sun of Honour and Glory, the ſhining of thoſe Stars is put out, not having any power to pronounce any Sentence in this Court, (for the Judgment is the Kings only) but by way of advice to deliver their opinions, which His Wiſdom alloweth or diſalloweth, increaſeth or abateth at His Royal Pleaſure; which was performed by King *James*, even like unto *Solomons* Wiſdom, in the great Caſe of the Counteſs of *Exeter* againſt Sir *Thomas Lake*, wherein His Majeſty ſate five continued days in a Chair of State, elevated above the Table, about which his Lords ſate, and after a long and patient Hearing, and the Opinions particularly of His Great Council, He pronounced a Sentence more Accurately, Eloquently, Judicially, Grave, and Honourably, more Juſt, to the ſatisfaction of all Hearers, and all the Lovers of Juſtice, than all the *Records* extant in this Kingdom can declare to have been done by any of His Royal Progenitors.

There is no Man will deny, that in all Monarchies the King is the Fountain of all Juſtice, to whom is the firſt Refuge for thoſe that are diſtreſſed, and the laſt to whom Appeals are to be made.

And *Bracton*, Father of our Laws, (who writ in the Reign of King *Henry* the *3d*) doth agree it to be the Law of *England*.

And *Britton*, (who writ in *Edward* the firſt's time) beginneth his Treatiſe to the ſame purpoſe, and concludeth writing in the Kings Name: *We will that Our own Juriſdiction be above all Juriſdictions, in all Caſes Real and Perſonal.* Admitting then the King to be Supreme Judge of all, and ſitting in His Throne of Majeſty with His Wiſe Men and Sages, diſtributing Juſtice in His Royal

Perſon, or by His Council hath found himſelf and them over-charged, and hath therefore committed His Pleas of the Crown to certain Judges, Matters of Common Right to other Juſtices, and to others the Affairs of His Revenue; all which, before they were diſtributed to others, were more properly determinable before Himſelf and His Council.

This Court not founded in *Henry* the 7th's time.

And therefore it is plain, that this Court was not founded by Act of *Parliament* in *Hen.* the *7th's* time. And it was ſolemnly adjudged by the Chief-Juſtices of *England*, Sir *Edward Cooke*, and the Lord *Hobert*, attended by the Kings Learned Council, in the Caſe between the Earl of *Northumberland*, and Sir *Stephen Proctor*, publiſhed in open Court, that the Statute of 3 *Hen.* 7. extendeth not any way to this Court: But the Lords Authorized by the Act, may at all times in all places determine of the Matters therein ſpecified, 28 *Aſſ. Pag.* 52. *Coram nobis & Concilio*, is reſolved to be *Coram Rege in Camera*, which hath been ſo often affirmed by the Reverend Judge Sir *Edward Cooke*.

In the Ancient Laws of *England* we read of three Councils, *Commune Concilium*, *Magnum Concilium*, & *Privatum Concilium*.

For the firſt. In all our Writs founded upon any Ancient *Statute-Law*, the Writ beginneth, *Cum per Commune Concilium Regis noſtri proviſum*; by which it plainly appeareth, that *Commune Concilium* is the Aſſembly of the Lords Spiritual and Temporal, and the Commons in Parliament.

This Court is *Magnum Concilium Angliæ*.

And that there is *Magnum Concilium Angliæ*, it appears by the *Statutes* 32 *E.* 3. *Cap.* 18. That falſe Informers ſhall be brought before the Chancellor, Treaſurer, and Great Council, to find Sureties to endure *pœnam talionis*, if their Suggeſtions were falſe. And all the *Statutes* made after that Act of 37. as well of *Richard* the ſecond of Complaints before the Council, as of 13 *H.* 4. *Cap.* 7. for certifying Riots to the King and His Council, is intended His *Great Council*, which is the Court of *Star-Chamber*, afterwards by expreſs Name called *the Kings Council in the Star-Chamber*, 19 *H.* 7. *Cap.* 18. In the *Stat.* 33 *H.* 8. *Cap.* 1. For falſe Tokens. 4, & 5 of *Philip* and *Mary*, for ſecret contracting with young Maidens, and divers ſubſequent Acts of Parliament.

The third, which is *Privatum Concilium*, or the *Council of State*, mentioned in the Acts of *Eliz.* 1. It hath been queſtioned, whether it were all one with the Great Council? Surely there is none of the *Privy-Council* but is alſo of the *Great Council*; but perhaps ſome may be of the *Great Council*, which are not of the *Privy-Council*.

It was a glorious ſight upon a Star-day, when the Knights of the *Garter* appear with the Stars on their Garments, and the Judges in their Scarlet; and in that poſture they have ſate ſometimes from nine in the morning till five in the afternoon, before every one had done ſpeaking their minds in the Cauſe that was before them.

And it was uſual for thoſe that came to be Auditors at the Sentence given in weighty Cauſes, to be there by three in the morning, to get convenient places and ſtanding.

The Warden of the *Fleet* or his Deputy (then by name Mr. *In-*

An. 1637. *gram*) in thoſe days was conſtantly attending in Court to receive their Lordſhips commands, as there was occaſion.

For the Dignity of this Court I find it's ſaid, that ſince the great *Roman Senate*, ſo famous to all Ages, as that they were called *pro Jure miraculum Orbis*, there hath no Court come ſo near them in State, Honour and Judicature; the Judges of this Court being ſurely, in Honour, State, and Learning, for Underſtanding, Juſtice, Piety, and Mercy, equal, and in many of them exceeding the *Roman Senate*, by ſo much as Chriſtian Knowledge exceedeth Humane Learning.

This Court not equalled in any [illegible]

Nor hath this Court at any time wanted a *Cicero* or *Hortenſius*, to make a defence for ſuch as are there accuſed; nor is there any *Bar* of Pleading which affordeth ſo large a ſcope to exerciſe a good Orator, the uſual Subject being the *Defence of Honour and Honeſty*. But Chancellor *Elſmore* affecting Matter rather than Words, tyed the ſame to *Laconical* brevity; an Honour to a Court of Juſtice, to be ſway'd rather by ponderous Reaſons, than fluent and deceitful Speech.

It is not the leaſt Honour and Dignity to this Court, that the Sentences and Judgments of the ſame are not the opinion of any private perſon, but the Judgment of many Noble, Wiſe, and Learned Men conjoyned together; ſo that it is a Topick Rule for aſſurance of Truth.

This Court is Magnum Con- [illegible]

Another manifeſtation of the Dignity of it is, That the Proceedings are *tam lento pede*, without precipitation, but giving time to the Defendant to defend or excuſe himſelf, both in producing Teſtimony, and in making defence at the Bar. And that it taketh hold in Judgment only of direct Proofs, ſpeaking Circumſtances, or more than probable Preſumptions, and theſe not ſingle but double; which cauſeth the Judgment thereof to be eſteemed worthily, like the Laws of the *Medes* and *Perſians*, irrevocable. Beſides the Reaſons of the Sentence being ſuccinctly collected and knit together, and ſagely delivered, by grave, learned and notable Perſonages, whoſe very Countenances add weight to their words, and who tye themſelves to Certainty, and not to conjectural Proofs.

The Lord *Chancellor* or *Keeper* (for their Places by Act of Parliament are all one) have divers Priviledges of Sovereignty belonging to them, as the Supreme Judge there, which ſurely doth belong in his abſence to him, who holdeth the Supreme Place in that Council.

There is no doubt, but the Lord *Chancellor* or Lord *Keeper* of the Great Seal is the Supreme Director of this High Court: For whereas any other Lord of the Preſence ſpeaketh not in the Court, unleſs his Head be uncovered, the Lord *Chancellor* or Lord *Keeper* ſpeaketh with his Head covered, as a Perſon to whom all the reſt owe a kind of Reſpect, or Reverence. And all *Dukes* and *Marqueſſes*, *Earls*, *Barons*, and Council of State in the Kingdom, attend the Hour and Occaſion of this great Lords going to ſit in this High Court: And at his own diſcretion he commandeth the Chief-Juſtice, or any other Judge, to ſit there at his pleaſure.

Beſides, this great Lord is the Mouth of the Court, to give Rule or Order, and hath a great Prerogative in that ſence, above all other Courts at *Weſtminſter*: For in other Courts, if the Opinions be equally divided, two one way, and two another way, there is no Judgment entred: But in this Court, if the Preſence be equally divided, the Lord *Chancellor*, or the Lord *Keepers* Voice, ſwayeth it one way or other.

It ſeemeth to be an Imitation of the High Court of Parliament; for there, in equality of Voices, the Speakers Voice is predominant. If the Lord *Chancellor* or Lord *Keeper* Condemn or Fine the Defendant or Plaintiff, then hath it ever been undoubted; for that in things indifferent the beſt for the Kings profit is to be taken, but where his Voice in equality acquitteth, yet the preheminence of his Judgment, weigheth down the Kings Profit, and the Perſon ſhall ſtand acquitted. For ſo Sir *Stephen Proctor* was acquitted by the Voice of Chancellor *Elſmore*; and ſo it was reſolved by the Judges upon Reference made to them, and their Opinions, after deliberate hearing, and view of former Preſidents, was publiſhed in open Court.

This Court for the moſt part is repleniſhed with Dukes, Marqueſſes, Earls, Barons, alſo with Reverend Arch-Biſhops and Prelates, grave Councellors of State, learned Judges, ſuch a Compoſition for Juſtice, Religion, and Government, as may be well and truly ſaid, (whilſt ſo great a Preſence kept within their Bounds) *Mercy and Truth were met together.*

Their number in the Reign of *Hen.* 7. and *H.* 8. have been near 40 at one time, and 30 in the Reign of *Eliz.* oft-times, but ſince much leſſened. In King *Charles* His time there hath been 24 and 26 at a time, as in the Caſes of Mr. *Chambers*, Sir *James Bagg*, the Biſhop of *Lincoln*, and others.

Arch-Biſhop *Whitgift* did conſtantly in this Court maintain the Liberty of the *Free-Charter*, that none ought to be fined but *ſalvo Contenimento*: he ſeldom gave any Sentence, but therein did mitigate in ſomething the Acrimony of thoſe that ſpake before him; but the ſlaviſh Puniſhment of *Whipping*, &c. was not heard to come from the Noble Spirits in thoſe times ſitting in that Honourable Preſence.

When once this Court began to ſwell big, and was delighted with Blood, which ſprung out of the Ears and Shoulders of the Puniſhed, and nothing would ſatisfie the revenge of ſome Clergy-men but *cropt Ears*, *ſlit Noſes*, *branded Faces*, *whipt Backs*, *gag'd Mouths*, and withal to be thrown into Dungeons, and ſome to be Baniſhed, not only from their Native Country to remote *Iſlands*, but by Order of that Court to be ſeparated from Wife and Children, who were by their Order not permitted to come near the Priſon, where their Husbands lay in miſery; Then began the *Engliſh* Nation to lay to heart the ſlaviſh condition they were like to come unto, if this Court continued in its greatneſs.

Records

Records touching ancient Proceedings in the Court of Star-chamber, *tranſcribed out of Manuſcripts, which remained in that Court.*

28 Book of Aſſize pag. 51. Coram nobis & Concilio, reſolved to be *coram Rege & Concilio in Camera Stellat.*

So Sir *Edw. Cook.*

In the Regiſter Fol. 124. 6 & 191. & 167. *Rotul. Patent.* 55 *Hen.* 3. *Membran.* 27. A Writ to appear before the King and His Council.

Barnard Nicholas a Merchant, queſtioned *coram Rege & Concilio*, for Fortune-telling, to the ſcandal of one *Arnold Griffin*, and was thereof acquitted.

30 *Ed.* 3. *Rotul. Patent. pars prima membran.* 15. *Spinks* appeared upon proceſs *coram Rege & Concilio*, anſwered the Bill of one *Radland*, was afterwards acquitted, and *Radland* committed for his falſe accuſation.

Clauſ. 40 *Ed.* 3. *membr.* 3. *dorſo.* *Iſabel Falconberge* appeared before the Council of the King in the Chamber of the Stars, near the receipt, about detaining of Deeds, and was there ordered and ſworn to deliver all the Deeds, ſaving thoſe that concerned her joynt Eſtate.

Clauſ. 6 *H.* 4. *membr.* 22. The Writ now uſed in *Star-Chamber* to appear *coram Rege & Concilio, apud Weſtminſter in* 15. *Paſch. teſt.* 14. *Februarii ſub pœna* 400 *l.*

Clauſ. 17 *H.* 6. *In Camer' Stellat' coram Concilio Regis*, *Danvers* acquitted of the raſure of a Record, and *Brocket* a Clerk of the Exchequer that did it, was fore-judged to have acceſs for writing in any of the Kings Courts of Record.

Clauſ. 17 *H.* 6. *membr.* 6. *John Foord* appeared by Privy-Seal in *Camera Stellat' infra Palatium noſtrum Weſtmonaſter'*, before the Lord *Cromwell* then Treaſurer, and *Fray* and *Fallam*, two of the Barons of the Exchequer, and was there examined upon Oath; and upon his examination, and the teſtimony of Witneſſes that were then examined, he was for fraudulent Packing of Wooll in Broad-Cloths, which he ſold to a *Dutchman* that tranſported them, committed to the *Fleet*, after ſent to the *Tower*, and ſet on the Pillory in *Cornhil.*

Rotul. Patent. 31 *Hen.* 6. *Ralph* Lord *Cromwell* acquitted of the villanous accuſation of ſuſpicion of Treaſon.

Patent. 8 *Ed.* 4. *pars* 3. *membr.* 14. The King and his Council in the *Star-Chamber* Heard and Decreed the matter of title, between the Maſter and Brethren of the Hoſpital of St. *Leonards* in *Yorkſhire*, and the Inhabitants in *Yorkſhire*, *Cumberland*, *Northumberland*, *Weſtmoreland*, touching *Peter Corne.*

In this Caſe of the Abbot of St. *Edmonsbury* againſt *Thurſton* and others, the Defendants were puniſhed before the King and His Council in the Court of *Star-Chamber*, for turbulent election of their Aldermen, a Conſtable, and other Officers.

Rotul. Patent. 20 *Ed.* 4. pars 1, or 2.

The Defendant fined five pound for contempt to the King, and to pay the Plaintiffs Coſts and Damages, and bound to his good behaviour.

28 *Junii* 1 *Hen.* 7.

Bigott fined forty Marks upon Conviction of a Ryot.

28 *Novembris* 8 *Hen.* 7.

Debaſing of Price of Wooll complained of, out of a report beyond Seas; the Offender convented *coram Rege & Concilio*, and fined and ranſomed.

43 Book aſſ. pl. 38.

The Lord Chancellor to have power to award damage againſt any Perſons, that ſhould make untrue ſuggeſtions againſt another before the King and His Council, or in *Chancery*.

Statutes directing to the Court 17. *R.* 2. *cap.* 6.

Scandalum Magnatum to be puniſhed by advice of the Kings Council (which the Books ſay, is the *Star-Chamber* and there it hath been frequently done).

2 *R.*2. *Cap.*11.

Publiſhers of falſe News and Tales to be puniſhed by advice of the Council of the King (*non obſtante Statuto.*)

12 *R.* 2. *cap.* 11.

By the Preſidents before mentioned it doth appear, that the Court of *Star-Chamber* was far more ancient than 3 *Hen.* 7. and that it had been and exerciſed juriſdiction both in Civil and Criminal Cauſes before the Stat. 3. *Hen.* 7.

Vide 43. *aſſ.pl.* 18. 23, or 13. *E.* 4. 9. 2 *R.* 3. 10. 8 *H.* 7. 13.

Preſidents of later times.

Trin. 1 *Eliz. fol.* 66.

Sentenced 100 *l.* for executing the place of High-Sheriff without being Sworn; and 100 *l.* for making falſe return of a Writ for Election of Knights of the Shire.

Attorn. *verſ.* Jeroucker.

Hill. 2 *Eliz. fol.* 88.

For a Riotous taking away of a Priſoner, taken in the Wars with the *French*.

Breill *verſ.* Marten.

Paſc. 2 *Eliz. fol.* 93.

Sentenced for Riot, *&c. ſub pœna* awarded againſt them, to be ſent to the Fleet, and the Principal Defendants to pay her Servants Fines.

Smith *verſ.* Savery.

Ann 1637.

Verſ. Ruſſel & *alios.*

Mich. 2 *Eliz. fol.* 102.

A Commiſſion of Rebellion againſt the Defendants, directed to one Knight and three Eſquires,

Hales *verſ.* Crouch.

Hill. 3 *Eliz. fol.* 118.

The Defendant ſentenced to ſtand in the Pillory with Papers, for ſaying he could ever find an *Oliver* for a *Rowland* among the Queens Council to bear him out in his matters.

Woodcock *verſ.* Barber.

Paſc. 3. *Eliz. fol.* 124.

An Injunction to give Poſſeſſion *ſub pœna* 200 *l.* and that being diſobeyed, a Commiſſion to certain Perſons to put and continue them in Poſſeſſion; Commiſſion Recorded in the Court.

Lawley & *al'.*

Paſc. 3 *Eliz. fol.* 125.

Fined and Committed for diſobedience and Contempt of the Queens Proceſs.

Simmons *vid. verſ.* Parry.

Paſc. 3 *Eliz. fol.* 129.

The Plaintiff adjudged to ſtand in the Pillory with Papers, *pro falſo Clamore.*

Lord Haſtings & *al' Comp. ſup. recog.*

Mich. 3 *Eliz. fol.* 129.

For hearing of Maſs diſcharged by the Queen, *propt. Submiſſ.*

Trin. 8 *Eliz. fol.* 138.

Ordinances for reformation of diſorders in Printing and Selling of Books.

Attorn. *verſ. Ballives* Leichfeild.

Hill. 4 *Eliz. fol.* 155.

Mr. Attorney ordered to put in an Information againſt them, for that they made no inquiry, nor did not puniſh the great Riots Committed in *Leitchfeild.*

Broughton *verſ. Dom.* Howard Vic. Bindon.

Paſc. 4 *Eliz. fol.* 167.

The Lord *Howard* for reviling one of the Plaintiffs Witneſſes, and calling him Knave, for that he had been examined againſt him, fined at 100 *l.*

Paſc. 4 *Eliz. fol.*

It was ordered by the Court that no Proceſs ſhould be awarded upon Bill of perjury for giving evidence to a Jury, whereon Verdict did paſs, unleſs the Juſtice before whom it was tried were made privy thereto.

Attorn. *verſ.* Thyn.

Hill. 7 *Eliz. fol.* 58.

The Cauſe ſentenced *ſupra Confeſſionem* of ſome, and proceed to examine Witneſſes againſt the reſt.

Paſc. 7 Eliz. fol. 66.

The Arch-Biſhop of *Canterbury* and two other Biſhops, ſworn in Court by the Lord Chief Juſtice to be of the Queens Privy Council.

Hill. 8 Eliz. fol. 109.

Shardg *verſ.* Bever.

The Defendant diſmiſt, and Plaintiff fined, 10 *l.* to ride in a Cart about the City, for that he keeping ill order in his Houſe, diſobeyed the Defendant being Conſtable, when he came with the Watch to apprehend ſome leud Perſons that were then in his Houſe.

Paſc. 9. Eliz. fol. 161.

Conſtable *verſ.* Whittington.

Upon ſight of the Charter of the Biſhop of *Dureſm*, the two Chief Juſtices did certifie that the Biſhop had *Jura Regalia*, and thereby might hear and determine Riots.

That notwithſtanding, this Court (in matters where doubt of relief of Juſtice is) may hear Riots done within that County Palatine.

Paſc. 11 Eliz. fol. 241.

Mervin *verſ.* Mervin.

It was ordered by the Queen, that the Plaintiff ſhould re-examine as many of his Witneſſes as he would, and they to be examined by the Clerk of the Court.

Paſc. Edw. 6. fol. 54.

Reed *verſ.* Lygon.

The Cauſe to proceed as to the Party, notwithſtanding the Kings general Pardon.

34 Eliz. 30 No.

Brereton *verſ.* Starkey.

Deeds damned notwithſtanding the Pardon pleaded.

Mich. 14 Eliz. fol. 34.

Pyne *verſ.* Hill.

In this Cauſe after it was fully heard (for Forgery) the Defendants were allowed to examine more Witneſſes in their excuſe than were there at firſt, on a ſecond hearing; and then order for Witneſſes to be examined, and at laſt ſentence paſſed againſt the Defendants.

Hill. 35 Eliz. fol. 448.

Gerrard *verſ.* Gregſham.

The Plaintiff died a day or two before the Cauſe was to be heard, yet the Cauſe proſecuted by Mr. Attorney at the day without Bill of *Revivor* or *Subp. ad audiend. Judicium.*

Attorney *verſ.* Phillips.

The Defendant ſentenced in this Court for delaying the execution of a Priſoner Convicted, notwithſtanding he was ſentenced in the Marches of *Wales* before for the ſame offence.

Trin. 36 Eliz. fol. 207.

Attorney *verſ.* Owen.

The Defendant ſentenced for beating his Grandfather, to be whipt before the Picture of his Grandfather, he being unable to come to the place where it was to be executed.

Elliot *verſ.* Weblin.

Hill. 13 *Jac. fol.* 121.

The Defendant Committed for Arreſting the Plaintiff in the County, at ſuch time as he came to ſerve him with the Proceſs of this Court.

Jo. Smith Plaintiff.

Hill. 13 *Jac. fol.* 123.

Committed for ſerving proceſs in the Church after Divine Service ended.

Littleton *vid. verſ.* Lowe.

Paſc. 14 *Jac. fol.* 145.

For preferring a Scandalous and untrue Petition to His Majeſty, and for a Libel; fined, and to ſtand in the Pillory, good Behaviour, Damages 200 *l.*

Farrier *&* *al'* *verſ.* Oldfeild *& al'*.

Mich. 14 *Jac. fol.* 204.

For a Practice to retract under their hands their former Teſtimony,

Dominus Montague *verſ.* Lutteſworth *& al'*.

Mich. 14 *Jac. fol.* 210.

The Attorney General Sir *Francis Bacon*, ſate as a Privy Councellor in Court.

Gibbs *verſ.* Clark *& al'*.

Mich. 12 *Jac.*

The Defendant ſentenced for impounding the Plaintiff as a Beaſt.

Attorn. *Regis verſ.* Camber.

Trin. 13 *Jac. fol.* 55.

A *Ne exeat Reg.* againſt the Defendant, for that he ſwore he would depart the Kingdom rather than he would Marry.

Young *verſ.* Herlackenden *& al'*.

Paſc. 5 *Jac. fol.* 147.

Divers Defendants charged with Forgery, and publiſhing thereof, two of them who were the procurers of the Deed to be drawn and written, ſentenced to pay a Fine and ſtand in the Pillory; he that drew the Deed, and he that engroſſed it acquitted, and the two Defendants ſentenced are ordered to pay them Coſts.

Concerning Ship-money.

THe Caſe of *Ship-money* was this year brought upon the Stage by Mr. *Hampdens* refuſal to pay the Tax laid upon him (living in *Buckinghamſhire*, an Inland County) towards the finding of a Ship of ſo many Tun at Sea: and this buſineſs coming to be argued before all the Judges of *England* in the *Exchequer Chamber*, *Oliver* St. *John* of *Lincolns* Inn Eſq; of Council with Mr. *Hampden* firſt argued, of which the Author gives the Reader a large Account, himſelf being then preſent, and took the Argument in Characters; yet begs the Readers pardon for any miſtakes, for it is not poſſible for a ſingle Pen to be ſo circumſpect, in mentioning ſo many Authorities of Books and Records, but that ſomething may be miſrecited or omitted, when his hand with continual writing might ſometimes grow feeble, and thereby diſinable him. —— Yet to the beſt of his knowledge he hath not wilfully miſrecited any thing.

13 *Caroli.*

Mr. St. *John*'s Argument.

May it pleaſe your Lordſhips,

P*Aſc.* 13 *Carol' a Scire fac* iſſued to the Sheriff of *Buckingham*, reciting That whereas ſeveral ſums of mony mentioned in a Schedule to that Writ annexed, by a Writ under the Great Seal of *England*, dated 4 *Auguſt*, 11 *Car.* Ceſſed upon ſeveral Perſons for providing a Ship of War were not paid, and that upon a *Certiorare* dated 9 *Martii*, 13 *Car.* theſe ſums and the ſeveral Perſons upon whom they were aſſeſſed, were certified into the *Chancery*, and from thence by Mittimus dated 5 *Maii* laſt were ſent into the Exchequer, that Proceſs might be thence iſſued againſt theſe Defaulters.

Thereupon the Sheriff is commanded, *quod ſcire faceret*, to thoſe ſeveral Perſons to appear in the Exchequer, *Octob. Trin.* 13 *Car.* to ſhew cauſe why they ſhould not pay thoſe ſums of money aſſeſſed upon them; the Sheriff returned *quod ſcire fecit*, *John Hampden* Eſq; who was aſſeſſed at twenty Shillings, and hath not paid it; Mr. *Hampden* hath appeared and hath demanded *Oyer* of the *Scire fac'* of the Schedule, the Writ dated 4 *Auguſt.*, the *Certiorare*, and the *Mittimus* and of their ſeveral returns, and hath thereupon demurred in Law.

The *Writ dated* 4 *Auguſt.* 11 *Car.* becauſe it is the ground of the iſſuing forth of the *Scire fac'* and ſo by neceſſary conſequence, as that which firſt occaſioned any proceſs againſt him, it will be the ſubject from whence will be fetched all that ſhall be ſaid either for or againſt my Client; I will endeavour by breaking it into parts, more clearly to preſent it to your Lordſhips view.

The thing Commanded is, that this County ſhall provide a Ship of War of 450 Tun, with 180 Men, Guns, Gunpowder, double Tackling, Victuals, and all other things neceſſary, and to bring her to *Portſmouth* by the firſt of *March* following, and from that time to provide her of Victuals, Mariners-wages, and all other neceſſaries for 26 Weeks; for the effecting of this there is power given to aſſeſs each Perſon in the County *Secund. Stat. & facultates*, and to bring theſe Seſſes by diſtreſs, *& quos rebelles invenerint* to impriſon their Perſons.

My Lords, If the Writ had ſtayed here, and gone no further, the Command, though full in words, yet had been void in Law, becauſe as yet it appears not for what end this Ship was to be provided 42 *aſſ. Pl.* a Commiſſion to ſeize mens goods notoriouſly ſuſpected of Fellons before Conviction adjudged void, becauſe therefore the Command without Cauſe ſhewen, and that ſufficient in Law too would be void; in the ſecond place therefore they are there ſet down to be theſe, *pro defenſione Regni*, *Tuitione maris*, *ſecuritate ſubditor. & ſalva conductione Navium*, both outward and inward, the Sea being infeſted with Pirates, and more Shipping being daily prepared *ad Regnum Gravandum*, theſe are the ends.

In the third place the Legality of it, that every man *ſecundum ſtatum & facultates* ſhould be hereto Seſſed, is thus inforced.

Firſt, From cuſtom and continued uſe in theſe words, that the Sea *per gentem anglicanam ab olim defendi conſuevit*; and ſecondly, this uſe proved to be from a common ground of equity, in theſe words, *Onus defenſionis quod omnes tangit, per omnes debet ſupportari*, and the rule of equity backt by the Common-Law in theſe words, *prout per legem & conſuetudinem Regni Angliæ fieri conſuevit*: the argument ſtands thus, all have benefit by defence of the Realm, and therefore by the Law the Charge ought to be born by all.

Thence it is further inforced that every man even by his allegiance is bound to contribute to this charge, the Command being *in fide & legeancia quibus nobis tenemini*: of theſe parts the Writs conſiſt, which all being put together, in brief declare the ſcope and end of the iſſuing forth thereof, to be the defence and ſafety of the Kingdom; a thing ſo neceſſary, that it muſt needs be legal, for it is too near and too narrow a conceit of the Wiſdom and Policy of the Law, to think that whilſt the care thereof ſhould be confined only to the preſervation of the general members of the body politique, from the wrongs and preſſures that might be offered from other to the fellow members, that in the mean time it ſhould leave the whole to the violence and will of Enemies, ſo that whilſt each Subject conſidered as a part of the whole hath a known and ſure eſtate in Lands, and real Property in his Goods, not to be impeached by any whatſoever within the Realm; yet conſidered all together, and as they make up the *unum Compoſitum*, they ſhould have in them only *precariam poſſeſſionem*, or Tenancy at Will, in regard of Foreigners.

My Lords, This cannot be, for the Law is ſo careful herein, that even afar off it foreſees and prevents all damages in this kind, and that is the reaſon that an Alien, though a friend, hath not Capacity to purchaſe any Land within the Realm: and if the Law be ſo quick-ſighted, as that to prevent but poſſibilities of danger, it keeps ſuch ſtrangers from having any Land within the Realm which deſire to come by it peaceably, and for valuable conſideration; by this we may eaſily ſee the great care it hath to prevent apparent dangers, which uſually proceed from open force and violence; which further appears by the greatneſs of the puniſhment which the Law inflicts upon Offenders in this kind, which is High-treaſon of all other the greateſt, 13 *Eliz. Dy.* 298. *Story* conſpired beyond Sea with a Foreign State to invade the Realm, and though nothing was attempted yet it is adjudged High-treaſon: and 21 *E.* 3. *fol.* 23. and 45 *E.* 3. 25. a man killed a Captain that was going with twenty men at Arms to the King in his Wars, and adjudged to be High-Treaſon, and ſo by ſome opinions in Print, it is to burn or ſink any of the Kings Ships. By the greatneſs of the puniſhment for breach of the negative part of the Law we might underſtand the peremptorineſs and force of the affirmative part; ſo that, my Lords, in this caſe the queſtion is not *de Re*, for by the Law the ſafety of the Realm is to be provided, for *ſalus Populi Suprema Lex*; neither is the queſtion *de Perſonis*, either in reſpect of the Perſons, who are to bear the charge of it, or of the Perſons whom the Law hath intruſted with the care and power of this Common defence. For the firſt, that is, the perſons that are to bear this Charge, that in the Writ *quod omnes tangit per omnes debet ſupportari*, the reaſons in the Writ are weighty and agreeable to the Rule both of the Common and Civil Law, *Qui ſentit commodum ſentire debet & onus*; ſo that I conceive the burthen lies upon all in reſpect of our *bona naturæ*, our Lives and Perſons be equally as dear to one as to another; in reſpect of our *bona fortunæ*, ſo *ſecundum ſtatum & facultates*, becauſe the greater the ſtate and means of Livelihood, the greater the benefit by the defence; the Law in this Caſe of defence againſt the Invaſions of living Enemies, being the ſame with that againſt the Invaſions of our Soil and Ground, by the Inundations and out-rages of the Sea and Freſh Water; for by the Law, as appears by the Commiſſions of Sewers, as well before the Statute of 28 *H.* 8. as ſince, to the repairing of a Banck or Cauſey, River, or other Sewer, all are chargeable that have thereby *defenſionem, commodum, vel ſalvationem, qualitercunque*; all that have defence muſt be ſeſſed, the Aſſeſſes muſt be equally diſtributed, and therefore laid upon every Man within the level *pro rata portionis Tenuræ ſuæ, ſeu pro quantitate commune paſturæ vel piſcariæ*, the more Land, Common, or Benefit each Man hath, the greater Benefit: And according to the proportion the Aſſeſs muſt be ſet: So that, my Lords, in the ſecond place the queſtion will not be whether my Client by Law be exempted from the Charge of the defence of the Realm; for with other His Majeſties Subjects he ought to bear the common Burthen, and more or leſs may be thereof laid upon him proportionable to his Eſtate and Means of Livelihood.

Neither thirdly, is there any queſtion to be made but the Law hath intruſted the Perſon of His Royal Majeſty with the care of this Defence: the Defence and Protection which we have in our Bodies, Lands and Goods againſt any within the Realm, we know it is from him; for all Juriſdiction Legal, both Eccleſiaſtical and Civil, which defends us in them is wholly in His Majeſty; the ſame it is in caſe of Forreign Defence, even by the *Jus Gentium*, as appears in the Text by the Peoples deſiring that they might be like all Nations, by having one that might judge them, and go out before them, and fight their Battles.

That the King (and that legally) calleth the Kingdom *Regnum noſtrum*, and every City and great Town *Civitatem & Villam noſtram, quoad proprietatem*, it cannot be, becauſe that it is in the ſeveral Land-owners; it muſt be ſo therefore principally in this reſpect, *quoad protectionem & defenſionem*: neither hath the Law inveſted the Crown with this height of Sovereignty, only as an *Honorarium* for the greater Splendor of it; but likewiſe as a Duty of the Crown, or *pars Miniſterii* for the good and ſafety of the Realm, which in many of the ancient Commiſſions of the Sewers before the Statute of 23 *H.* 8. is thus expreſſed, That the King *ratione Regiæ Dignitatis & per Juramentum eſt aſtrictus ad providendum Salvationi Regni circumquaq*; So that both in Honour, and by his Oath, he is bound to provide for the ſafety of the Realm, and that *circumquaque*.

My Lords, by the Law the King is *Pater familiæ*, who by the Law of *Oeconomicks* is not only to keep peace at home, but to protect his Wife and Children, and whole Families from injuries from abroad.

It is his vigilance and watchfulneſs that diſcovers who are our friends and foes, and that after ſuch diſcovery firſt warns us of them, for He only hath power to make War and Peace.

Neither hath the Law only intruſted the care of the defence to His Majeſty, but it hath likewiſe, ſecondly, put the *Armatam poteſtat'* and means of defence wholly in His Hands; for when the Enemy is by Him diſcovered, and declared, it is not in the power of the Subject to order the way and means of defence, either by Sea or by Land, according as they ſhall think fit; for no Man, without Commiſſion or ſpecial Licenſe from His Majeſty, can ſet forth any Ships to Sea for that purpoſe; neither can any Man, without ſuch Commiſſion or Licenſe, unleſs upon ſudden coming of Enemies erect a Fort, Caſtle or Bulwark, though upon his own ground; neither, but upon ſome ſuch emergent cauſe, is it lawful for any Subject, without ſpecial Commiſſion, to arm or draw together any Troops or Companies of Souldiers, or to make any general Collections of Money of any of His Majeſties Subjects, though with their conſent.

Neither in the third place is His Majeſty armed only with this Primitive Prerogative Power of *Generaliſſimo*, and Commander in Chief, that none can advance towards the Enemy until He gives the Signal, nor in other manner than according to His direction; but likewiſe with all other Powers requiſite for the full execution of all things incident to ſo high a Place, as well in times of eminent danger, as of actual War. The Sheriff of each County, who is but His Majeſties Miniſter, he hath the *poſſe Comitatus*; and therefore it muſt needs follow, that the *poſſe Regni* is in Himſelf.

My Lords, not to burn day-light longer, it muſt needs be granted, that in this buſineſs of defence the *Suprema poteſtas* is inherent in His Majeſty, as part of His Crown and Kingly Dignity.

So that as the care and proviſion of the Law of *England* extends in the firſt place to Forreign Defence, and ſecondly lays the burthen upon all, and for ought I have to ſay againſt it, it maketh the quantity of each Mans Eſtate the Rule whereby this burthen is to be equally apportioned upon each perſon; ſo likewiſe hath it in the third place made His Majeſty the ſole Judge of dangers from Forreigners, and when and how the ſame are to be prevented, and to come nearer, hath given him power, by Writ under the Great Seal of *England*, to command the Inhabitants of each County to provide Shipping for the defence of the Kingdom, and may by Law compel the doing thereof.

So that, my Lords, as I ſtill conceive the queſtion will not be *de perſona*, in whom the *Suprema poteſtas* of giving the Authorities or Powers to the Sheriff, which are mentioned in this Writ, doth lie, for that it is in the King; but the queſtion is only *de modo*, by what Medium or Method this Supreme Power, which is in His Majeſty doth infuſe and let out it ſelf into this particular; and whether or no in this Cauſe ſuch of them have been uſed, as have rightly accommodated, and applyed this Power unto this Writ in the intended way of defence for the Law of *England*, for the applying of that Supreme Power which it hath ſetled in His Majeſty to the particular cauſes and occaſions that fall out, hath ſet down Methods and known Rules; which are neceſſary to be obſerved.

In His Majeſty there is a two-fold Power, *voluntas*, or *poteſtas interna*, or *naturalis*; *externa*, or *legalis*, which by all the Judges of *England*, 2 *R.* 3. *fo.* 11. is expreſſed *per voluntatem Regis in Camera*, and *voluntatem Regis per Legem*.

My Lords, the Forms and Rules of Law are not obſerved; this Supreme Power not working *per Media*, it remains ſtill in Himſelf as *voluntas Regis interna*, and operates not to the good and relief of the Subject that ſtandeth in need.

To inſtance,

His Majeſty is the Fountain of Bounty; but a Grant of Lands without Letters Patents transfers no Eſtate out of the King to the Patentee, nor by Letters Patents, but by ſuch words as the Law hath preſcribed.

His Majeſty is the Fountain of Juſtice; and though all Juſtice which is done within the Realm flows from this Fountain, yet it muſt run in certain and known Channels: an Aſſiſe in the *Kings-Bench*, or an Appeal of Death in the *Common-Pleas*, are *Coram non Judice*, though the Writ be His Majeſties Command; and ſo of the ſeveral Juriſdictions of each Court. The Juſtice whereby all Felons and Traitors are put to death, proceeds from His Majeſty; but if a Writ of Execution of a Traytor or Felon be awarded by His Majeſty, without Appeal or Indictment preceding, an Appeal of Death will lye by the Heir againſt the Executioner, if the Proceſs be Legal, and in a right Court; yet I conceive, that His Majeſty alone, without aſſiſtance of the Judges of the Court, cannot give Judgment: I know that King *John*, *H.* 3. and other Kings have ſitten in the *Kings-Bench*, and in the *Exchequer*; but for ought appears they were aſſiſted by their Judges. This I ground upon the Book-Caſe of 2 *R.* 3. *fo.* 10, & 11.

Where the Party is to make Fine and Ranſome at the Kings Will and Pleaſure, this Fine, by the opinion of the Judges of *England*, muſt be ſet by the Judges before whom the Party was convicted, and cannot be ſet by the King: the words of the Book are thus; *In terminis, & non per Regem per ſe in Camera ſua nec aliter coram ſe niſi per Juſtitiarios ſuos; & hac eſt voluntas Regis, ſcilicet per Juſtitiarios ſuos & per Legem ſuam* to do it.

And as without the aſſiſtance of His Judges, who are His ſetled Councel at Law, His Majeſty applies not the Law and Juſtice in many Caſes unto His Subjects; ſo likewiſe in other Caſes: neither is this ſufficient to do it without the aſſiſtance of His great Council in Parliament; if an erroneous Judgment was given before the Statute of 27 *Eliz.* in the *Kings-Bench*, the King could not relieve His grieved Subjects any way but by a Writ of Error in Parliament; neither can He out of Parliament alter the old Laws, nor make new, or make any Naturalizations or Legitimations, nor do ſome other things; and yet is the Parliament His Majeſties Court too, as well as other His Courts of Juſtice: It's His Majeſty that gives Life and Being to that, for He only Summons, Continues, and Diſſolves it, and He by His *Le volt* enlivens all the Actions of it; and after the diſſolution of it, by ſupporting His Courts of Juſtice, He keeps them ſtill alive, by putting them in execution: And although

An. 1637. though in the Writ of *Waſt.* and ſome other Writs, it is called *Commune Concilium Regni*, in reſpect that the whole Kingdom is repreſentatively there; and ſecondly, that the whole Kingdom have acceſs thither in all things that concern them, other Courts affording relief but in ſpecial Cauſes: And thirdly, in reſpect that the whole Kingdom is intereſted in, and receive benefit by the Laws and things there paſſed; yet it is *Concilium Regni* no otherwiſe than the Common Law is *Lex Terræ*, that is *per Modum Regis* whoſe it is; if I may ſo term it in a great part, even in point of Intereſt, as He is the Head of the Common-Wealth, and whoſe it is wholly in truſt for the good of the whole body of the Realm; for He alone is truſted with the execution of it. The Parliament is the Kings-Court, and therefore in the Summons the King calls it *Parliamentum noſtrum*; ſo the Returns of the Knights and Burgeſſes, *Quod ſint ad Parliamentum Domini Regis, Fleta lib.* 2. *Cap.* 2. *Habet Rex Curiam ſuam in Concilio ſuo in Parliamentis ſuis*; and therefore the Pleadings there which anciently were uſual to begin for the moſt part *Queritur Domino Regi*, Petitions by private Perſons, *Supplicavit Domino Regi*; though for relief againſt others, Inquiſitions and *Venire facias* retornable there ſometimes *coram Domino Rege in Parliamento ſuo*, and ſometimes *coram Rege & Concilio ſuo*, as appears by infinite Preſidents in the Parliament Pleas of *E.* 1. and *E.* 2. time, both in the Tower, and many Caſes adjourned into the *Kings-Bench.*

The Patents paſt by authority of Parliament, and likewiſe the Acts of Parliament had anciently ſo much of the Kings Name and Stile in them, that, as it appears in the Princes Caſe in the 8*th* Report, it was a hard matter otherwiſe than by Circumſtances to know whether they had any thing of the Parliament in them or not; and from thoſe times, even until now, the alteration is nothing in ſubſtance, for the Acts for the moſt part are thus; It is Enacted by Our Sovereign Lord the King, with the Aſſent of the Lords Spiritual and Temporal, and Commons; the King both then and ſtill is the *Pars Agens*, the reſt are but *Conſentientes.* My Lords, to apply all to the Caſe in queſtion by the Caſes before cited, it appears, that what was done in Parliament by the Law-Phraſe and Dialect, is ſaid to be done by the King; for as the Civilians ſay of the Senate, that it is *Pars Corporis Cæſaris*, ſo we of the Parliament, that it is *Pars Corporis Regis*; the Maxime of *Juſtinian, Quod principi placet Legis vim habet.* It is agreed by Mr. *Bracton*, and all the Civilians; and yet both he and many of them ſay, That thoſe muſt paſs the Senate though done in the Senate, yet they be *Placita Principis*; ſo is it, although when we ſpeak *ut Vulgus*, we ſay Fines are ſaid to be ſet, and other things to be done by the Kings Court, yet the Law ſaith, that they be done and ſet by the King; by the ſame reaſon therefore, though when we ſpeak *ut Vulgus* we ſay ſuch a thing is done by the Parliament, yet in the Legal Account theſe are done by the King, the Medium or way of doing of them with aſſiſtance or conſent of His great Council in Parliament.

The ſecond thing which I obſerve is this, by the Caſes before cited it appears, that without the aſſiſtance in Parliament, His Majeſty cannot in many Caſes communicate either His Juſtice or Power unto His Subjects.

13 *Caroli*

Hence thirdly it neceſſarily follows, as I conceive, that the Kingly Dignity doth moſt operate and manifeſt it ſelf there, which was the opinion of all the Judges of *England* declared in a Parliament 34 *H.* 8. as appears by *Crompton Juriſd. fol.* 10. who by the Kings Commandment meeting together about Point of Priviledge of Parliament, the King afterwards in declaring their opinion doth it in part of the Caſe in theſe words: 'Further We be informed by 'Our Judges, that we at no time ſtand ſo highly in Our Eſtate-'Royal as in time of Parliament, wherein We as Head, and you as 'Members, are conjoyned and knit together into one Body-Politick; which His Declaration of it ſhews likewiſe that it was the Kings own Opinion, That He at no time ſtood ſo highly in His Eſtate-Royal, as in time of Parliament; It appears not by the Record, that this Writ which giveth power to ſell and alter the property of the Defendants Goods, iſſued from His Majeſty ſitting in this His Eſtate-Royal in Parliament; and therefore cannot be intended by your Lordſhips and the Court ſo to do; if therefore it hath iſſued from His Majeſty in the *Chancery*, or otherwiſe than in Parliament, where he ſtands in that height of Sovereignty and perfection, that He hath not ſo much as a *Poſſe Nocere*; the queſtion is, whether it be erroneouſly iſſued yea or no? My Lords, I have now put the Caſe, which although in this particular Caſe it concerns the Defendant only, yet in conſequence, as that appears, it concerns both His Majeſty and the whole State, and that in matters of the higheſt nature poſſible: His Majeſty is concerned in the way and manner of execution of the higheſt and greateſt truſt which the Law hath repoſed in Him, the ſafety and the preſervation of the Kingdom; the Subject is concerned in that wherein he is moſt tender, in the property of what he hath.

My Lords, the greatneſs and weight of the Caſe puts me into this *Dilemma*, not to argue it were to deny that full Submiſſion to the command of ſome of your Lordſhips as is fitting; neither ſhould I do my Clyent that ſervice which he expects: If I proceed, the caſe is too weghty and too great for me to argue; but I know the ſafeſt way is obedience, and that the Court cannot expect much from me. Having therefore already put the Caſe, I will go on in the next place to ſtate it, and afterwards to argue it; the Queſtion being concerning the validity of the Command in the Writs, which extends ſo far as to the altering of the property of the Subjects Goods, without their conſent; and yet this being for a thing ſo neceſſary as the defence of the Kingdom both at Land and Sea, for the ends of the iſſuing forth of the Writ, as by that appears, are *pro defenſione Regni, tuitione Maris, Securitat' ſubditor' ſalva Conductione Navium* both outward and inward. In the ſtating of this great Queſtion I will in the firſt place endeavour to preſent your Lordſhips theſe known and undoubted ways and means, whereby the Law hath provided for the defence of the Realm both at Land and Sea without the way in the Writ; the firſt whereof is by Tenures of Land: The Services which grow due hereby are of two ſorts.

Services in kind, which tend immediately to Action in times of War; ſome whereof are for Land-Service, and ſome for Sea-Service.

An. 1637.

The firſt, ſuch as ſupply His Majeſty with Money for that purpoſe.

The ſecond way is thoſe many Prerogatives which the Law hath ſetled in the Crown, and made peculiar unto it for the defence of the Kingdom in general.

The third is the particular ſupplies of Money for the defence of the Sea alone in time of danger, both ordinary and extraordinary, the thing principally intended in the Writ.

Theſe, my Lords, will be the materials whereupon I ſhall afterwards ſtate the Queſtion.

In that of Tenures I ſhall begin with the Services in kind, and which tend immediately to Action in time of War.

The Kings of this Realm, as they are the Head of the Common-Wealth in general, ſo are they the Head and Root from whence all Tenures ſpring; for, as our Books agree, all the Land within the Realm is either held mediately or immediately of the Crown: as therefore the Law hath appropriated the defence of the Kingdom to the Kings thereof, ſo hath it, as one of the principal ways for the effecting thereof, intruſted them with the reſervations of ſuch Services as might ſerve for that purpoſe.

Amongſt which, intending firſt to ſpeak of Land-Service, I will begin with the Tenures by Knights-Service, every Man that holds by this Service from a whole Knights-Fee to any part of it, ought to find a Man competently armed for the Wars: Neither doth the finding of Arms ſatisfie this Tenure; for he that holds by a whole Knights Fee, ought to be forty days in the Service, and he that holds by the Moiety of a Knights Fee, twenty days, and ſo in proportion.

By the Books of the Knights Fee of *Henry* 2. *E.* 1. and *H.* 6. time in the *Exchequer*, it appears, that there were many Thouſand Knights Fees held of the Crown; and in the *Red Book* it is ſaid, That it was in *ore omnium*: That in the Conquerors time there were 30000 held of Him, ſome ſince have computed them to 60002, which perhaps may be with addition of thoſe that are held of common Perſons, which are not of thoſe upon which I ſhall inſiſt.

But it may be objected, that in reſpect that theſe Services are reſerved by the King, that therefore they were not Inſtituted only for the defence of the Realm, but may be exacted for Forreign Wars, or other-where for His Majeſties peculiar Service, as He ſhall think fit, which may be inforced both from the name which our old Books and Deeds ſtile this Service by, when due to the Crown, that is *Forinſecum Servitium*: And ſecondly from the uſe thereof; it having been performed in *Normandy*, *Gaſcoigne*, *Tholouſe*, and *Ireland*, as appears by the *Red Book*, and many Caſes put together in the Inſtitutes in the Chapter of *Eſcuage*.

To the firſt Objection of the Name, the Anſwer is clear; for anciently when thoſe that held immediately of the Crown by this Service, did enfeoff others of the Land ſo held, deſiring to free themſelves of the burthen of this Service, beſides the Services which they reſerved to themſelves; they likewiſe commonly in the Conveyance made proviſion for their own Acquittal againſt the King, and the Feoffee took the whole Burthen therefore upon himſelf: And therefore in the Book of Knights Fees of *H.* 2. time in ſo many Hundred Certificates of thoſe that held immediately of the King, *William London* of *Wiltſhire* certifies thus: *Quod nullum Militem habeo feoffatum, ſed debeo defendere Feodum meum per Servitium Corporis mei*; of this nature are three or four others: All the reſt after certifies by how many Knights Fees he holds, then likewiſe he certifies that *defendit*, &c. againſt the King, by ſuch and ſuch *Milites Feoffatos*; and in theſe Deeds of Feoffment, after the reſervation to the Feoffer, was this Clauſe, *& faciend' inde*, ſometimes *forinſecum Servitium*, ſometimes *Regale Servitium. Bracton lib.* 2. *fo.* 36, 37. and *Fleta lib.* 3. *Cap.* 14. ſay that it is called *Regale Servitium, quia eſt Servitium Domini Regis*; and by them *Regale Servitium*, and *Servitium Domini Regis*, are all but one and the ſame thing; to that therefore I ſhall need give no further anſwer.

By the ſame Authors it is called *Forinſecum Servitium, quia capitur foris, ſive extra Servitium, quod ſit Domino Capitali*; and that is the meaning of the word, and that is called *Forinſecum*, in regard that the Service is to be done *foris*, that is, out of the Kingdom, is cleared to your Lordſhips by theſe Caſes, *P.* 49. *H.* 3. *Com' P.* 31. *E.* 1. *Ro.* 32. *Dor. Com' Hill'* 33 *E.* 1. *Ro.* 52. *Dor. ſo. Cornage*, which we know is to wind a Horn within the Realm; in all thoſe three Caſes is called *Servitium Forinſecum Domini Regis Cornagii*; and *Caſtle-Gard* within the County of *Northumberland*, at the Caſtle of *Bamburgh* called *Forinſecum Servitium Domini Regis*.

To the ſecond part of this Objection, that this Service hath been often performed beyond Sea.

For the preſent I ſhall give anſwer thereunto but in part, by telling your Lordſhips, without making proof of it as yet, that *Eſcuage*, which is all the penalty that lies upon the Tenant for his default, cannot be aſſeſſed but in Parliament; which if it be ſo proved that the King cannot command this Service otherwiſe than for the good and defence of the Realm, in regard that if it be otherwiſe, no *Eſcuage* can be aſſeſſed without conſent in Parliament, which likewiſe by intendment according to the good that the Kingdom is likely to receive by the Service, will proportionably leſſen or encreaſe the *Eſcuage*. My Lords, that this Service was inſtituted for the defence of the Realm, appears by the care which the Law hath always taken for the encreaſe and preſervation of theſe Services; ſo that if the Lord purchaſe part of the Land, yet the whole Service remains; which being entire, and to be done by the Body of a Man, in that of being a Steward or Bailiff, or other private Service, makes an extinguiſhment of the whole.

The Authorities in point are many in this the Statute of *Mortmain*, 7 *E.* 1. They miſchief by conveying Land to Houſes of Religion, is there expreſſed to be *quod Servitia quæ ex hujuſmodi feodis debentur, & quæ ad defenſionem Regni ab initio proviſa fuerunt, indebite ſubtrahuntur*; and beſides the Declaration, that they are for defence of the Realm, that Statute likewiſe provides for the increaſe of them; for if the Lord enter not within the year and day after the Feoffment, the King is to enter; and as the words of the Statute

An. 1637. are, *Alios inde Feoffavimus per certa Servitia nobis inde ad defenſionem Regni noſtri facienda*, the words are obſervable *per Servitia nobis inde facienda*; for though the Service be to be done to the King, yet it muſt be ſo done to the King as it be *ad defenſionem Regni*.

This explains the Charter of *H.* 1. Enrolled in the *Red Book* in the *Chequer*, and cited in *Matthew Paris*, in the firſt Leaſe of *H.* 1. Reign, where the King frees Knights-Service Land from all Geldes and Taxes, that being eaſed of this Burthen, *apti & parati ſint ad Servitium meum, & ad defenſionem Regni mei*: In the *Black Book* in the *Chequer fo.* 3. *Scutage* defined, *ut imminente in Regnum hoſtium machinatione*, it is then due: So *Bracton* in his ſecond Book *fo.* 36, 37.

That they are ſo *propter exercitum, & patriæ tuitionem*, and to be performed *certis temporibus cum caſus & neceſſitas evenerit*, *Britton fo.* 162. 6. *les Fees de Chartre fuerunt purveus al defenſe de noſtre Realme*.

The Books are expreſs 35 *H.* 6. 41. 8 *R fo.* 105. *Talbots* Caſe 6 Report *fo.* 2. *Burvertons* Caſe.

Inſt. pl. 103. *Co.* Preface to the ninth Report.

For the further clearing of what is ſaid already, and what I am to add, it is obſervable, that thoſe Services are not created *ex proviſione hominis*, but *ex proviſione Legis*; for as it is in 33 *H.* 6, 7. & 6 Report *fo.* 7. *Wheelers* Caſe, and in the 9*th* Report *fo.* 123. *Lawes* Caſe; if the King grants Lands without reſerving any Service at all, or *abſq; aliquo inde reddendo*, the Patentee ſhall hold the Land by Knights-Service in *Capite*; the Books of 24 *E.* 3. 65. *Stamf. Prerog. fo.* 10. *Inſtit. pl.* 73. ſaid, That the firſt Kings of this Realm had all the Lands of it in their own Hands; which appears likewiſe by this, that all the Land within the Kingdom is held mediately or immediately of the Crown; in the transferring of thoſe Lands to the ſeveral Inhabitants, we ſee by the Caſes before cited, that the care and proviſion of Law was, that all ſhould by Tenure of the Crown be made liable to the defence of the Kingdom: I ſhall therefore ſhew briefly how the Kings of this Realm have executed the truſt for the defence both at Land and Sea.

And firſt a little further to proſecute the Land-Service; becauſe, the Tenures by Knights-Service tye the Tenant only to forty days Service, and that to the defence of the Realm only in the general; they therefore reſerved divers other Tenures for particular, and certain Services as grand *Serjeances*; ſome whereof, as in the *Inſtitutes fo.* 106. is obſerved, were for Service of Honour in time of Peace, and ſome for Military Service; of which laſt ſort, as appears in the Book of *Serjeances* in the *Chequer*, and many Rolls of them in the Tally-Office; ſome whereof were to carry the Kings Banner, ſome to ſummon the Tenants *ad exercitum*, ſome to be of the Vauntgard, ſome of the Rear, ſome to ſerve in *Wales*, ſome in *Scotland*, ſome *infra quatuor Maria*, ſome *infra quatuor portus Angliæ*; of theſe are Services of all ſorts neceſſary for an Army, and in reſpect of the multitude of theſe Military *Serjeances* over the others as forgetting them, *Britton. fo.* 164. in his definition of grand *Serjeancy* ſaith, That they are *pur defence del' Relme*; & *Fleta lib.* 3. *Cap.* 16. *Magnæ Serjanciæ Regem tantum reſpiciunt & patriæ defenſionem*;

nem. Beſides, the grand Serjances of this nature likewiſe are the Tenures by Cornage to give warning of the Enemies coming into the Kingdom, and the Tenures by *Caſtle-Guard*; theſe by *Lit.* 111. were to defend the Caſtles when the Enemy enters the Realm, which in ancient times were Forts and Bulwarks of the Realm; whereof, as Mr. *Cambden Pag.* 815. obſerves, there were 1115 in *H. 2d's* time, whereof a great part, and eſpecially ſuch as were upon the Sea-Coaſts, and Frontiers of *Scotland* and *Wales*, the Places of greateſt danger, were the Kings; and beſides thoſe Grand Serjeances, which were to be performed by the Bodies of Men, there are Petty Serjeances for the finding of Armor of all ſorts for the Wars.

My Lords, that the former Kings did execute this power of Tenures for the defence of the Realm, according to the Truſt by the Law repoſed in them, appears further in this, that in the Places of greateſt danger there were ever moſt of them.

All along the Sea-Coaſts of *Kent* and *Suſſex*, neareſt of all others to *France*, are the five Ports, who beſides their Sea-Service have all Juriſdiction within themſelves, that the Inhabitants for weakning of thoſe Ports might not be compelled to travel out of them, for any matters of Juſtice, and divers other Priviledges, both to invite the People to live there, and to incourage them to the defence of thoſe Places; and *Dover*-Caſtle, the Key of the Kingdom, as of greateſt Conſequence, ſo hath it 200 Tenures by Caſtle Guard, wanting very few, beſides divers Tenures for repairing of the Caſtle; which appears by the Record called the Quire of *Dover*, remaining in the *Chequer*; which that it is of Record, and determines the Services of the five Ports, as Domeſday doth the Tenures of Ancient Demeſne, appears *Int. Coram* 27 *E.* 1. *Rot.* 35. and by another Record added to that Quire of *Dover*, 20 *E.* 4. it likewiſe appears, that in times of War the King is to maintain in that Caſtle 1000 Foot and 100 Horſe for the defence of it.

Next to come to the Borders of *Scotland*, there we find the Franchiſe of the Biſhoprick of *Durham* inſtituted likewiſe for the defence of thoſe parts, which *William* the Conqueror, as *Malmesbury fo.* 157. obſerves, firſt made a County Palat. and *Walker* Biſhop thereof *ducem, pariter & Epiſcopum ut refrænaret rebellionem gentes gladio & reformaret mores eloquio.*

And beſides this in all the Counties of *Cumberland*, *Northumberland*, and *Weſtmoreland*, are more Tenures for the defence of the Realm than any of the Inland Counties, and thoſe likewiſe moſt proper for Borders *Coram pat.* 31. *E.* 1. *Ro.* 32. *Dor.* It's there found by Inquiſition returned into the Chequer that every Lord of a Town within the County of *Northumberland* held by Cornage; when the Scots entred the Realm Mr. *Cambden* in his *Brit. Pag.* 794. and 799. mentioning the great number of Petty Baronies and Caſtles all along thoſe Marches, which *Britton fol.* 87. and inſtitutes *fol.* 73. ſay were inſtituted for the defence of the Realm, obſerves herein likewiſe the Policy of the Law, and likewiſe the many Serjeances there in the advancing of the Kings Army to be of the Vauntguard, and in the retreat, in the Rear, thoſe People beſt knowing the ways and paſſages of the Country.

An. 1637.

Whence, my Lords, when we come to the Marches of *Wales*, there we find another County Palat. I mean that of *Cheſter* and the Earl of *Cheſter* and his Barons to oppoſe the *Welch* Invaſions.

Upon thoſe Marches, beſides the like ſervices, as upon the Borders of *Scotland*, there were likewiſe many Lords Marchers of ſeveral Baronies, who had adminiſtration of all Juſtice within themſelves, *ſecundum Legem Marchiæ*; and for their ſervices to be done againſt the *Welch* they had two ſpecial priviledges, that is the third peny of all Spoiles in War as was adjudged in Parliament, 20 *E*. 1. *B. R. Ro.* 123. in that great caſe between the Earls of *Gloceſter* and *Hereford*, and in the Parliament Book 20 *E*. 1.

And ſecondly, all the Priſoners that they took in the Wars *per Conſuetudinem Marchiæ* belonged to the takers of them.

Trin. 25 *E*. 1. *Ro.* 28. *Coram Roger de Knownell in partibus Mountgomeriæ, in guerra Walliæ* 23 *E*. 1. had taken three *Welch* Priſoners; and becauſe by the Kings Command they were releaſed of their Impriſonment, it's there adjudged that the King ſhould pay him forty pounds in recompence, and ſo it was adjudged *Coram Hill.* 25. *E*. 1. *Ro.* 11. *Dor.*

My Lords, His Majeſty is in the actual poſſeſſion of theſe military ſervices, by taking the profits of Wards, Marriages, Releaſes, Licenſes, and forfeitures for alienation, and *Primer Seiſin* as fruits of them.

That the profits of Wards and Marriages are to be ſpent in Wars for the defence of the Realm as well as for bringing up the Ward, the Books are 35 *H*. 6. 41. *Britton* 162.

That the Lords receive the profits becauſe he is not able to do the ſervice if the Kings Ward was within age when the Tenants were ſummoned *ad exercitum*, he paid no *eſcuage*, as is adjudged *M*. 20. *E*. 1. *R*. 9 *&* 20 *Co'ia &* *M*. 28. *E*. 1. *Bra. irrott.* ſo it is for Releifs and Licenſes and forfeitures of Alienation of the Kings Tenant, without his conſent might be altered, and for *primer ſeiſin* the King was to receive the profits till the Tenant by his homage had aſſured the King of his ſervice, the Summons always commanding him to be at the place of the Randevows *in fide & homagio quibus nobis tenemini*, all theſe being but fruits that fall from theſe Military Services.

My Lords, Now to come to Sea-ſervice, the care of the execution of this truſt by Tenures was extended likewiſe to the defence of the Sea.

The Town of *Lewes* in *Suſſex* holds by this Service *quod ſi Rex ad Mare Cuſtodiendum ſuos mittere voluiſſet*, they paid ſo much money, *Et hos habebant qui in manibus Arma Cuſtodiebant*, this, my Lords, is in *Domeſday*: in *Colcheſter* every Houſe to pay ſix-pence *per Annum, ad Victum ſoldar' Regis ad expeditionem terræ vel Maris Warwick: Si Rex per Mare contra Hoſtes ſuos ibat*, the Town was to find four Botſwains; *Saliſbury* then to pay ſo much mony *ad Paſcendum Buſtecorlos Domini Regis*, which as *Florentius* explains the word be *Miniſtros Nauticos*; *Gloceſter* and others ſuch a weight of Iron, *ad Claves Navium Regis*, others to find Horſes to carry Armor and Weapons to the Ships.

My Lords, Of this Nature are many in that Book, which particularly to mention to gain time I will omit.

That the Tenures of this kind after the Conquerors time continued in uſe, and were well-known appears by the Regiſter *fol.* 2. where, amongſt other Services, is this of ſhipping alſo inſtanced in theſe words, *Quod clamat tenere de nobis per liber' Servit' inveniendi nobis quinq; Naves pro omni Servitio.* In the *Iter* Roll of *Eſſex*, 13 *E.* 1. *Ro.* 7. it's preſented that the Town of *Malden tenet per Serjantiam inveniendi unam Navem, quandocunque Rex neceſſe habuerit perſonaliter ire, vel mittere propter negotia Regni*, and from the time that they came to the place of Rendezvous to ſtay in the Service forty days, *ſumptibus propriis*; and being there preſented that they made default at the *Welch* war, they plead they had no Summons.

So, my Lords, In the Books of *Serjances* of *E.* 1. *Tyme* in *Kent*, the Town of *Killingborn* is to find one Ship; and in the County of *Berks*, *Fulk Caudry* holds the Mannor of *Padworth per Serjantiam inveniendi ſervientem*, to perform Sea-ſervice, *Bra. p. octavo E.* 2. *Rot.* 40. *Will. Dyer* in the County of *Suſſex* to find a certain proportion of Cordage.

Iter Cantiæ 21 *E.* 1. *Rot.* 46. *Solomon de Campis* holds *per Serjantiam tenendi Caput Dom. Regis* when he is at Sea, *ſive neceſſe fuerit*, and ſo *Rot.* 30. another in the ſame *Iter Roll*.

The five Ports and their Members are to find fifty ſeven Ships, and in every Ship twenty men, and a Maſter, *Armatos & bene ariatos*; from the time they come to the Randezvouz, they are to continue in the Service 15 days at their own Charge, and afterwards as long as the King pleaſeth; but after the 15 days the King is to pay the Maſter and Conſtable 6 *d.* a day, and the reſt 3 *d.* a day for their Wages: This Service appears by the Records of the Quier of *Dover* before-mentioned, and the Patent-Roll of 7 *H.* 7. *pars.*

Both which Records imply, that this Service of theirs cannot be exacted otherwiſe than for the defence of the Sea; for it cannot be demanded above once in a year, nor then neither, *niſi neceſſe fuerit, Parliament' Pet'* 1 *E.* 3. *Rot.* 4. The Barons of the Ports in conſideration of their Sea-ſervice, pray a confirmation of their liberties *pro Salvatione dict. Navigii & Regni*; commonly when the Land-ſervice was ſummoned, theſe likewiſe were ſummoned to the ſame Service at Sea, as appears in the cloſe Rolls, 28 *E.* 1. *M.* 15. 31 *E.* 1. and 34 *E.* 1. *M.* 15, 16. in all which years the Land-ſervice was ſummoned for *Scotland*, and the Summons both for the one and the other run in the ſame words, commanding them to be at the place *cum toto Servitio veſtro quod nobis debetis*, which ſhews it to be a Service by Tenure.

That theſe Services of theirs are for the defence of the Realm; and likewiſe that there are many of like nature beſides theſe, which by a ſuperficial reading of two or three *Iter Rolls* I have cited, appears by the Parliament Roll of 13 *E.* 1. *pars* 1. *Numero* 11. where is declared in theſe words, That the five Ports, and other great Towns and Havens, are infranchiſed *pur eſtre gard & mure inter nous & aliens*; if it fall out that they ſhall endeavour *noſtre terr' enter, & aſſay terr', & ſunt tenus a ceo faire.* My Lords, a fuller Declaration than this there cannot be, That both the Ports, and many of

An. 1637. the Havens and Sea-Towns are bound to the Service of Shipping for the extraordinary defence of the Realm, as well as the ordinary.

I have now done with the Services in kind; and becauſe theſe which immediately tend to Action alone were not ſufficient to defend the Realm, and this in the frame and firſt conſtitution of the Common-wealth being foreſeen, and that the Land, or *fundus Regni*, the moſt viſible and conſtant ſupplier of our wants, was beſt able to ſupply this likewiſe; therefore beſides them there were divers other Tenures created for that purpoſe. Thoſe which next I am to ſpeak of are ſuch as ſupply His Majeſty with Money for that purpoſe.

In the *Black Book* in the *Chequer*, *lib.* 1. *Cap.* 7. it's ſaid, that in *Primitivo Regni ſtatu ad ſtipendia & donativa Militum, & alia neceſſaria ex Caſtellis*, and other Lands, *in quibus Agricultura non excercebatur pecunia numerata ſucceſſebat*; it might from hence be colorably inferred, that in reſpect, *ex proviſione Legis* upon the Kings paſſing of Lands, a Tenure for Knights-Service for the defence of the Realm was to be reſerved, that in Caſe upon ſuch Grants Rents only without any ſuch Tenure were reſerved, that yet this Money ſhould be imployed for Souldiers Wages, or other neceſſary Affairs of the Common-Wealth, *ad Stipendia Militum, & alia neceſſaria*: But not to preſs this further;

It's plain, that all Men within the Kingdom were not equally inheritable, either to the Freedom of Body, or propriety of Lands or Goods, but that there were three degrees and ranks each differing from other in all theſe; firſt, Villanies; 2. Free-holders, either by Knight-Service or Free Soccage; 3. Tenants of Antient Demeſne, and that held by Burgage within Cities and Burrough-Towns.

Firſt, for the Villain, we know that as to his Lord he had Freedom in neither; in reſpect of his Body he could not *ire quo voluit*, but the Lord at his will might impriſon him; in reſpect of his Lands and his Goods, he might tax him *de haught & de baſe*.

2. The Free-holders, the greateſt part of the Realm always had an abſolute Freedom in both.

3. The third, and that is the Tenants in Ancient Demeſne, and Burgers, they had an abſolute Freedom in their Perſons, but qualified in the other of propriety, not taxable at will, or as Villains, but for the defence, and other neceſſary affairs of the Realm they might be taxed without conſent in Parliament.

My Lords, that theſe had a divided eſtate from other free Tenants, is clear: and firſt for Tenants in Ancient Demeſne, if it be queſtioned whether ſuch Land be Ancient Demeſne yea or not, the iſſue is in theſe words, whether it be Ancient Demeſne or Frank-Fee: By this it appeareth they have not a frank and free Eſtate as the others have, as all our Books agree; they have no Vote in Parliament, for they have no Voice in election of Knights, nor pay to the expences of the Knights that ſerve in Parliament, nor Subſides granted in Parliament. *N. B.* 79. and 14. it is often diſputed in our Books, whether Acts of Parliament extend to them, unleſs they be ſpecially named; neither can they ſue at Common Law for any thing that concerns the Free-hold, but only by a Writ of Right cloſe within themſelves;

and therefore *Bracton*, *fol.* 209. calls them *Villanos privilegiatos.*

The ſame it is of Burgeſſes within Cities and Burroughs, and therefore the Statute of *Merton* makes it a diſparagement for the Lord to Marry his *Warde Villanis, & aliis ſicut Burgenſibus. N. B.* 7. and other Books no Aſſiſes will lie for ſuch Lands, but they are impleadable without Original Writ by a Bill of freſh force; and as a Chattel they may deviſe their Land, by the Statute 1 *E.* 2. *de Militibus* for ſuch Land; and for Ancient Demeſne no Man is compellable to take the Order of Knighthood. Much more might be brought in proof of this which I omit.

My Lords, all our Books agree, that the Tenants in Ancient Demeſne were to Plow and Manure the Kings Lands, being His Demeſnes; in a Manuſcript that I have ſeen the Author ſaith, That he hath an ancient Manuſcript which ſaith, that the Corn, and other Victuals ariſing hereby, was to ſtore the Kings Gariſons, and Caſtles; and conſidering the number of thoſe Mannors, there being above a Thouſand of them in the Kings Hand at the Conqueſt, it appears by Domeſday, and that thoſe Mannors for the moſt part are great, and that the greateſt part of the Soccage Tenures till *H.* 2's time, as appears by the *Black Book lib.* 1. *Cap.* 23. were to find Victuals of all ſorts in kind for the Proviſion of the Kings Houſe, and were in his time turned into Rents.

Although this may ſeem probable, yet becauſe I have not ſeen the Manuſcript, I'le inſiſt no more upon it.

That for which theſe and the Tenures of Burgage in the Kings Cities and Burroughs, were mentioned in the raiſing of Money for the neceſſary Affairs of the State, that theſe were anciently talliable without their conſent in Parliament, is ſo plain and frequent in the *Chequer* Rolls, the *Parliament* Rolls, and the *Patent* Rolls, as that I intend to cite nothing in proof thereof; It will be admitted by them that are to argue of the other ſide: That which I ſhall endeavour to prove is, that theſe were not talliable at the Kings Will and Pleaſure, but only for the defence, and other neceſſities of State. *N. B. fo.* 15. 49 *E.* 3. 22. they be not talliable *de haut & baſſe*, as Villains are; and therefore *Bracton fo.* 209. calls them *Villanos Privilegiatos lib. Parliament. fo.* 112. *taliare & rationabile auxilium dare pro neceſſitate. N. B.* 14 *E.* They are taxable *pro grand Caſe, Rot. Parliament.* 6 *E.* 3. Commiſſions to tax Cities and Burroughs, and Ancient Demeſnes upon Petitions of the Commons revoked, and Writs in due form to be ſet, and for the time to come the King ſhall not aſſeſs *tallage forſq*; in ſuch manner *come a d'eſtre fait en temps de ſes Anceſtors, & come il devera per reaſon*: The occaſion not requiring it, I ſhall ſay nothing of it when theſe Talliages are diſuſed.

My Lords, I have now done with the Tenures, the firſt way whereby the Law hath provided for the ſafety of the Realm, which of themſelves not enabling the King entruſted therewith all ſufficiently to do it; the Law therefore, beſides the Honours, Mannors, Caſtles, and other conſtant Revenues of the Crown, for the ſupportation of the ordinary Charges thereof, hath appointed unto it divers Prerogatives for the extraordinary, and for this of the defence of the Realm, as one of the chiefeſt of them: theſe Prerogatives they have an influence into the Eſtates of all the Subjects in the Realm, and are ſo many, that to gain time I will omit to mention any of them; that which I ſhall inſiſt upon, will be to prove, that the things coming to the Crown by this Prerogative way, are to be imployed for the defence, and other publick Affairs of the Realm. In His Majeſty there is a double Capacity, Natural and Politick; all His Prerogatives are *Jure Coronæ*, and of all ſuch things He is ſeiſed *Jure Coronæ*; and therefore, as in other Corporations, ſuch things are *patrimonia & bona publica*, to be imployed for the common good; ſo likewiſe by the ſame reaſon here, the reaſon why the King hath Treaſure-trove, and Gold and Silver-Mines in the Earth, in the Caſe of Mines is declared to be, becauſe the King is hereby to defend the Kingdom; and in Inſtitutes in the Title of Soccage, *fo.* 28. 131. the reaſon of many of the reſt, *quia Theſaurus Regis eſt fundamentum belli, & firmamentum pacis.* This I conceive to be the reaſon, that by the Stat. of 14 *E.* 3. *Cap.* 1. Eſcheats, Wardſhips, Cuſtoms, and Profits ariſing of the Realm of *England*, ſhould be declared to be ſpent for the ſafe-guard of the Realm, more than the Profits of the Kings Mannors and Lands, and of the difference made in the *Co'ia M.* 3. *R.* 2. *London*, between *Rectas præventiones Regni*, which, by the advice of the Lords of the Council, were to be ſpent in the Houſhold, and the other Profits of the Crown to be ſpent *circa ſolutionem & defenſionem Regni*, in the Parliament Roll of 6 *R.* 2. *N.* 42. The Commons Petition, That the King will live of His Revenues, and that Wards, Marriages, Releaſes, Eſcheats, Forfeitures, and other Profits of the Crown, may be kept to be ſpent upon the Wars for defence of the Kingdom; which ſheweth, that there was always a difference made between the Profits ariſing of the Kings Mannors and Lands, and that which roſe by the Prerogative in caſual and accidental ways. My Lords, I have now done with theſe.

Stat. 14 *E.* 3. *Cap.* 1.

Parliament Roll 6 *R.* 2. *Numero* 42.

The third way that the Law hath provided for defence, is ſupplies of Money. *Nota.*

Bract. lib. 3. *Cap.* 13. *fo.* 129.

The third way whereby the Law hath provided for the defence of the Kingdom, is particular ſupplies of Money for the defence of the Sea alone in times of danger, both ordinary and extraordinary; for beſides the Supplies of Money before-mentioned, which are to be imployed for the good and defence of the Realm in general, as in the other Caſes where the Law putteth the King to any particular Charge for the protection of the Subject, it always enables Him thereto, yields Him particular ſupplies of Money for the maintenance of the Charge; ſo here, the Courts of Juſtice for the preſervation of us in our Rights are ſupported at His Charge, and that is the reaſon why He hath all Fines and Amerciaments, the Goods of Out-lawed Men in Perſonal Actions, *Bract. lib.* 3. *Cap.* 13. *fo.* 129. and Fines for purchaſing of Original Writs, *& pro licentia concordandi*, which in ſuppoſition of Law are paid, for not proceeding, and for troubling without cauſe, the Kings Juſtices who are maintained in their Places at the Kings Charge: theſe they are the *vectigal' Juditiarium.*

The defence of the Realm extends it ſelf to many Particulars.

1. Of the Church and of Religion; and therefore in the Summons of Parliament the cauſe of the Calling of the Parliament is always declared to be *pro defenſione Eccleſiæ Angliæ* in particular, as well as *totius Regni.*

His Majeſty therefore hath the Temporalities of all Biſhopricks, *ſede vacante*, a Prerogative, and that which Patrons have not, with an Addition of the Firſt Fruits and Tenths of them, and all other Eccleſiaſtical Promotions and Benefices in *H.* the 8*th*'s time, and likewiſe the Tyths of all Lands which lie not within any Pariſh.

2. For defence of Land alone, beſides theſe Military Services before-mentioned, the Profits of Wards and Marriages, which, as I have read, no other Chriſtian Prince hath as a Fruit of them, are received for that purpoſe.

Ro. Scoc. 10 *E.* 3. *m.* 16.

So it is for the Sea in *Rot. Scoc.* 10 *E.* 3. *m.* 16. It is ſaid that the King and His Anceſtors *Domini Maris Anglicani & defenſores contra Hoſtium invaſiones ante hac tempora extiterunt*; for the ſupporting of this Charge therefore, they have not only had the Grand Cuſtom of the Mark and Demy-Mark upon the Wooll, Wool-fells, and Leather, and the Priſage, that is, one Tunn of Wine before the Maſt, and one behind of every tenth Tunn, which were even due by the Common Law, as appears by the Book of my Lord *Dyer*, 1 *El.* 165. and Sir *John Davis's* Reports *fo.* 8, & 9. and implied by *Magna Charta Ca.* 30. that Merchants may Trade *per rectas & antiquas Conſuetudines*; but likewiſe divers other things were afterwards granted by Act of Parliament in addition to them.

Petty Cuſtome 31 *E.* 1. Stat. 27 *E.* 3. *Cap.* 26.

As firſt, the Petty Cuſtom began 31 *E.* 1 and made perpetual by the Statute 27 *E.* 3. *Cap.* 26. and likewiſe divers Aids and Subſidies, which are an encreaſe of Cuſtoms upon the Staple Commodities of Woolls, Wool-fells, and Leather, and Tunnage, and encreaſe upon Wines, and Poundage, and encreaſe upon all other things imported or exported, either by Denizens or Aliens: That which in this kind was taken by His Majeſty 11*th* of His Reign, when this Writ went out, was 300000 Pounds and upwards.

The Aids and Subſidies, and likewiſe the Tunnage and Poundage anciently granted upon particular occaſions only, and afterwards to the late King and Queens for their Lives by Act of Parliament; and and being now granted to His Majeſty; and likewiſe the new Impoſition, which altogether make up the afore-mentioned Sum of 300000 *l.* of the Legality hereof I intend not to ſpeak; for in caſe His Majeſty may impoſe upon Merchandiſe what Himſelf pleaſeth, there will be the leſs cauſe to Tax the In-land Counties; and in caſe he cannot ſo do, it will be ſtrongly preſumed, that He can much leſs Tax them. The proving of theſe Two things herein will ſerve my turn.

1. That His Majeſty *de facto* takes them, and that this judicially appeared to your Lordſhips and the Court.

And 2. That theſe and the Ancient Cuſtoms are for the defence of the Sea.

For the firſt, it was declared by His Majeſty in the laſt Parliament, and annext to the Petition of Right, as part of it, that His Majeſty took them, and could not be without them; whereof He likewiſe deſired the Judges to take notice, and that they might ſo do, it is Enrolled both in this, and other the Courts of *Weſtminſter-Hall.*

For the ſecond, that the grant of Cuſtom is principally for the protection of Merchants at Sea againſt the Enemies of the Realm,

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Sir *John Davis's* Reports *fo.* 9. 12.
7 *Jac. Balles* his Caſe in the *Sea.*

and Pirates, the common Enemies of all Nations, is Sir *John Davis's* Reports *fo.* 9, 12. And that theſe, and likewiſe the Impoſitions are for that purpoſe, was held by many of the Judges in the Argument of *Balles* his Caſe 7 *Jac.* in the *Chequer*, in the Caſe of Impoſitions upon Currands; and likewiſe by the Kings Council, when the ſame Caſe afterwards came to be debated in Parliament, and was one of the main Reaſons urged by them for the maintenance of that Judgment. That the Aids and Subſidies, and likewiſe the Tunnage and Poundage, before they were granted for Life, were not only for the Protection of Merchants, and the ordinary defence of the Sea, but alſo for the defence thereof in times of extraordinary dangers, and of Invaſion from Enemies, appears by the ſeveral grants of them in the Parliament Rolls.

Rot. Par. 1. *R.* 2. *pars* 2. *N.* 9. 27.

Rot. Parliament. 1 *R.* 2. *pars* 2. *N.* 9, & 27. the Kingdom being in point to be loſt by the Enemies of *Spain* and *France*, and divers others there mentioned, who made War both at Land and Sea; a Subſidy upon the Grand Cuſtoms was granted, as the words are, *pur le defenſe & Reſcous del' Kingdom*; this was for two years, and perſons aſſigned to receive and expend the Money.

Co'ia M. 3 *R.* 2. *London.*

Co'ia Mich' 3 *R.* 2. *London. William Wallworth* and *John Philpott* Citizens of *London*, the Treaſures of it upon their Accompt ſhew the particulars how this Money was expended *circa ſalvationem & defenſionem Regni*, and diſcharged.

Parl. 3 *R.* 2. *N.* 16, 17.

Rot. Parl. 3 *R.* 2. *N.* 16, 17. the ſame Cauſe as 1 *R.* 2. continuing, and that the Enemies intended to blot out the Name of the *Engliſh* from under the Heaven; the Subſidy continued for a year longer.

Par. 5 *R.*

5 *R.* 2. *pars* 2. *N.* 14, 15. Tunnage and Poundage granted *iſſuit, que ſoit apply ſur ſafeguard del' mere, & nul parte a il hors*, and the King, at the Petitions of the Commons, appoints Receivers.

Par. 6 *R.* 2. *N.* 13.

6 *R.* 2 *pars* 2. *N.* 13. The Commons Complain, that notwithſtanding the Grant of Tunnage and Poundage, the Sea is not kept, and therefore Perſons named and aſſigned in Parliament to receive the Money, and to do it.

Rot. Parl. 10 *R.* 2. *N.* 1. Tunnage and Poundage, and Subſidy for a year.

11 *R.* 2. *N.* 16. & 12. Tunnage and Poundage, and Subſidy for a year.

13 *R.* 2. *N.* 20. both for a year.

14 *R.* 2. *N.* 16. both for three years.

17 *R.* 2. *N.* 12. both for three years.

20 *R.* 2. *N.* 18. Subſidy for five years, and Tunnage and Poundage for three years.

2 *H.* 4. *N.* 9. both for two years.

6 *H.* 4. *N.* 9, 10. both for two years, upon condition to ceaſe, if the King before St. *Hillary* provide not a ſufficient Army for the Sea.

11 *H.* 4.

8 *H.* 4. *N.* 9. and 9 *H.* 4. *N.* 26. both as 6 *H.* 4. 11 *H.* 4. both for two years, for the common Commodity and defence of the Realm: 13 *H.* 4. *N.* 10, & 11. for one year, ſo as the ſame be confeſſed to proceed of their own good will, and not out of duty.

5 *H.* 5. *N.* 17. for four years, as 13, &c. and upon many Conditions.

1 *H. 6. N.* 9. For two years.

3 *H. 6. N.* 17 Subſidy for three years, Tunnage and Poundage for one year.

4 *H. 6.* 22.

6 *H. 6. N.* 11. For two years Tunnage and Poundage, *viz.* 6 *s.* 8 *d.* upon every Man within a Pariſh Church, that hath twenty Nobles, and 6 *s.* 8 *d.* upon every Knights Fee held immediately of the King.

8 *H. 6.* 15. Tunnage and Poundage to continue until the next Parliament.

9 *H. 6.* 14. both, and for two years.

10 *H. 6.* 21.

4 *H. 6.* 14. for two years.

23 *H. 6.* 16. for four years, and double upon Aliens.

27 *H. 6.* 10. as 23 for five years.

31 *H. 6. N.* 8. and 42. Tunnage and Poundage firſt granted for life, and *N.* 41. aſſigned into the Subjects hands three years for the good of the Seas.

3 *H.* 4. *N.* 29.

My Lords, either by the Grant it ſelf of them, or by the Declaration of the Calling of the Parliament, it appears that thoſe were all granted upon extraordinary occaſions; and when they came to be granted for life, as appears by the Rolls, and likewiſe by the Printed Statutes of 13 *Ed.* 4. *Cap.* 3. 13. and they were not only granted for the ordinary defence of the Realm, and principally of the Sea; but likewiſe that the Kings might always have in readineſs a Stock of Money in their Hands to withſtand an Invaſion, as is declared by the very words of thoſe Statutes.

Stat. 12 *E.* 4. *Cap.* 3.
1 *E.* 6. *Cap.* 13.
1. *Mar. Ca.* 19.
1 *El. Cap.* 19.
1 *Jac. Cap.* 33.

My Lords, His Majeſty is in poſſeſſion of them, and was pleaſed by His Proclamation Printed 1626. declaring the cauſe of the diſſolution of the laſt Parliament, as appears by *Pag.* 17. to declare that they were always granted to His Progenitors for the guarding of the Seas, and the ſafety and defence of the Realm; and in the 18*th* Page is graciouſly pleaſed in theſe words to declare, That He doth and muſt ſtill purſue theſe ends, and undergo that Charge for which it was firſt granted to the Crown; and Page 44. that he receives it for the guarding of the Seas, and defence of the Realm.

Proclamation 1626. *Pag.* 17, & 18.

My Lords, I have now done with the ways which I firſt propounded, whereby the Law hath provided for the defence of the Realm; I ſhall add this only, that by the Statute of *Wincheſter*, which was made in the 13*th* year of *E.* 1. every Man *ſecundum ſtatum & facultates*; for the words of the Statute are, according to the quantity of his Lands and Goods is to find Horſe and Armour for the defence of the Realm: For that that Statute in this particular extends not only to the keping of the Sea, but likewiſe to the defence againſt Forreigners, is declared in the Parliament Roll of 3 *R.* 2. *N.* 36. and by the Stat. of 5 *H.* 4. in the Parliament Roll *N.* 24. not printed, *juxta quantitatem terrarum & bonorum* againſt Invaſions, each Man is to find Armour, and by the Statute 1 *E.* 1. *Cap.* 5.

Stat. *de Wincheſter* 13 *E.* 1.

Theſe

An. 1637.

Par. 3 R. 2. N. 36. Stat. 5 H. 4. Parl. Roll N. 24. 4, & 5 P. & Mar. Cap. 2. 1 Jac. 24.

Theſe Men, upon ſudden coming of ſtrange Enemies into the Realm, may be compelled to march out of their Counties where they live; whether they may be compelled ſo to do without Wages, I ſhall have occaſion afterwards to ſpeak, how far the Statutes of *Winchester*, and 5 *H.* 4. for Arms, upon the Statute of 4, & 5. *P. & M. Cap.* 2. and 1 *Jac. Cap.* 25. are in force, I ſhall not ſpeak. Firſt, my Lords, I ſhall now proceed to the ſtating of the Queſtion.

Bracton, in the beginning of his Book ſays, That in *Rege neceſſaria ſunt hæc duo Arma ſcilicet, & Leges, quibus utrumq; tempus Bellor' & Pacis recte poſſit gubernari*; and *Glanvil* in the beginning of his Book, *Regiam Majeſtatem Armis contra Gentes ſibi Regnoq; inſurgentes oportet eſſe decoratum*; His Majeſty, as He is Lord of Sea and Land, ſo by that which hath been ſaid it appears, that He is armed with Power for the defence of both. My Lords, the reaſons in the Writ, as they are weighty, ſo from theſe known ſupplies, whereby the Law hath provided for the ſafety of the Realm, they will all of them be confeſſed, and yet thereby receive anſwer; and that the Law hath fore-ſeen, and provided the ſupplies accordingly, without the way in the Writ. 1. The command in the Writ being in *fide & legiantia quibus nobis Tenemini*, it's thence inferred, that each Subjects Allegiance binds him to contribute to the defence of the Realm. In the old Cuſtomes of *Normandy Cap.* 43. Allegiance binds *ad Conſilij & Auxilij Adjuramentum*; this, although it be principally performed by the Parliamentary, both Advices, and Aids, yet beſides theſe extraordinary, by that which hath been ſaid, we ſee both by the Tenures in kind, and pecuniary Supplies, that without the aſſiſtance thereof our Perſons, Lands, and Goods, by His Majeſties command alone, are made contributory thereunto, and that in a large proportion. 2. If the Rule whereby this Contribution muſt be regulated be, as in the Writ, *Secundum Statum & facultates*, that likewiſe is ſatisfied, and that both for Sea and Land.

1. For Land, in caſe either the Statutes of *Winchester*, or 5*H.* 4. be a-foot, then in words in that of finding Arms *juxta quantitatem terrarum & bonorum:* So ſecondly in reſpect of the Tenures by Knights-Service in the Wars, Marriages, and Reliefs, thoſe I confeſs concern the Tenant only; but thoſe others are Tenures in *Capite* and Grand Serjeanty, theſe concern all others in reſpect of the Licenſes of Alienation, and of the Wardſhips of Lands held of other Lords, and that all the Tenants Land is hereby become wardable; and thirdly, in reſpect of the Prerogative before-mentioned; for the greater the Subjects Eſtate is, the greater influence they have into it, and proportionably raiſe more profit out of it.

In reſpect of the Sea, this is ſo by reaſon of the Cuſtomes, Aids, Subſidies, Tunnage, and Poundage, before-mentioned; for the Charge of theſe is not born by the Merchants alone, but by each Subject within the Kingdom, and that *Secundum Statum & facultates*.

For firſt in reſpect of the Exporte, the greater the Eſtate, the more Wooll and Wool-fells, and Leather, Lead, and other ſtaple Commodities it exports; if that be done by the owner, he bears the immediate Charge, if by the Merchant, according to that proportion is his abatement in Price unto the owner. So it is for Goods.

Goods imported, for the greater the Eſtate and means of Livelihood, the more each Perſon buys of thoſe, and at a dearer rate. This is cleared by the Petition of the Commons in the Parliament Roll, 22 *E.* 3. *N.* 41. that the Merchants had granted to the King 40 *s.* upon a Sack of Wooll *en Charge du people, & nemy des Marchants*; and by the Statute of 36 *E.* 3. *Cap.* 11. that no Subſidy or Charge be granted to the King by the Merchants upon Wooll, without Aſſent in Parliament.

Par. Roll 22 *E.* 3. *N.* 22.

Stat. 36 *E.* 3. *Cap.* 11.

3. Hence likewiſe that other ground of Equity in the Writ, *Quod omnes tangit per omnes debet ſupportari*, receives anſwer; for as all have benefit by the defence, ſo the *Compenſatio publica*, we ſee it come from all: the fuller Anſwer, is the Parliament Summons of 23 *E.* 1. proviſion againſt the *French*, who intended *linguam Anglicanam omnino debere, Clo.* 23 *E.* 1. *M.* 14. *Dor. Lex juſtiſſima provida circumſpectio ſacrorum principum ſtabilita ſtatuit, & quod omnes tangit ab omnibus approbatur.* The Charge, as it muſt be born by all, ſo muſt it be approved by all.

Par. Sommons 23 *E.* 1.

Clo. 23 *E.* 1. *M.* 4. *Dorſ.*

4. If His Majeſty be entruſted with the defence of the Realm, as in the great Caſe between the Earls of *Hereford* and *Glouceſter*: It's ſaid, that *incumbit Domino Regi ſalvatio Populi ſibi Comiſſ.* and that *per Juramentum eſt aſtrictus ad providendum ſalvationem Regni circumquaq*; becauſe no Man goeth to War at his own Charge; we ſee by that which is already ſaid, that the Law hath provided the *Stipendia Miniſterij*: with that they do not bind His Majeſty to the defence and ſafety of the Kingdom only in point of care and vigilancy, but even in point of Charge too, I ſhall endeavour to prove to your Lordſhips and the Court. Allegiance, we know, is an Act of Reciprocation, for as it binds the Subjects to Tribute and Subjection, ſo therefore muſt it the King to the Charge of Protection, by the expence of thoſe; *Rex ad Tutelam Legis, corporum & bonorum, erectus*: the ſupplies He hath for that purpoſe ties Him to the ſupportation of the Laws, the execution of Juſtice, 20 *E.* 1. In the Caſe before-mentioned, between the Earls of *Glouceſter* and *Hereford*, it is ſaid, That *Dominus Rex eſt omnibus & ſingulis de Regno ſuo Juſtitiæ debitor*; which that he is ſo even in point of Charge appears by His Majeſties ſupportation of the Courts of Juſtice, and the Salaries, not only to your Lordſhips, and other the Inferior Miniſters of Juſtice, and anciently to the Sheriffs, but likewiſe many other ways, 4 *H.* 7. *Cap.* 12. The King ſhall not let for any favour of Charge, but that He ſhall ſee His Laws fully executed, *Pa.* 23 *E.* 1. *Rot.* 12. *Exchequer.* A Clark that attended a Commiſſion of grievances, recovered Salary from the King, although the Commiſſion was for the Relief of that Country.

Hill. 20 *E.* 1. *B. R. Ro.* 14.

Forteſcue Cap. 13.

This I conceive to be the Reaſon of the Declaration in the Statute of 14 *E.* 3. *Cap.* 1. and other Statutes, that Aids, though granted in Parliament for defence, ſhall not be brought into example, that it might not be conceived that the Commons were to bear that Charge which principally belonged unto the King, *Pat.* 48 *H.* 3. *M.* 8. it recited, That whereas a late Parliament *in Articulo neceſſitatis pro defenſione Regni contra Hoſtilem Adventum Alienigenarum*; the Commons granted him a large Subſidy, *ultra quam retroactis temporibus facere conſueverunt.* Now the King *eorum indempnitate proſpicere volens*, grants, that *non cedat in prejudicium, nec in poſterum*

non

2. Report fo. 15. Wiſemans Caſe.

non trahatur in Conſuetudinem, in *Wiſemans* Caſe. In 2 *Report fo.* 15. it is reſolved, that a Covenant to ſtand ſeiſed to the uſe of Queen *Eliz.* in conſideration that She is the Head of the Common Wealth, and hath the care of repelling Forreign Hoſtility, is not good, becauſe, ſaith the Book, the King is bound to do that *ex Officio*.

Cam. 315. One Reaſon why the King is to have Royal Mines, alleadged by all that argue for the King, is, becauſe He is at His own Charge to provide for the defence of the Realm, which he cannot do without Money. In the Earl of *Devonſhires* Caſe, *Co.* 11. 91. 6. *Inſt. fo.* 28. & 131. *Theſaurus Regis* is called *Nervus Belli*. For the practiſe, the proof of the particular Charges the ſeveral Kings have been at for the defence of all ſorts, would be ſo tedious, that I'le omit the citing of any thing in this kind: Sir *John Davies*'s *Reports fo.* 12. many Authorities; and in the Treatiſe *de Regalibus*, p. 81. *Principes totam Navigationem pro vectigalibus præſtare coguntur*.

But becauſe His Majeſty, in the before-mentioned Proclamation, *Pag.* 18. & 44. is pleaſed graciouſly to profeſs, That He holds Himſelf obliged to undergo the Charge of the defence of the Realm, and of the Sea in particular, I ſhall ſpare any further Proof in this.

5. If that in the Writ, That the Sea *per gentem Anglicanam ab olim defendi conſuevit*, be not anſwered by the *Scotch* Roll of 10 *E.* 3. before cited, which ſays, That the King and His Anceſtors, *Maris Anglicani defenſores antehac extiterunt*, nor by what is now ſaid, if it be admitted; yet that even the Charge of this defence is born *per gentem Anglicanam* is before proved.

The Sixth, and one of the main things whereupon I ſhall ſtate my Queſtion, is this; His Majeſty is in the actual Poſſeſſion, not only of the Services in kind for the defence of the Land, by taking of the benefit of the Wardſhips, Marriages, Reliefs, Fines, and Licences for Alienation and primer Seiſin, and of the Prerogatives before-mentioned, but likewiſe of the Service of the five Ports, unleſs they be releaſed ſince 7 *H.* 7. for then their Service was ſummoned. And of the Tunnage and Poundage, and other Duties for the defence of the Sea,

It appears not by any part of the Writ, nor by any thing in the Record, that either the Service of the Cinque-Ports was ſummoned, or that any Money at all of His Majeſties was expended either for this Service, or at any other time for the defence of the Sea.

My Lords, I deſire to be underſtood, I do not affirm that none was expended; only this appears not to your Lordſhip and the Court.

All that can be inferred from the Writ, as to this purpoſe, is, That the Ship for *Buckinghamſhire* is commanded to be at *Portſmouth* by ſuch a day, *ad proficiſcendum exinde cum Navibus Dom' Regis & Navibus aliorum fidelium ſubditorum ſuorum*; by this it appears not to the Court, that though the Ships are the Kings, that they are to be ſet forth at the Kings Charge, for the Charge may be born by the Subject for ought appears.

Neither, ſecondly, doth it appear how many theſe Ships were, whereby the Charge, in caſe it were born by the King, might in any proportion appear to be anſwerable to the Supply before-mentioned.

Theſe other Ships *aliorum fidelium ſubditorum Domini Regis*, as in truth they were not thoſe of the Cinque-Ports, ſo neither can they be ſo intended, unleſs it had been ſo expreſſed.

The Services of the five Ports, and Tunnage and Poundage, and other Duties, are the ordinary, the ſetled and known ways, by Law appointed for the defence of the Seas: The way in the Writ by Seſſing and altering the property of the Subjects Goods without their conſent, as in the Writ, muſt needs be granted to be a way more unuſual and extraordinary; againſt the Legality of it, I ſhall therefore thus frame the Argument by way of admiſſion. Firſt, That in caſe the Services of the Ports had been ſummoned, and the Money coming by the before-mentioned ways had been expended upon the defence, and they had not been ſufficient; that though in this Caſe the Writ had been legal, that yet as now it is not. *Reylies* Caſe in the 10*th* Report *fo.* 139. and *Trin.* 18 *E.* 2. *B. R. Ro.* 174. adjudged; That ſo long as he that is bound by Tenure or Preſcription is able to do it, the whole Level cannot be Seſſed to the Reparation of a Wall or Bank.

It's a Maxime, *Lex non facit ſaltum*, nor that we are to run to extraordinary, where the ordinary means will ſerve the turn. Theſe Rules are often put in our Books, I intend to inſtance but in one or two Caſes.

The Common Law is the common reliever of Perſons wronged, that in *Chancery* is extraordinary, and therefore no Man can Sue there when he hath remedy at the Common Law: The ordinary Tryal for Life is by Indictment, and a Jury, when therefore this may be done, and that the Sheriff with the *poſſe Comitatus* is able to keep the Peace, it cannot be done by Martial Law, nor by Judgment of the King and Peers in Parliament without Indictment, as was adjudged in the Caſe of the Earl of *March*, *Trin.* 28 *E.* 3. *B. R. Ro.* 21.

My Lords, the reaſon of this Maxime of Law, as I conceive, is this; Actions extraordinary, as *extra ordinem*, and done only in times of neceſſity, are not tyed to any Rules of Laws, and therefore not to be brought into example; nor have any warrant, but only that of neceſſity, nor Rule to guide them, but what, *pro hic & nunc*, ſhall ſerve for the bringing of them about: The ſame Power then that may once do them, in omitting of the ordinary, may by the ſame Rule always do them; and ſo by conſequence how far ſuch Power is tyed at any time, or in any thing to any Rules of Law, I ſhall humbly ſubmit to your Lordſhips conſideration.

My Lords, I have now done with the ſtating of the Queſtion: Theſe things whereupon I ſhall ſpend all the reſt of my time, are theſe five.

1. Admitting that the ordinary means before-mentioned had been all uſed, and that they had not been ſufficient, whether in this Caſe His Majeſty, without conſent in Parliament, may, in this Caſe of extraordinary defence, alter the property of the Subjects Goods for the doing thereof.

2. In the next place I ſhall endeavour to anſwer to ſome Objections which may be made to the contrary.

3. In the third place, for qualifying of this I ſhall admit, that in ſome Caſes the property of the Subjects Goods, for the defence of

An. 1637. the Realm, may be altered without conſent in Parliament; and I ſhall ſhew what they be in particular, and compare them and the preſent occaſion together.

4. In the fourth place, becauſe of ſome Preſidents of the matter of Fact, and likewiſe Legal Authorities that may ſeem to prove a Legality in this Particular of Shipping for the defence at Sea, whatever it be in the general; I ſhall therefore endeavour an anſwer to ſuch of them as I have met withal.

And ſhall conclude in the laſt place with the Authorities in Point.

From the firſt, That to the altering of the property of the Subjects Goods, though for the defence of the Realm, that a Parliamentary aſſiſtance is neceſſary.

In this it muſt be granted in the firſt place, that the Law ties no Man, and much leſs the King, to impoſſibilities.

And ſecondly, that the Kingdom muſt be defended.

As therefore the Law hath put this great Truſt upon His Majeſty; ſo when the Supplies, which by the ways before-mentioned it hath put into his Hands, are ſpent, therein it hath provided other ways for a new Supply, which is the firſt thing that I ſhall preſent to your Lordſhips, and this is the Aids and Subſidies in Parliament.

That amongſt the *ardua Regni negotia*, for which Parliaments are called, this of the Defence is not only one of them, but even the chief, is cleared by this, that of all the reſt none is named particularly in the Summons, but only this; for all the Summons to Parliament ſhew the cauſe of the calling of them to be *pro quibuſdam arduis negotiis nos & defenſionem Regni noſtri Angliæ & Eccleſiæ Anglicanæ concernentibus*. And in concluſion, the Party ſummoned is commanded to be there *ſicut honorem noſtrum, & ſalvationem, & defenſionem Regni & Eccleſiæ diligit*.

And in all the ancient Summons of Parliament, when Aid was demanded, the particular cauſe of Defence, and againſt what Enemy in ſpecial was mentioned.

My Lords, to gain time, I'le inſtance but in one or two of each Kings Reign, *Clauſ.* 23 *E.* 1. *m.* 4. *Dorſ.* That the *French*, *ad expugnationem Regni noſtri clam ſe maxima & Bellatorum copioſa multitudine Regnum jam invaſit, & Linguam Anglicanam omnino delere proponit.*

Clanſ. 3 *E.* 2. *M.* 3. *Dor.* and 7 *E.* 2. *M.* 8. *Dor.* That the *Scots* had entred, burnt, and deſtroyed the *Marches*, and put them to a Tribute.

Clanſ. 1 *E.* 3. *pars* 2. *M.* 6. and 22 *E.* 3. *M.* 32. *Dorſ.* That the *Scotch* and *French* had invaded the Realm.

Clauſ. 7 *H.* 4. *M.* 29. *Dorſ.* That the *French* were with a great Fleet *quaſi in ore Thameſiæ* to invade the Kingdom, and the King to go in Perſon.

After this Kings Reign the form of the Summons was as now.

That theſe *ardua defenſionem Regni concernentia*, are the Aids and means of Defence, and not the way and manner of doing it, as their Counſel therein, is clear.

In the Parliament Roll 6 *R.* 2. *pars* 2. *N.* 9.

This of the manner and way of proſecution of the War, being given in charge to the Commons to adviſe upon; they anſwer, that this *nec doit nec ſoloit appertaine al eux mes al Roy.*

Rot. Parliament. 13 *E.* 3. *pars prima N.* 11. The ſame being given in Charge to the Commons, they pray *que ils ne ſont Charge a Councel Dover al choſes des quel ils n'ont pas Conizance*; and ſo *Rot. Parliament.* 21 *E.* 3. *N.* 5. they excuſe themſelves, and that this belongs to the King and His Council.

And that theſe *Ardua circa defenſionem* were the Aids, is expreſt in words in ſome of the Summons, *Clauſ.* 7 *E.* 2. *M.* 8. *Dorſ.* The cauſe of the Parliament to withſtand the *Scots*, and that *in tam arduis debitis extendere manus adjutrices opportuna auxilia faciendo.*

Clauſ. 31. *E.* 3. *M.* 21. *Dorſ.* That Summons *circa neceſſariam defenſionem Regni, quum ad dictum negotium expediendum auxilium neceſſario habere oportet.*

Clauſ. 5 *R* 2. *M.* 2. *Dorſ.* The King being to make a Voyage *pro defenſione Regni & gravamine inimicorum Regni,* which could not be done without borrowing great Sums of Money, therefore the Parliament called to adviſe about the Aſſurance.

So that, My Lords, it's clear that the Law hath provided this Parliamentary way for the ſupplying of the Kings wants for the extraordinary defence, and hath likewiſe put the Power of uſing it into His Majeſties own Hands; for He may call Parliaments when, and ſo often as He pleaſe.

My Lords, the Parliament, as it is beſt qualified, and fitted to make this Supply for ſome of each Rank, and that through all the Parts of the Kingdom being there met, His Majeſty having declared the danger, they beſt knowing the Eſtates of all Men within the Realm, are fitteſt, by comparing the danger and Mens Eſtates together, to proportion the Aid accordingly.

And ſecondly, as they are fitteſt for the preſervation of that fundamental propriety which the Subject hath in his Lands and Goods, becauſe each Subjects Vote is included in whatſoever is there done; ſo that it cannot be done otherwiſe, I ſhall endeavour to prove to your Lordſhips both by Reaſon and Authority.

My firſt Reaſon is this, That the Parliament by the Law is appointed as the ordinary means for ſupply upon extraordinary occaſions, when the ordinary Supplies will not do it: If this in the Writ therefore may, without reſorting to that, be uſed, the ſame Argument will hold as before in reſorting to the extraordinary, by of the ordinary, and the ſame inconvenience follow.

My ſecond Reaſon is taken from the Actions of former Kings in this of the defence.

The Aids demanded by them, and granted in Parliament, even for this purpoſe of the defence, and that in times of imminent danger, are ſo frequent, that I'le ſpare the citing of any of them: It's rare in a Subject, and more in a Prince, to ask and take that of gift, which he may and ought to have of right, and that without ſo much as a *Salvo*, or Declaration of his Right.

An. 1637.

The ſecond way was Loans and Benevolences demanded by them, with promiſe of re-payment both for the ordinary and extraordinary defence of the Realm, and that as well of all the Subjects equally by Commiſſion, as of ſome few.

Pat. 48 *H.* 3. *M.* 16. A Commiſſion to the Earl of *Leiceſter*, and other, *contrahendi mutuum in nomine noſtro de denarijs & victualibus*, and other things *in munitionem Navium ponendis & nautarum ſtipendiis contra hoſtilem adventum alienigenarum in Regnum noſtrum, ad defenſionem & tuitionem ejuſdem Regni*, and promiſeth re-payment.

Viſus Compit' in the Clerk, 26 *E.* 1. *Rot.* 100. The King borrows of the Merchants 28966 *l. pro defenſione Regni*, and promiſeth re-payment.

H. 31 *E.* 1. *Rot.* 4, *&c.* and *Trin.* 31 *E.* 1. *Rot.* 41. Divers Sums borrowed *pro defenſione*, and payment promiſed.

Bract. Irret. H. 34 *E.* 1. *R.* 82. 10000 *l.* paid by the King at one time for Money borrowed; this I confeſs is only *pro Arduis Regni negotiis.*

Bra. M. 11 *E.* 2. *Ro.* 1. The *Scots* having entred the Kingdom, *diverſa homicidia, incendia & deprædationes perpetrantes*: The King being in Perſon to go againſt them, writes to His Council to provide Money, and they *diverſas vias pro denariis providendis exquirentes*, reſolveth to borrow.

P. 12 *E.* 2. *Co'ia*, for the ſame cauſe a Loan upon all Merchant-ſtrangers.

Ro. Scot. 1 *E.* 3. *M.* 3. The *Scots* having entred the Realm, beſieged divers Caſtles, and threatned a Conqueſt of *England*, and *quia creſcit ſumptuum multitudo in tantum quod Theſaur' noſtrum ad ſuſtentationem exercitus noſtri nequaquam ſufficit*, he borrows.

Claſ. 14 *E.* 3. *M.* 8. The King had borrowed 3333 *l. pro ſalvatione & defenſione Regni, & vult promptam ſolutionem fieri prout decet*, and now aſſigns it to be paid out of the Cuſtoms.

Walſingham P. 179. 44 *E.* 3. The King *ſiniſtro uſus conſilio magnas ſummas pecuniæ* of all ſorts, *mutuo petijt, aſſerens quod in defenſionem Eccleſiæ & Regni illas expenderet*; but the People would not lend.

Clauſ. 5 *R.* 2. *M.* 12. *Dorſ.* The King, *pro defenſione Regni*, being to make a Voyage at Sea, deſires to borrow Money, and a Parliament called to give aſſurance.

7 *H.* 4. *Rot. Franc.* Money borrowed *pro defenſione, volens promptam & ſecuram ſolutionem fieri.*

Rot. Parliament. 11 *H.* 6. *N.* 13. 100000 *l.* borrowed *pro defenſione*, and ſpent, and the Parliament orders *pro ſecuritate.*

Rot. Parliament. 15 *H.* 6. *N.* 3. 100000 *l.* borowed *pro defenſione* by the King.

Stat. 11 *H.* 7. *Cap.* 10. It appears that a Benevolence had been deſired by *H.* 7. for the defence of the Realm, and wherein He went in Perſon.

The known Commiſſion to Cardinal *Wolſey* for the Benevolence in *March* 16 *H.* 8. It was to withſtand *infeſtiſſimos Hoſtes* of *France* and *Scotland*, who intended to invade the Realm, and that the Kings Coffers were now empty; and therefore they have power *Communicandi*

candi & inducendi; perſuadend' & practicand' cum ſubditis Regis ſuper amicabili pecuniarum conceſſione.

Secunda pars Pat. 37. *H.* 8. *Cum pro ſuſtentatione ingentis oneris noſtrorum operatuum quos in præſenti tam per mare quam per terram conficere, & in promptu habere cogimur ad reſiſtendum;* &c. *Propellendum hoſtem noſtrum Francorum Regem, in defenſionem, tutelam & ſecuritatem dilectorum ſubditorum noſtrorum; quorum ille dampnum & interitum omnibus vijs & modis molitur, ſtatut' & ex conſenſu, & ſententia Concilij noſtri decrevimus aliquam opem de dictis ſubditis noſtris petere, & eand' cum eorum benevolentia recipere; pro eorum cujuſlibet facultate miniſtrand' nihil dubitantes quin ſponte & liberalit' quiſq; pro ſua partitione & facultate elargiturus ſit; eoq; magis; & citius, quod id totum conſumat' & cedet in ſuam ipſorum defenſionem & tuitionem;* and the power is given to levy it as a Benevolence only.

By the Statute of 35 *H.* 8. *Cap.* 12. it appears that for the defence *H.* 8. had borrowed divers Sums of Money.

The third way was by anticipating their Rents.

Tr. 29 *E.* 1. *Ro.* 58. in the *Exchequer* Writs to all the Sheriffs of *England, pro conſervatione Regni ejuſq; incolarum ſalvatione & inimicorum depreſſione*: That all the Profits ariſing of their Counties, and and the Rents of all the Kings Tenants due at *Michaelmas* be paid at *Midſummer*, and allowance promiſed in the next half years Rent; and that this *ad tam ardua negotia neceſſaria alias in conſuetudinem non trahatur.*

My Lords, that not one or two, but ſo many Kings, and of ſuch Power and Wiſdom, as in many of them were, and that in a matter of ſuch conſequence, and in times of neceſſity ſhould ſo far deſcend from their greatneſs, or ſo far prejudice their Right, as to borrow that of the Subject, who without being beholding to them they might take of right, and bind themſelves to re-payment, and all without any *Salvo* of the Right, your Lordſhips will conceive that it can hardly be imagined.

My third Reaſon is taken from the incertainty of the way intended in the Writ, for the Law delighting in certainty, to the end that the Subject might be ſure of ſomewhat that he might call his own, hath made all thoſe things which the King challengeth as peculiar to himſelf from the Subject, either certain in themſelves, or elſe reducible to a certainty, either by the Judges, Jury, or Parliament, or by ſome other way than by His Majeſty Himſelf, as indifferent between the King and His People.

In this I intend not ſuch things as are common to the King with the Subject, of which nature are the Aids for marrying the Kings eldeſt Daughter, or Knighting his eldeſt Son, for theſe are due to every common Perſon that is Lord, as well as to the King, as appears by the Statute of *Weſtm'* 3 *E.* 1. *Cap.* 35. *N.* 82. and are not due by any ſpecial Prerogative, but by Tenure; and yet the Common Law, for avoiding exceſs therein, calls it *Rationabile auxilium*; and yet even this by the Statute of *Weſtm'* 13 *E.* 2. *Cap.* 35. is put into certainty, and the cauſe of the making of the Statute, as therein is expreſſed, was becauſe the People were grieved by paying more than was requiſite, and thereby that which was reaſonable became an unreaſonable Aid.

An. 1637. This Statute was general, and named not the King particularly; but the Statute of 25 *E.* 3. *Cap.* 11. is only in caſe of the King; and *N. B. fo.* 82. gives the reaſon of the making of that Statute, becauſe the King before did diſtrain for more than was fit; and therefore, by reaſon of the exceſs, was reſtrained to a certainty as well as the Subject: Neither are the Taxes and Tallages upon Cities and Burroughs or Ancient Demeſne againſt this.

In reſpect of the baſeneſs of their Tenures before-mentioned; and ſecondly, becauſe the Subject that is Lord of ſuch Burroughs or Mannors of Ancient Demeſne have them as well as the King, as appears by the Caſe of *New Salisbury* 33 *E.* 1. in the Parliament Book, and in the Parliament Roll 8 *E.* 2. for the Burrough of *Cirenceſter*.

And *Bra. Trin.* 33 *E.* 1. *Ro.* 22. and *N. B.* 79.

Thoſe things which are peculiar to the King, either they be certain in themſelves, as are Treaſure-trove, Deodands, Wrecks, and the like, where the King is to have the thing it ſelf; and ſo if it be in Money, as the Demy-Mark, when a Writ of Right; the Tenant prayeth that the Seiſin may be inquired; Fines *pro licentia concord'*; The tenth part of the Land compriſed in the Writ of Covenant, and the Poſt-fine one half ſo much more, and Fines for purchaſing Original Writs 2 *s.* 8 *d.* where the thing demanded is under 40 *l.* or 10 *s.* where 100 *l.* and ſo in proportion. Or elſe it is reducible to a certainty, as in all Caſes where the Party is to be amerced, though he be *in miſericordia Domini Regis*, yet the Jury muſt affirm the Amerciament; and when he is to make Fine and Ranſome *ad voluntatem Domini Regis*, yet this Fine muſt be ſet by the Judges, when the Tenant by Knights-Service makes default in the Summons; *ad exercitum*, he is to pay *Eſcuage* for the default as a Penalty: this cannot be ſet but in Parliament, as I ſhall prove hereafter.

My Lords, to apply all to the thing in queſtion, there is a cauſe of raiſing Money for the defence of the Realm, *non definitur in lege*; what will ſerve the turn if His Majeſty, as in the Writ, may without Parliament levy 20 *s.* upon the Plaintiffs goods; I ſhall humbly ſubmit it, why by the ſame reaſon of Law it might not have been 20 *l.* and ſo *in infinitum*, whereby it could come to paſs, that if the Subject hath any thing at all left him, he is not beholding to the Law for it but it is left intirely to the goodneſs and mercy of the King.

My Lords, I am now come into the ſecond kind of Proofs, and that is by Authority: The Caſes which in the firſt place I ſhall inſiſt upon, will be to prove it by Induction; for if I ſhall prove that His Majeſty without Parliament cannot tax His People for ſetting forth of Land-Forces for the defence, for making and maintaining of Forts and Caſtles for defence, for Victuals for a defenſive Army, for maintenance of Priſoners taken in a defenſive War, nor Pledges and Hoſtages given by Forreign States for the keeping of Peace; if it be ſo in all theſe Particulars of a defenſive War, I ſhall then offer it to your Lordſhips, whether it can be done at all.

Before I proceed to theſe Particulars, I ſhall obſerve thus much, my Lords, in general, That if thoſe that hold by Ancient Demeſne, and Burgage, which are but baſe Tenures, cannot be taxed, *niſi ſur grand Cauſe*, and that have many Priviledges in point of Juriſdiction, eaſe and profit in conſideration thereof, as they have much leſs, then can the Tenants by Knights-Service and Soccage that are free Tenants,and that have no Priviledges in ſupport of that Charge, be taxed.

And as they are not taxable *ſur grand Cauſe* in the general, ſo neither in particular, for this of the defence, as is proved by that of *Eſcuage*; for if His Majeſty, without conſent in Parliament, cannot tax His own Tenant, nor proportion the Fine according to His Pleaſure, when the Tenant holds the Land *ad exercitum*, for the defence of the Kingdom, much leſs can He do it where there's no Tenure for that purpoſe.

That *Eſcuage* cannot be ſet without Parliament, is firſt the Statute of *Rumny Mede* 17. *Johannis* in expreſs words; *Nullum ſcutagium vel auxilium ponam in Regno noſtro niſi per Commune Concilium Regni noſtri*; which though it be not Printed, yet it is of Record, and Inrolled in the *Red Book* of the *Chequer*, and cited in *Matthew Paris Pag.* 343. And that as well before the confirmation of it, 9 *H.* 3. as ſince, it hath been by the Judges reported to be a Statute, and in force, appears by the Book of 5 *H.* 3. *Mordaum* 53. where it is pleaded and called by the name of *M. Charta*, and allowed; and *M.* 19 *E.* 1. *Finiente* 20. *incipiente B. R. Rot.* 56. in the Caſe of *Rulfe de Tony* it's pleaded by the name of *M. Chart. Johannis Regis de Rumny mede*, and allowed.

In theBook of Knights-Fees of *E.* 1. time,there's aWrit cited,which went to the Sheriff of *Hereford*, thus; *Datum eſt nobis intelligi, quod plures ſunt qui tenent per ſervitia Militaria de nobis qui contradic' ſolvere ſcutagia de Feodis ſuis, & quia ſcutagia nobis ſunt conceſſa per Commune Concilium Regni noſtri*: Therefore he is commanded to levy them, *Co'ia M.* 5 *E.* 2. *Ro.* 4. *Dorſ.* Many Proceſſes iſſued for the levying of *Eſcuage* in *E.* 1. time, ſeperſeded and quite releaſed the reaſon entred in the Roll; *Quia dictum ſervitium non fuit communiter factum*; that is, as I conceive, becauſe it was not done *per Commune Concilium Regni*.

The Books are expreſs, 13 *H.* 4. 5. *Banke N. B.* 83. *E. B. Inſtit. ſec.* 97. My Lords, that thoſe that hold in Soccage or Fee-Farme, or not by ſo many Knights-Fees as they were diſtrained for, were always diſcharged, as appears by infinite Preſidents, I ſhall make no uſe of it as the manner of entring theſe diſcharges upon the Rolls; 'tis obſervable that he is diſtrained, *ac ſi teneret per ſervitium militare*, whereas he holds the Land in Soccage, *pro quibus ſervitium aliquod Regi exercitibus ſuis facere non debet*, and in ſome Rolls that *ratione alicujus Authoritatis*, he ought not to be diſtrained: Therefore, *quia Dominus Rex non vult illum in hac parte injurari, prout juſtum eſt*, the diſtreſſes are releaſed amongſt divers Preſidents; for this I ſhall cite but one or two, *Br. Tr.* 34 *E.* 1. *Ro.* 20. the Abbot of *Abbington*, and *John Arden* the *Iter Roll* of *Suſſex*, 7 *E.* 1. *Rot.* 107. of *Gilbert Gifford*. My Lords, if the King might have raiſed Money, and Seſſed Men for finding Souldiers for their Armies, this manner of Entry, as I humbly conceive, would never have been ſuffered.

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I am now come to the firſt Particular that I have inſtanced, that is the charging of the Subject for finding of Souldiers to go out of their Counties for the defence of the Realm. My Lords, in that I ſhall in the firſt place admit theſe three things.

Firſt, that every Man after the Statute of *Wincheſter*, *ſecundum ſtatum & facultates*, was to find all manner of Arms, as well for the defence of the Realm againſt Forreigners, as for the Peace; and that I have before proved by that of 3 *R*. 2. *N* 36. and after by the Statute of 5 *H*. 4.

That upon ſudden coming of ſtrange Enemies, theſe are compelled to travel out of their own Counties, is the Statute of 1 *E*. 3. *Cap*. 5. and ſo for the appeaſing of any notable Rebellion, when the King, for the doing thereof, was in Perſon, as appears by the Statute of 11 *H*. 1. *Cap*. 1. and *Cap*. 18.

Thirdly, I ſhall admit, that ſo long as they remain at home, and go not out of their Counties, that they are to have no Wages, and that the Maritime Shires for Borders upon *Scotland* and *Wales*, were not to be at the Kings Charge, ſo long as they remained at home in their own Counties for the preſervation of them; but that they were in that caſe themſelves to bear the Charge againſt Forreign Invaſions, as of making of Hue and Cry, aſſiſting the Sheriff when he took the *poſſe Comitatus*, and all other things concerning the keeping of the Peace.

But that the Subject is taxable either for Wages or Victuals, or otherwiſe for ſending of Souldiers out of their Counties, though for the defence of the Kingdom, or that any are compelled to do it at their own Charge, I ſhall humbly deny.

The Statute of 1 *E*. 3. ſays, That in this caſe it ſhall be done, as uſually hath been done in times paſt, for the defence of the Realm. My Lords, I will not deny, but that before *E*. *3d's* time Commiſſions have iſſued out of the *Chancery* for that purpoſe; againſt which matters of Fact, not only to ballance them, but to weigh them down, it's as clear, that whole Armies, ſome of them of 30000 at the leaſt, over and above thoſe that were ſummoned by their Tenures, have been maintained at the Kings Charge, from the time they have departed out of their Counties, during the whole time of their Service, and that not only with Promiſes of payment, but that were paid, *Ex Theſauro Regis*, out of the *Chequer*; and many times upon fail of payment for Victuals, Wages, and other things, upon Suit for them in the *Chequer*, full payment hath been made, of which ſort in moſt Kings Years there are many Caſes.

My Lords, this is the Anſwer which I give the Commiſſions to the County, That *de facto* the King was at the Charge uſually for defenſive War.

By the Statute of 19 *H*. 8. *Cap*. 1. thoſe that have Annuities of the King muſt attend Him when the King in Perſon goes for the defence of the Realm, or againſt Rebels: But there is a ſpecial Proviſo, that they ſhall have Wages of the King, from the time they ſet out, till they come to the King, allowing twenty Miles a day, and afterwards as long as they ſhall remain in the Service.

Privy Seals ſent to the Gentry to attend the King, &c.

Upon a Rebellion in the *North*, 28 *H*. 8. againſt whom the King intended to go in Perſon, Privy Seals were ſent to moſt of the Gentry of *England* to attend the King with the beſt Retinue they could make, and likewiſe to bring the Bills of their Expences, and payment promiſed, as appears by many of thoſe Privy-Seals remaining in the Pallace Treaſury.

And beſides the Indentures themſelves, whereof I have ſeen many: It appears by the Statute of 2, and 3 *E.* 6. *Cap.* 2. that the retainer of Souldiers at the Kings Charge was as well for defenſive as offenſive War. And by Stat. 3 *H.* 8. *c.* 5.

My Lords, in the next place I ſhall endeavour the proof hereof by clear Authority, the Stat. of 25 *E.* 3. *Cap.* 8. is, That none ſhall be compelled to find but ſuch as hold by ſuch Service, if it be not by Grant in Parliament: That this was not *Introductivum Novæ Legis*, appears by the Petition whereupon the Statute was made, that it was *encounter le droit del' Realm.*

That the Common Law was ſo before the Statute, and likewiſe in caſe of a defenſive War, appears by the Authorities following.

P. 26 *E.* 1. *Rot.* 35. *Dor.* The *Scots* entring the Borders, a Commiſſion iſſued *Reignaldo de Gray* to preſs Souldiers in *Lancaſhire* and *Cheſhire*; he certifies by his Letter Inrolled there, *que ſans deniers preſtes*, he could not procure them to march out of thoſe Parts; and therefore order taken in the *Chequer* to ſend Money: That the *Scots* had now invaded the Kingdom, appears by *Bra. Irret. M.* 26 *E.* 1. in *Sacc'*, where Commiſſions are Inrolled for many Thouſands to be levyed for this War at the Kings Wages, *Bra. Tr.* 32 *E.* 1. *Tr.* 31 *E.* 1. *Rot.* 18. *Ca'ia de Wardens* of the *Marches de Cumberland* and *Weſtmorland* writ to the Barons of the *Chequer*; That whereas the *Scots* lay near the *Marches* with a great Army, and that the People of the County would not march out of their Counties without Wages and Victuals, that they would provide for both.

Secunda Pars Pat. 10 *E.* 2. *M.* 26. and 9 *E.* 2. in Parliament, a Grant to find one Souldier for 60 days, at the Charge of the Town, againſt an Invaſion of the *Scots*; now the King grants *quod hujuſmodi conceſſio non cedat in prejudicium nec trahatur in conſequentiem in futuro.*

At the time when this Aide was granted, the *Scots* had entred the Realm, and waſted the Biſhoprick of *Durham*, as appears *M.* 14 *E* 2. *B. R. Rot.* 60.

Rot. Scoc. 12, *&* 13 *E.* 2. *M.* 7. *&* 13. The ſame indempnity upon the like occaſion of defence, when they fonnd the Souldiers *ad Rogatum Regis*, and the King commanded the Chancellor to declare as much.

Cla. 13 *E.* 3. *M.* 38. *Dorſ. pars prima.* The Abbot of *Ramſey* diſcharged, *pro Cuſtodia Maritina*, in the County of *Norf.* becauſe he remained in his own Country of *Huntington*, *cum Equis & Armis*, to the defence thereof with this; that therefore it was not *rationi conſonum* to charge him further. The ſame it is *Rot. Fraunc.* 21 *E.* 3. *in prima parte* 1. *Oxon'*, becauſe they were *prompti & parati* at home to defend the County. *Rot. Sco.*

But the practiſe, as it ſhould ſeem, not agreeing with the Right in the Parliament, 20 *E.* 3. *N.* 12. The Commons complain, that Commiſſions had iſſued out of the *Chancery* to charge the People

An. 1637. in this particular, and otherwiſe without conſent in Parliament, and pray, that they may diſobey ſuch Commiſſions: The Anſwer is, That the Commons had heretofore promiſed to aſſiſt the King with their Bodies and Goods, in the War with *France*, and likewiſe for the defence of the Realm; and that the great Lords conſidering the neceſſity, as well for defence, as the Kings Wars, agree thereto, and yet promiſeth, that this which is done *en cel neceſſity ne ſoit treyt en conſequens n'enſample.* My Lords, this is a full declaration of the Right, even when for the defence; and yet ſome practiſe to the contrary, before the making of the Stat. of 25 *E.* 3. procured the Complaints in this particular in the Parliament, 21 *E.* 3. *N.* and 22 *E.* 3. *N.* *Pat.* 8 *H.* 3. *M.* 4. *Falcaſius de Brent. Inimicus publicus & excommunicatus*, that impriſoned the Juſtices Itinerants in *Bedford*-Caſtle, and held the Caſtle againſt the King, the King, *propter graves & manifeſtos exceſſus quibus Regnum multipliciter perturbavit*, beſieged the Caſtle; and whereas the Clergy, *de mera gra'*, had granted the King an Aid for the doing thereof, *Rex nolens gratiam ſit nobis exhibitam ad debitam retorqueri*, declared as much by the Letters Patents.

My Lords, it is here declared, that the King cannot, *de debito*, or *de jure*, take any Aid againſt the Subjects wills for beſieging a Caſtle held againſt the King by a publick Enemy.

Rot. inquiſitionem 3 *E.* 1. *Ro.* 4. *Kent' coram auditoribus querelarum poſt Bellum Eveſham & Pacem proclamatam*: The Caſtle of *Tunbridge* being held againſt the King, the Hundred at *Feverſham* was Seſſed at 15 *l. pro Inſultatione* of the Caſtle; the Jury preſent this as a grievance, which the Juſtices would never have received, nor ſuffered to be entred into the Roll, if this Seſs might have lawfully been made. My Lords, this Caſtle and Hundred they were in the ſame County; and being before the Stat. of *Wincheſter*, they are not compellable to beſiege the Caſtle; and if they were compellable to go in Perſon, and with Arms, yet no Seſs could be laid for the doing thereof.

My Lords, I ſhall only offer to your Lordſhips conſideration the *Scotch* Roll of 20 *E*, 3. *M.* 6. the Wardens of the *Marches* of *Scotland* were to appoint *exploratores & vigiles*, which were to eſpy out, and to give notice of the Enemies Intendments, by the Commiſſions in *H.* 4. *H.* 5. *&. H.* 6. time, they were *ad explorandum pro defenſione Regni & partium ſumptibus Incolarum*; but how? only *de aſſenſu & voluntate ſua prout fieri conſuevit.*

My Lords, I am now come to that of Victuals, the Stat. of 14 *E.* 3. *Cap.* 9. is, That for the Wars the proviſion for them ſhall be done by Merchants without Commiſſion, or other Power from the King, or any other Power, that the People may not be compelled to ſell againſt their wills: That this was as well for defenſive as offenſive Wars, and that this was not *Introductivum novæ Legis*; but ſo at Common Law is, by your favour, clear.

Pat. 29 *E.* 1. *M.* 16. *&* 19. *ad reprimendum malitiam Scotorum*; and to repel them, Commiſſions to moſt Counties to provide Victuals; and becauſe they refuſe, therefore the King there offers them ſecurity.

Bra. Trin. 8 *E.* 2. *Ro.* 99. Victuals brought *mixtum forum patriæ pro munitione Marchiæ Scotiæ*, and their payment upon Suit adjudged.

Sometimes at *Newcaſtle*, ſometimes at *Carliſle*, at *Barwick*, as the Wars required, were the Store-houſes where the Victuals were laid, and Clerks of the Store to iſſue them: That the King not only paid for the Victuals, but likewiſe for the Houſe where they were laid in, appears *Bra. Tr.* 2 *E.* 3. about the end of the Roll, *Dorſo*. The Burgeſſes of *Newcaſtle* complain in Parliament, that their Houſes had been taken up long time for the keeping of thoſe Victuals; this was tranſmitted to the *Chequer* by Writ, which ſays, *Volumis eis pro domibus ſuis prædictis ſic occupatis ſatisfacere prout decet, & prout juſtum fuerit, & prout temporibus Progenitorum noſtrorum fieri conſuevit.*

My Lords, in the next place.

3. For the defence, when thoſe that ſerved with Horſe, *ad vadimonia Regis*, they loſt their Horſes in the Service, the owners did not bear the loſs, but they were always paid for it by the King; and therefore when they firſt entred into the Service, the Marſhal, or elſe the Warden of the *Marches*, who had the command of them, did ſet down in a Roll the Horſe of each Man, and their marks, and price of each Horſe, to the intent the owner, by this Certificate, might be aſſured of the full value to be paid him in caſe the Horſe was loſt. This appears *Clo.* 34 *E.* 1. *M.* 16. where the *Cuſtodes Marchiæ Scotiæ*, aſſigned *pro defenſione Marchiæ*, were to do it.

Bra. Irrot. M. 26 *E.* 1. *Rot.* 105, 106. The *Scots* having entred the Realm, divers *homicidia, incendia, & alia facinora perpetrantes*, there the Horſes, *ad vadimonia*, for defence, were to be appriſed.

Secunda pars Pat. 10 *E.* 2. *M.* 7. the ſame, and the *Scottiſh* Roll of 21 *E.* 3. *M.* 7. the ſame *prout Moris eſt*: That upon Suit the Subject hath recovered accordingly of the King, are many Caſes; I'le inſtance but in two or three, *M.* 24. of *E.* 1. *Ro.* 16. *Dor. Ro. Heigham*, recovered 20 Marks in the *Chequer*, *pro Equo perdito in conflictum Dover, inter homines Regis per hominum illar', & Inimicos Franciæ*; at which time the *French* had aſſaulted *Dover*, and burnt the Priory, and a great part of the Town. *Bra. Hill.* 17 *E.* 2. *pro reſtaur' trium Equor' perditor'*, at *Carliſle*, 9 *E.* 2.

Com' p. 9 *E.* 2. *Richard Walgrave* recovered for Horſes loſt at *Carliſle*.

Co'ia Hill. 2 *E.* 3. for Wages, *pro reſtaur' Equor' perditor'*, and burying the dead when the *Scots* had entred the Realm at *Stanop*-Park, for one Troop . . . . . *l.* allowed *habita inde deliberatione*, and adjudged.

4. For Caſtles, the Ancient Forts and Bulwarks for defence, the Stat. 14 *E.* 3. *Cap.* 19. ſays, That Merchants, without any Commiſſion or Power from the King, ſhall victual them ſo, that the People may not be compelled to ſell againſt their will. That Stat. in this Particular is not *Introducte Novæ Legis*, is cleared by the Caſe *Tr.* 16 *E.* 1. *Ro.* 3. *Wiltes* in a little Roll, and in a great Roll of the ſame Year *Ro.* 19. when in *Treſpas*, by *John Eveſhorne* againſt *John Flavel, quia blada & garbas ſuas cepit*: The Defendant ſays, he was Conſtable of the Kings Caſtle *of the deviſes*, and that

he had in *præceptis præd' Regno Regis quod munire faceret*, the Caſtle *de mortuo Stauro ut de bladijs*, and other things; and that by vertue of this Writ he took an Enqueſt to know where he might have beſt laid theſe Victuals, *ad minus nocumentum patriæ*, and the Jury found that the Defendant might take it *ad minus nocumentum patriæ* of the Plaintiff, and that he came to the Plaintiffs houſe, and offered to buy *pro denariis & ad juſtum Regis*; and that becauſe the Plaintiff refuſed to ſell, he departed from his houſe: Iſſue joyned, and found againſt the Defendant, and 100 Marks damages given the Plaintiff, adjudged.

There were always anciently *Viſores operationum* appointed, and they upon Oath certified, that they ſaw the Kings Money expended, which was demanded in the *Chequer*; and for Victuals, as they were bought with the Kings Money, ſo when they grew ſtale, that the danger was paſſed, they were ſold again to the Kings uſe.

My Lords, that even in times of Wars, when the Frontier Towns and Caſtles were beſieged. and the Borders invaded, that even the King did bear the Charges, appears by the allowance in the *Chequer*.

Trin. 27 E. 1. *Rot.* 47. *pro tuitione Caſtri*, now Caſtles, *contra Scotos qui hoſtiliter Regnum in partibus illis invaſerunt.*

M. 31 *E.* 1. *Rot.* 2. The *Scots* beſieged *Carliſle* 26 *E.* 1. and allowance now, *de exitibus Caſtri*, which was the Kings.

And *M.* 27 *E.* 1. 75. 1000 *l. pro quatuor ingent.* and *Trin.* 32 *E.* 1. *Ro.* 11, 12. *viſus compot'*, 28 *E.* 1. *Rot.* 71. *prout Juſtum, quia Scoti contra Regem hoſtiliter inſurgunt*; therefore *de Theſauro Regis Barwick* fortified, & *Ro.* 78. *Dorſo*, it appears that the Sheriff of *York-ſhire* had carryed 40000 *l. de Theſauro Regis* to thoſe Parts.

Bra. Irrot. Paſ. 34 E. 1. Ro. 72.

Bra. in 17 *E.* 2. *propter frequentes egreſſus Scotorum in Regnum*; the Caſtle of *Sandall*, at the Kings Charge, fortified, *& prout juſtum*, allowance; and *Br'ia Hill.* that year the Caſtle of *Horney*, for the ſame cauſe, the *Scots* having entred *circum prædictum Caſtrum, & apud Lancaſtre.*

4, & 5, *P.* & *M. Dyer.* 162. *b.* One in execution for debt in the Fleet, who, as the Book ſaith, was a man very neceſſary for the Wars, and it was moved by the Kings Attorney *per Mandatum Conſilii*, if the Priſoner may be licenſed by the Queen with a Keeper, to go to *Barwick* for the defence of it or no, and it was held by all the Judges of *B. R.* and *C. B.* that the licenſe was not good, and 13, & 297. the ſame cauſe cited accordingly to have been the opinion of all the Judges.

5. My Lords, For a Priſoner taken in defenſive Wars, and likewiſe for Pledges and Hoſtages for the ſecuring of peace, that the charge of the maintenance of theſe, and the carrying them to the ſeveral places of their abode, have been always born by the Kings of the Realm, the allowances in the Chequer are ſo frequent as that I intend to cite none of them, ſave that for the Priſoners taken in conflict at *Dover* before ſpoken, of which is *Co'ia Hill.* 4. *E.* 2. *Ro.* 22. *Dor.* neither do I find it at any time ſtood upon ſave only 8. *E.* 2. amongſt the *Bra. Trin.* 8. *E.* 2. *R.* 88. *Dor.* but the reaſon is becauſe that after the death of *E.* 1. in the commiſſion of

granting the Conſtable Ships of the Caſtle, no mention was made of the Priſoners, and yet even in that caſe upon a *Monſtravit Regi*, a Writ of Privy Seal is awarded for allowance, *prout Juſtum.*

My Lords, If in all theſe particulars of Souldiers, Victuals, Caſtles and Forts, Horſes, Priſoners, and Pledges, in caſe of defenſive Wars, the main ſupports of them, the Kings could not tax their Subjects, but have born the charge thereof themſelves, I ſhall thence offer it to your Lordſhips to be ſo for the defence in general.

My Lords, The allowance in the Chequer in all the particulars before-mentioned are frequent in the caſe of Mines in the *Co'ia.* The profits of Silver-mines that they upon an account in the Chequer were always anſwered to the King, was one of the principal Arguments for the Kings right unto them, and there *fol.* 320. It's held that in all things that concern the Revenue of the Crown, becauſe they are there debated, that the Records of the Exchequer ſhew not only the courſe of the Court, but what the Law is throughout the Kingdom.

My Lords, That in Caſes of War and Embaſſies, that the Chequer made no allowance what great Conſideration appears by the Stat. of 5. *R.* 2. *Cap.* 10. that they were not allowed by the Court till the Partie brought the Great Seal, or the Privy Seal for it.

And if a Writ of allowance come to the Chequer before the Court had examined the account, yet they never made allowance till the Court had examined it.

H. 25. *E.* 1. *Ro.* 22. *licet Bre' de Allocat' pendeat de dns'* 1000 *l. allocandis; tamen ante allocationem factam oportet ſcire ſi pecunia illa ad opus Regis devenit, & quod ipſi doceant ſuper hoc Curia Regis,* and *Trin.* 25. *E.* 1. *Ro.* 47. the allowances never ingroſs, but by particulars.

My Lords, The next proof that I ſhall humbly offer unto your Lordſhips, is in that of borrowing of money by the King for the defence for the Realm, which, as they have uſually done it, ſo it is as clear that not only upon Petitions, at their own pleaſures, and upon grace, but likewiſe upon ſuit they have been adjudged ſo to do in the ordinary Courts of Juſtice.

Co'ia p. 31. *E.* 1. *Ro.* 41. 149 *l.* borrowed of *Henry Sampſon pro defenſione totius Regni,* and repayment ordered *M.* 10. *E.* 2. *Ro.* 160. *Grandes Pecuniæ ſummas* borrowed by the King for that purpoſe, order for repayment.

Bra. M. 3. *Eliz.* 3. *Circa princ'. Ro.* 664 My Lords, in this particular I ſhall cite but this one Caſe *Com. p.* 29. *E.* 1. *Ro.* 18. the King, *pro urgentiſſimis Regni negotiis & defenſione totius Regni,* had ſeized divers ſums of mony in all the Abbies, and Cathedrals, and other Religious Houſes within the Realm, *& quo citius commode poterit* promiſed payment in the Parliament 29. *E.* 1. at *Lincoln* the King is petitioned for repayment of theſe monys, who promiſeth payment, *Ita quod Regis Conſcientia ſuper hoc exoneratur,* and there and *Ro.* 19. divers ſums adjudged to be paid, and *p.* 9. *E.* 2. *Ro.* 65.

My Lords, I ſhall thus humbly offer this to your Lordſhips, that if the King had conceived, that when himſelf wanted money for the defence that he might have charged his Subjects, he would never have made this anſwer of repayment *ad exonerandum Conſcientiam;*

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tiam; for then in Equity and in Conſcience the Parliament ſhould have taken care for the ſatisfaction of theſe debts, or ſhould at leaſt wiſe have diſtributed part of this Charge upon all his Subjects, neither ſhould the Parties have had full ſatisfaction for all their debt, but have born part themſelves.

By the Statute of 35. *H.* 8. *cap.* 12. the King for the defence of the Realm had divers great loans made to him; now likewiſe there being cauſe of new defence againſt *France* and *Scotland* in aid of the King, they releaſe theſe aſſurances given by the King, and likewiſe releaſe to the King all Suits and Petitions concerning thoſe monys. My Lords, it will need no application; theſe were general Loans, and for the defence.

My Lords, I am now come to the other Authorities for proof thereof which is by the Acts of Parliament.

My Lords, before I come to the Acts of Parliament themſelves, I ſhall humbly offer to your Lordſhips the Summons —— and preparatives to them.

Firſt, The *Ardua Regni Negotia*, for which they are called, are principally *defenſionem concernentia*; that theſe are not the way and manner of the defence and their evidence therein, but the ſupplies and aides for this defence I have preſented cleer Proofs, to your Lordſhips before. That theſe aids cannot be raiſed without their conſents is ſtrongly inferred in this, that the Knights of the Shire are to have *plenam & ſufficientem authoritatem pro ſe & communitate Comitatus prædicti ad faciendum & conſentiendum* to the things in *negotiis antedictis*: if this might be done without the conſents of the Commons, this in the Writ would be needleſs; but that this cannot be done without their conſents is cleared by the words following in the Negative, *Ita quod pro defectu poteſtatis hujuſmodi dicta negotia infecta non remaneant quoviſmodo*. This, my Lords, is the conſtant form both of the Modern and all the Ancient Writs, and ſhews cleerly that the Commons without their conſent in Parliament are not chargeable to a defenſive War.

In the Acts of Parliament I ſhall begin with that of *William* the Conqueror the fourth of his Reign, which beſides that it is cited in the Preface to the eighth Report and Inſtit. *fol.* 75. *b.* and by *Ingulph*, *fol.* 519. and Mr. *Selden* in his *Eadmerus p.* 171. it's likewiſe of Record and enrolled in the Red book in the Chequer.

The words are thus.

Volumus & firmiter præcipimus & concedimus, quod omnes liberi homines totius Monarchiæ Regni noſtri habeant & teneant terras ſuas & poſſeſſiones ſuas, bene & in pace libere ab omni exactione injuſta & ab omni tallagio, ita quod nihil ab iis exigatur vel capiatur niſi ſervitium ſuum liberum, quod de jure nobis facere debent & facere tenentur, & conceſſum jure hæreditario in perpetuum per commune Conſilium totius Regni noſtri prædict.

My Lords, The words by reaſon of the disjunctive, *& ab omni Tallagio*, are plain, that the King ſhall not exact or take away any thing of any Free-man but what his tenure binds him unto, as in words, by reaſon of the generality of them, it extends to caſes to the defence of the Realm: that it doth ſo in intent, I ſhall endeavour thus to preſent it to your Lordſhips.

The Military Services before-mentioned for the defence of the Realm, they are by *Bracton* attributed to the Conquerors Inſtitution; for in his ſecond Book *fol.* 36. ſpeaking of them, he ſaith thus, *Secundum quod in conqueſtu fuit ad inventum*, *Plowden* in the Argument of *Thom.us Treſham*'s Caſe.

Means the Conqueror had to do it by reaſon of the many Attaindors of thoſe that took part with *Harold*, and after his death with *Edgar Ethling*. That he did it in a great part appears by *Math. Paris*, *fol.* 8. That he put all the Clergy, which before held in *Frankalmoigne ſub ſervitute militare*, to do ſervice *tempore hoſtilitatis*, and by the County Palatine of *Durham* and *Cheſter* in thoſe places of danger. In the Book of Knights Fees, in *H.* 2. time it appears by the Certificate, that they held ſometimes *de veteri Feoffeamento*, and ſometimes *de novo*. And by ſome of them it appears, that the Tenures *de Novo Feoffeomento* were before King *Stephens* time, and therefore it's probable that the *vetera* might be thoſe created by the Conqueror. The proviſion for Soldiers pay by Tenures was likewiſe of his inſtitution, as appears by that before cited out of the *Black Book*, *lib.* 1. *cap.* 27. That in *primitivo Regni ſtatu poſt Conqueſtum ad ſtipendia & donativa Militum*, out of Caſtles and other Lands, *in quibus agricultura non exercebatur pecunia numerata ſucreſcebat*.

The Policy and Proviſion of the Conqueror for the defence being by Tenures, when in this Act of Parliament he ſaies, *quod nihil ab eis exigatur vel capiatur, niſi ſervitium ſuum, quod de jure nobis facere tenentur*, as I humbly conceive, ſhews plainly that the Subject was not otherwiſe to be charged for the defence, nor further than by their Tenures.

This, my Lords, further appears by other parts of the Parliament, where ſpeaking of any thing of Charges that is to be done according to their Tenures, as that all *bene ſe teneant in Equis & Armis ad ſervitium ſuum integrum faciendum*. But in the next place ſpeaking of the defence, it ſaith that all within the Realm *ſint Fratres Conjurati pro viribus & facultatibus*, to defend the Kingdom and the Peace, *& ad judicium rectum, & juſtitium faciendum*; the coupling of the Defence with that of the Peace, and doing Juſtice, ſhews the perſonal care that all by their Oath of Alleageance ought to bear to the Common Peace and Good of the Realm.

The next Statute which I ſhall preſent to your Lordſhips, is that of *Runimead* 17 *Johannis*, the words are theſe, *Nullum ſcutagium vel auxilium ponam in Regno noſtro, niſi per Commune Conſilium Regni noſtri, niſi ad Corpus noſtrum redimendum*, and to Knight his eldeſt Son, and to marry his eldeſt Daughter: as in words this extends to the defence, becauſe all ſupplies for that purpoſe from the ſubject, they are only in *auxilium* or in *ſubventionem expenſarum* of the King, who, as before is proved, is principally bound thereto. So may the intent likewiſe further be gathered, firſt from this, that the word *Auxilium* is joyned with that of *Scutage*, which is for the defence: and likewiſe from this, that particular ſatisfaction is made by other parts of that Statute to thoſe that had been diſſeiſed by *R.* 1. and King *John*, which were things done only for the increaſe of their Revenue without ſhew of the common defence, that both before 9 *H.* 3. and afterwards 20 *E.* 1. this was

a Statute

An. 1637. a Statute and ſo accounted, I have before proved, and in the Book of 5 *H.* 3. it is called by the name of *Magna Charta, Sans addition.* So 37 *H.* 3. in that ſolemn Confirmation obſerved by *Math. Paris, pag.* 1155. this of *Runimead* is confirmed by the name of *Magna Charta*; and 5 of *H.* 3. *pag.* 1220. which I note only to this purpoſe, that of ſpeaking of *Magna Charta* this of *Runimead* is intended as well as that of 9 *H.* 3. as part thereof, and bodied both together; yet that neither of them were obſerved, either in King *John's* time, and of *H.* 3 time our Hiſtories are full of it, and by the Popes Bulls of 12, & 13 *H.* 3. the Pope abſolving the King from his Oath in their Confirmation, doth it, becauſe as the words of the Bull are *Juramentum peccati vinculum eſſe non debet*; neither till after 29 *E.* 1. as I ſhall hereafter prove, were they at all obſerved in things concerning the Kings Prerogative.

The next that I ſhall cite, are the Statutes of 25 *E.* 1. and the Statute *de Talliagio non concedendo.*

That of 25 *E.* 1. *cap.* 5, & 6. the grevance is for Aides and Prizes taken through the Realm for the Wars, the King grants that ſuch Aides, Tasks and Prizes taken through the Realm for the Wars ſhall not be brought into any Cuſtom for any thing before done, be it by Roll or any other Preſident that may be found; and further grants, that for no buſineſs from henceforth that he will take ſuch manner of Aides, Tasks and Prizes but by the common conſent of the Realm, and for the common Profit, ſaving the antient Aides and Prizes due and accuſtomed. My Lords, although by the Coplative it is clear enough, that there muſt be common conſent, and common profit concurring; and although the ſaving of the antient Prizes and Aides accuſtomed might well enough have been ſatisfied in the Aid excepted in *Runimead*, and the prizing of Wines and Purveiance.

Yet to out theſe and all other ſcruples the Statute *de Tallagio* made afterwards for that purpoſe is general, That no Tallage or Aid ſhall be taken by the King, nor that any of his Officers ſhall take any Corn, Leather, Cattel, or any other Goods without the Conſent of the Party.

My Lords, To bring theſe Statutes to the thing in queſtion, that theſe things cannot be done, though for the defence, the times of the making of them, and the circumſtances concurring thereto, I ſhall preſent to your Lordſhips.

That of 25 *E.* 1. by the date appears was the 10*th* of *October* 25 *E.* 1. My Lords, the King the 12*th* of *Auguſt* before being at *Odimer*, ready to go over to *Flanders*, the Parliament being then ſummoned by His Letters Patents, *Rott. pat.* 25 *E.* 1. *m.* 7. taking notice of the Conſtables and Marſhals departure from the Court in diſpleaſure, and of the rumors of the People, that the King refuſed to Seal Articles ſent him for the common profit, for redreſs of divers grievances done to the People: for the grievances, he ſaith, that without thoſe things he could not have defended the Realm, and yet ſaith that he is ſorry for it, and prayeth that this may be his excuſe, as he that hath done thoſe things, neither to buy Lands nor Tenements, nor Caſtles, nor Towns, but to defend himſelf and the whole Realm, and that if he returned again he would have all know that he had an intent to amend all thoſe things, to the Honour of God, and the content of His People, and that he hath done much already, that if he dies in this Service, his Heir ſhall make amends.

Hereby it appears, that the grievances which procured this Statute, were for the Defence of the Realm; therefore from hence it follows, that the Aids and Taxes there mentioned were for the Defence; ſo likewiſe that the exception of the ancient Aids extends not to thoſe of the Defence, that being the thing wholly complained of. This Declaration of the King was the 12*th* of *Auguſt*; the *September* after, the King being at *Winchelſey*, theſe Articles are ſent to him, to which he deferred for the preſent to give His aſſent unto, becauſe His Council was not there; and ſo Sails over into *Flanders*. This Statute of 25 *E.* 1. is paſt the King beyond the Sea: The *Teſte Edwardo filio noſtro* at this Return, as appears by *Walſingham p.* 42. The King is deſired to confirm theſe Articles, which in *Walſingham p.* 40. are the ſame word for word, as in the Statute *de Tall.* which the King then deferred.

27 *E.* 1. they deſire it again, which the King doth with a *Salvo Jure Coronæ noſtræ in fine adjecta quam cum audiſſent Comites cum diſplacencia ad propria diſſeſſerunt*, ſaith the Author, *Sed revocatis ipſis ad quindenam Paſchæ ad votum eorum abſolute omnia ſunt conceſſa.*

That the Statute *de Tallagio*, was after that of 25 *E.* 1. is plain in this, by the Kings going over to *Flanders* without aſſenting to any Articles. In *September*, and the 10*th* of *October* following, as appears by that Statute 25 *E.* 1. it ſelf, it was made; and likewiſe by the Statute *de Tallagio* it ſelf, in the Kings releaſing all Rancor to the Earl *Marſhal* and Conſtable, who had moſt offended him, and that firſt preſented theſe Articles to the King.

My Lords, I ſhall add this only, as I conceive it, it will not be proved that this King, either before or after the making of this Statute, or any of His Succeſſors ſince, ever claimed this abſolute Power over the Subjects, as to lay Aids and Tallages upon them for the ſupportation of their own private Eſtate, abſtracted from the common defence or good. This King at this time, we ſee by His own Declaration, was far from it; this laſt Statute fully ſatisfied thoſe that deſired it; for as *Walſingham* ſaith, *ad eorum votum abſolute omnia ſunt conceſſa.* If therefore it extend not to that of Defence, I ſhall humbly offer it by what conſtruction of it our Anceſtors Judgments and Diſcretions will be freed from a great deal of cenſure that were ſo well contented with it.

My Lords, *Magna Charta* being confirmed at the ſame time when the Statute of 25 *E.* 1. was made; and both that and the Statute *de Tall'* being only Articles upon *Magna Charta*, they were all of them, as I conceive, intended in the ſubſequent, and ſo often confirmation of *Magna Charta*.

My Lords, the next is the Statute of 14 *E.* 3. *Cap.* 1. that the People ſhall not be compelled to make any Aid, or to ſuſtain any Charge but in Parliament. That this cannot be done for the Defence, will (as I conceive) be inforced from the words; for a great Subſidy having been granted, as well for the Wars on this ſide the Sea, that is for defence, as for the *French* Wars.

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It's declared, that this ſhall not be drawn into example, and that out of Parliament, they ſhall not be compelled to ſuſtain any Charge; and then it is further enacted, That that Subſidy, and all the Profit of Wardſhips, Eſcheats, and other Profits of the Realm, ſhall be ſpent for the defence and ſafe-guard of the Realm, and the Wars in *Scotland* and *France* and not other-where: So that the Statute (as I humbly conceive) all put together, bears this ſence, that the Subſidies granted in Parliament, and the Wardſhips, being a fruit of the Tenures created for the defence of the Realm, and other Profits ariſing to the King by way of Prerogative are to be ſpent for the defence of the Realm, and the Kings other Wars; but that no Aid or Charge for any of theſe can be laid upon the Commons without conſent in Parliament.

My Lords, that the practiſe of this King, I mean *E.* 3. was contrary to the Statutes, and that they were not kept, appears by the Parliament Roll 15 *E.* 3. *N.* 9. the next year after, where the Commons ſhew, that their goods were ſeized, and their Bodies impriſoned without any Suit commenced againſt them.

My Lords, the next which I ſhall cite are the Statutes of 25 *E.* 3. and 1 *R.* 3. againſt Loans and Benevolences, which I ſhall humbly offer to your Lordſhips on this ground.

Ad eaq; frequentius accident ad aptantur Leges.

As for my part, I have ſeen no general Loans or Benevolences, but they were for the Defence: So I conceive, if they were any otherwiſe, they are but few in reſpect of the others: The Common grievances therefore being by Loans and Benevolences of that nature. Theſe Statutes, I conceive, were made againſt them; for theſe not being within the words of any of the former Statutes; as therefore the Kings might with the more colour put them in practiſe, ſo, on the other ſide, being equally as dangerous to the Subject, becauſe of the diſpleaſure by denial procured the Statutes. That Loans for Defence were after 25 *E.* 3. counted unlawful, appears by *Walſingham*, *P.* 179. that 44 *E.* 3. The King *ſiniſtro uſus Conſilio magnus Summas Pecuniæ* of all ſorts, *mutuo petijt aſſerens quod in defenſionem Eccleſiæ, & Regni illas expenderet*, but that the People would not lend.

My Lords, the next which I ſhall cite is direct in words, which although it be not an Act of Parliament, yet the weight of the Authority, by the putting of it, will appear, it's the ſecond part of the Parliament Roll 2 *R.* 2. *N.* 3, 4, & 5. the Kingdom being beſet with the Enemies of *France*, *Spain* and *Scotland*, who all three by Land and Sea invaded the Realm. The Privy-Council not willing in a thing ſo much concerning the Realm to take the whole carriage of it upon themſelves, not deſiring ſo ſoon to call a Parliament, but a little before being diſſolved, they therefore reſolve to aſſemble a great Counſel of moſt of the Biſhops, Lords, and other great Men, and Sages of the Realm, who meeting, and finding the abſolute neceſſity of a preſent preparation for defence, and that the King wanted Money to do it; what their full and final reſolution in this caſe of extremity for the Defence was, I ſhall read the words of the Roll; they ſay, *Pur Concluſion final q'ils ne poient ceſt miſchief remedier ſans charger les homines de Realm quel charge ne pait de fait ne grant ſans Parliament.* And therefore the neceſſity being urgent, theſe great Men lend Money for the preſent, which adviſe preſently to call a Parliament, as well to provide for the re-payment of this Loan, as for a further Supply. It's true, my Lords, this King at this time was within age; and it's as likely that many of His Council had been likewiſe: *E. 3.* His Grandfather, His Privy Council, who well knew His Prerogative, and extended it as far, by reaſon of His great Wars, to the charging of His Subjects, as any before or ſince His time; and that not only the Privy-Council, but likewiſe, as the Record is, almoſt all the Prelates, as well Abbots as others, Dukes, Earls, Barons, Bannerets, and other Sages of the Realm, which, as I conceive, were the Judges, ſhould be ſo far from putting this in execution, as that they declare in the negative, upon full deliberation, that the Commons cannot be charged herein but in Parliament. Themſelves likewiſe thereby being to undergo a preſent Charge, by lending to ſupply that neceſſity. The Authority muſt needs be weighty, that upon ſecond thoughts afterwards the ſame was declared in full Parliament by the Lord Chancellor, and ſo afterwards entred upon the Roll without any qualification at all, adds further to the Authority.

Ultimo Februar' 3 *Caroli*, a Commiſſion iſſued to divers great Lords, the end, as appears by the words, was for aiding the Kings Allies beyond Sea, and for the defence and ſafety of the Kingdom and People. They were by the Commiſſion to raiſe Money by Impoſition or otherwiſe, which, without extream danger to the King, Kingdom, and People, can admit no long delay, wherein Form and Circumſtances are to be diſpenſed with, rather than the ſubſtance loſt. This, my Lords, was a Commiſſion to tax the Subject in time of neceſſity for Defence. The laſt Parliament this Commiſſion, as againſt the Law, was condemned by both Houſes, and cancelled in His Majeſties Preſence, and ſent ſo to be viewed by both Houſes.

Philip Commines, in his fifth Book *Cap.* 8. obſerving the ſame above all others, commends the policy of the *Engliſh* Laws and Government. And both he and *Bodinus, de Republica lib. 6. Cap.* 11. And *Paſquerus*, Advocate-General in the King of *France* his Chamber of Accounts, in his ſecond Book *Cap. 6, &* 7. all ſhew this likewiſe to have been the ancient Law of *France*; and how the Practiſe comes to be otherwiſe, there *Paſquerus* ſhews at large; and that the King ſometimes endeavouring the contrary, found ſo much difficulty, that they afterwards, eſpecially *Charles* the 5*th*, procured by the conſent of the three Eſtates theſe Aids for Defence to be granted for three or four years together; and that this conſent of the People at firſt was that which afterwards gave the occaſion to the King to take it without conſent. And therefore he concludes, that *France* being *un Relme de conſequens*, that they muſt not eaſily promiſe any thing, though but once, which they will not be willing to permit for ever.

My Lords, I have now done with the Proofs. In the next place ſhall endeavour an Anſwer to ſome few Objections that are obvious both from Reaſon and Authority.

1. For thoſe of Authority, 13 *H.* 4. 14, 16. *Gaſcoignes* opinion, That the King may Charge His People without Parliament, to a

thing that is for the common Profit of the People; the thing he applies it to, is, that the King may grant Pontage and Murage.

My Lords, that the King may grant both theſe, and Tolls upon erection of a new Fair or Market, and Panage, I ſhall not deny.

The Anſwer I ſhall give to them is; firſt, That theſe Grants do charge *venalia* only, that is Goods carryed to thoſe places for Merchandize; but that any Tax may be laid *Secundum ſtatum & facultates*, either upon the Hundred or County, I ſhall humbly deny it.

It is true, my Lord, by the Conquerors Laws it appears, that Cities and walled Towns were for the defence of the Country; and therefore by thoſe Laws no Fair nor Market might be kept but in *Civitate*, and *Burgis Muro Wallatis*; and therefore in Doomeſday, in all ſuch its found, that there are ſo many Manſions *murales*, which by their Tenure, when need was, were bound *ad murum reficiendum*.

That no other Land that holds not by that Service is liable, appears by the Parliament Roll, 1 *R.* 2. *Secunda pars N.* 76. where all the Cities and Burroughs of *England* petition, that in this time of danger, they not being able with their Merchandizes to do it, that others that had Land within the Town might be made Contributaries, *avant ceo heure out port nul charge*.

The Anſwer is, that all, according to their Tenure, as they have anciently done, ſo ſhall they ſtill. And if this might be done, there would have been no need of the Statutes of 2 & 3 *P. & M. Cap.* 1. 23 *El. Cap.* 4. for giving power to tax Men *Secundum ſtatum & facultates* to repair Caſtles and Towns within 20 Miles of *Scotland*.

For the Tolls, and Pontages, and Panaiages, as there is a great deal of equity for thoſe that receive benefit by bringing their Goods to the Markets, and over the Bridges, ſhould contribute to the Charge that may maintain the Market-places, and the Bridges; ſo neither are theſe compulſary, but voluntary Charges; for as no Man pays but he that receives the benefit, ſo is none compellable thereto, but is let to his liberty.

Neither is there any colour in reſpect of the Town it ſelf, to whom the Murage and Panage is granted, why they ſhould not be charged, becauſe the Grant cannot be but at their own Suits; for if it be not at the Suits *tot Commoditates*, the Grant is void, and to be revoked, as appears *Pat.* 5. *E.* 3 *ſecunda pars M.* 20.

It may be further objected, That as the Town hath intruſted the way and manner of managing of the Defence wholly, and independently unto His Majeſty; ſo likewiſe, if Aids and Means, as the *Cauſa ſine qua non*, the other cannot be effected. And therefore His Majeſty ſhould not be dependent upon the Parliament for them.

My Lords, The meer relation between His Majeſty and the Parliament, that they are but one Body, hath been preſented to your Lordſhips, and that His Majeſty did exerciſe the *Summum imperium*; there *Bodine lib.* 1. *Cap. ult.* ſays, *ejuſdemq; eſſe poteſtat' tributa nova imponere, cujus eſt Legem ferre*; but that the *Legis la-*

tive power is not in His Majeſty out of Parliament, will be granted.

2. The Subjects Intereſt being as meerly concerned in the Defence, as His Majeſties, there's no cauſe why they ſhould not be willing to proportion the Aid to the occaſion; ſo neither can the Law preſume otherwiſe, which hath ſo high an opinion of the judgment and integrity of this Court; that as it is in the *Comen'* 398. it's unlawful for any Man to conceive any diſhonourable thing of it.

My Lords, my laſt Anſwer hereto is, That by the Law the King hath as independent a Power to make a forreign War, as well as defenſive. It will, I conceive, be granted, that His Majeſty in this Caſe hath not power to tax the Subject; for then it would follow, that as well as to the conquering of the next adjacent Realm, ſo of all *Europe*, the Subject ſhould be at the Charge, and yet the Land conquered ſhould be only His Majeſties; and yet upon this ground, in reſpect of the equality of the Powers, it might be done as well there as here.

Neither, my Lords, as I humbly conceive, doth this only anſwer the Objection, but returns upon the other ſide for His Majeſties Highneſs Power to make offenſive War, which for the moſt part cauſeth a defenſive; by this means that ſhould be in His Majeſties Power to cauſe a defenſive War, and to tax the Subject for the maintenance of it.

My Lords, The laſt Objection whereto I ſhall endeavour an Anſwer, ſtands thus; The Parliament is a great Body, and moves ſlowly, and that the cauſe may be ſuch, that the Kingdom may be loſt before the Parliamentary Supplies come.

My Lords, how the means of the effecting ſo ſudden, and ſo great a ſurprize can be ſo ſecretly carried, I ſhall not examine it in reaſon, but ſhall hereto humbly offer theſe Anſwers.

That the Services whereby the Law hath provided for the Defence both at Land and Sea, they have the ſame mention of time with the Parliamentary Supplies upon the Summons of the Tenants by Knights-Service *ad exercitum*; and of five Ports 40 days warning is to be given as for the Parliament.

And ſo is it probable from that of *Mould.* 13 *E.* 1. it was for others that held by Sea-Service.

And anciently the Summons, *ad exercitum*, to the Ports, and for the Parliament, went out much about the ſame time, that the Parliament might aſſeſs the *Eſcuage*; and that in caſe the Tenures, and other Revenues, were not able to maintain the War, that the Parliament might provide for further Supply, as appears 28 *E.* 1. *M.* 15. 31 *E.* and 34 *E.* 1. *M.* 15, 16. *& oportet neminem legibus eſſe ſapientior'.*

The Tunnage and Poundage, when granted for life, was, that the Kings might have always a Sum of Money ready upon ſuch ſudden occaſions.

In the Parliament, 4. *R.* 2. *N.* 42. the Commons deſired payment of *E.* 3*d*'s Debts, that they might be encouraged to lend the King in Aid of the Realm. If a ſudden cauſe of neceſſity ſhould fall out; the Anſwer is, that it ſhall be done *ſolonq; le Petition.*

My Lords, by this it appears, that this Objection was not then taken to be of weight; many of the Loans are in *neceſſitatis Articulo.*

The Authorities that further anſwer this Objection are great, and full in Point.

The firſt is that of the Parliament Roll of 2 *R.* 2. before cited; the buſineſs of Defence could not ſtay ſo long as for a Parliamentary Supply, yet agreed, that the Commons without Parliament could not be charged; and therefore the ſame Men that give the judgment preſently lend Money for that purpoſe.

In the Statute of 31 *H.* 8. for Proclamations, the cauſe of the making of the Statute is expreſſed in theſe words; Conſidering that ſudden cauſes and occaſions fortune many times, which do require ſpeedy remedies, and that by abiding a Parliament, in the mean time might happen great prejudice to enſue to the Realm: Therefore the Kings Proclamation is by that Act made equivolent to an Act of Parliament, but with a full exception of their Lands, Goods, and Chattels, which as it ſhews, that before, by the Common Law, the Kingdom could not, in Caſes of Exigency, that could not ſtay for a Parliament, take or ſeize their Goods; ſo were they careful ſtill to preſerve this Right.

My Lords, after this Statute of 31 *H.* 8. the Maxime of *Juſtinian* was true in *H.* 8. as of the *Roman* Emperors after the *Lex Regia,* whereby the People transferred their ſuffrage to the Emperor, *quod principi placet Legis vim habet*; ſo at that time was that other as true on the Subjects part here, as there in the digeſt, *Lege* 10 *de regulis juris quod meum eſt non eſt univerſitatis, & quod noſtrum eſt ſine facto noſtro ad aliam transferri non poteſt.*

The 7 *Pertica* of *Spain, tit.* 1. *Pertica ſecunda,* give ſomething more to the King; for He may take from the Subject *pro neceſſitate Reipublicᵉ dato primus tali caſu Domino rei bona lambia ejuſdem, vel majoris precij bonorum virorum arbitrio*; He may in this Caſe take, giving a Pawn to the Subject for the aſſurance of a future full ſatisfaction.

Livy in his 20 Book, *Cap.* 35. *Bodine* in his 6th Book, *fo.* 655. affirms, That when *Hanibal* had put *Italy* and *Rome* it ſelf, unto ſo great hazard; and that there was not Money left in the common Treaſury, that yet the Senate, without their conſent could not charge the People; but that *unuſquiſq;* of the Senate, *mutuo debit aliquid in uſum publicum.*

My Lords, the laſt Authority for the anſwering this Objection, and clearing of the whole buſineſs, is the Commiſſion for the Loan in the *Weſt.* 2 *Car.* 4. *Pars Pat.* the words are theſe, Great and Mighty Preparations, both by Sea and Land, did daily threaten the Kingdom, that the ſafety and very ſubſiſtance of the King and People, and the common Caſe of *Chriſtendome,* were in apparent danger of ſuffering irreparably, that the Kings Treaſure is exhauſt, and the Coffers empty; that the buſineſs of Supply cannot endure ſo long delay as the Calling of a Parliament; and inquiring into all means juſt in Caſes of ſuch unavoidable danger: A King is now reſolved to borrow of the Subject, to enable His Majeſty, for their ſafety, and promiſeth re-payment.

My Lords, the borrowing of Money only is the thing required, that is, for the Defence the King had no Money left, the Exigency ſuch, that it would not ſtay for a Parliament; this Commiſſion afterwards in the Parliament 3 *Car.* was queſtioned, upon debate adjudged by both the Houſes of Parliament to be void in Law, by the Petition of Right preſented ſo to the King, His Majeſty denies it not. My Lords, from this Objection of ſudden danger I come to the next, which is the third thing before offered to your Lordſhips, which is an admittance that the damage ſometimes may be ſuch, that the Subjects Goods without their conſent may be taken from them; for as propriety being both introduced and maintained by humane Laws, all things, by the Law of Nature, being common; there are therefore ſometimes like the *Philiſtines* being upon *Sampſon,* wherein theſe cords, they are too weak to hold us, *neceſſitas enim,* as *Cicero* ſays, *Magnum humane in becillitatis patrocinium omnem legem frangit*, at ſuch times as propriety ceaſeth, and all things are again reſolved into the common Principals of Nature.

Theſe times, as ſometimes they are only in *inſtanti*, and concern but ſome few, as in Caſes of killing one another in a Mans own defence, pulling down Houſes in a common Fire, making of Forts upon other Mens Lands, or with their Goods, upon ſudden Aſſaults; ſo ſometimes they are longer in continuance, and larger in extent, and concern the whole Kingdom, as it is in times of War, *quando agitur pro aris & forcis flagrante bello.*

And as on the Particulars before-mentioned, which are but for a ſhort time, and that concern ſome few only, the Law hath no power for that time, nor on any times any property; ſo in the latter it loſeth this power for a longer time, and over all.

A Diſſent upon Diſſeiſin in time of War takes not away the Entry of the Diſſeiſee, *Litt' Sei'* 412. no plenary after the ſix Months barrs not the Patron of his *Quare Impedit*, upon a Preſentation in time of War, 43 *E.* 3. *Q. Imp.* 135. *W.* 31.

And in a Writ of Right, where the Seiſin makes the Title, the taking of Eſplees muſt be alleadged to be done *tempore Pacis*, the Law allowing no Eſtate in ſuch times, but calls it an occupation in time of War, *Litt. Sei' fo.* 12.

And as *inter arma leges ſilent*, ſo that of *Brac' H.* 4. *fo.* 240. that *tempus guerr' eſt tempus injuriæ* is likewiſe true; for after the War is ended, the Law, as not having any conizance of things then done, gives no remedy for wrongs in that time ſuſtained, as the Caſe is adjudged in the Roll of Rent, 7 *E.* 1. *inter plæcita de querelis Willielmum Parleton queretur de Petro Rardinum quod ipſe die Mercurie ante factum St. Tho.* 46 *H.* 3. came to the Town of *Cleve*, and took of the Plaintiffs Goods three Oxen, four Cows, and three Heifers, and yet detains them; the Defendant alleadgeth the Pardon of *H.* 3. of *omnes tranſgreſs' factas ratione turbationis tunc in Regno exiſtentis*, and that it was *tempus guerr'* when the Goods were taken; the Plaintiff replies, That the King can pardon only offences done to himſelf, *& non tranſgreſſionis aliis illatas*, the Plaintiff rejoyns that *tempus illud* was *tempus guerr'*, *& non tempus Pacis*, and upon this the Iſſue is joyned. The Jury find, that when the Defendant took the Goods, *fuit tempus Belli, & non tempus Pacis*; and therefore it was adjudged for the Defendant.

Tempus

An. 1637.

Tempus Belli, when property ſeizeth, is not upon every inteſtine or defenſive War; but only at ſuch times when the courſe of Juſtice is ſtopt, and Courts of Juſtice ſhut up; and that this is that *Tempus Belli* is the Inſtitutes *Sec.* 412. *p.* 39. *E.* 3. *B.* *R. Ro.* 49. the Attainder of Treaſon of *Thomas* Earl of *Lancaſter* reverſed the Error aſſigned, *quia tempore Pacis maxime cum per totum tempus predictum Cancellaria & alia placit' Cur' Domini Regis aptæ fuerunt, & in quibus Lex cuicunq; fiebat prout fieri conſuevit; nec predictus Dominus Rex in tempore illorum cum Rex illis explicatis equitavit.*

That there were greater Armies a foot on both ſides in this buſineſs, when the Earl was taken at *Borowbrigge*, our Hiſtories are full; but yet it was not that *Tempus guerræ* intended by the Law, becauſe the Courts of Juſtice were open, and the King, with Banners diſplayed, was not in Perſon in the Field.

My Lords, in theſe times of War I ſhall admit, that this Writ is legal, and not only His Majeſty, but likewiſe every other Man that hath Power in his Hands, may take the Goods of any within the Realm, pull down their Houſes, or burn up their Corn, to cut off Victuals from the Enemy, and do all other things that conduce to the ſafety of the Kingdom, without reſpect had to any Mans Propriety.

12 *H.* 8. 2. *Br. Trans'* 406. 8 *E.* 4. 23. That in ſuch times a Subject may make a Bulwark in another Mans Land, and that the Laws already eſtabliſhed are ſilent at ſuch times for any Law to be made: And although in that foreſeen and lingring War of *Hannibals*, whereof I have before ſpoken, the Senate could not charge the People; yet when there was a *tumultus Gallicus*, that is, when the *Ciſalpini*, their Neighbours, on the ſudden (as ſometimes they did) aſſaulted the City; by the ſame Author the Caſe was otherwiſe.

My Lords, beſides this ſudden and tumultuous War, which ſhuts the Courts of Juſtice, and brings His Majeſty in Perſon into the Field, and wherein Propriety ceaſeth: The Law likewiſe takes notice of other Times of War. As when His Majeſty, upon juſt cauſe known to Himſelf, by His Proclamation proclaims War againſt any Forreign State, and likewiſe the Law takes notice of the effects thereof: That is, that no Subject of ſuch Prince or State is capable to proſecute any Suit, though but in a Perſonal Action, in any His Majeſties Courts; and likewiſe that then it is lawful for any His Majeſties Subjects to ſeize and keep to their own uſe the Goods of the Subject of any ſuch Prince or State, as the Books are adjudged, 7 *E.* 4. 13. 3 *H.* 8. *Br. Propertie* 38. 22 *E.* 3. 16.

My Lords, it appears not by any thing in the Writ, that any War at all was proclaimed againſt any State, or that if any His Majeſties Subjects had taken away the Goods of any Princes Subjects in *Chriſtendome*, but that the Party might have recovered them before your Lordſhips in any His Majeſties Courts; ſo that the Caſe in the firſt place is, whether in times of Peace His Majeſty may, without conſent in Parliament, alter the property of the Subjects Goods for the defence of the Realm.

Secondly, The time that will ſerve the turn for the bringing in of the ſupplies and means of the defence, appears to your Lordſhips judicially by the Writ, that is ſeven months within four days; for the Writ went out 4. *Aug.* and commands the Ship to be at *Portſmouth* the place of the Rendezvous the firſt of *March* following; and thereby it appears that the neceſſity in reſpect of the time was not ſuch, but that a Parliamentary conſent might in that time have been endeavoured for the effecting of the ſupply.

Thirdly, Yet in the third place it is averred, that *ſalus Regni periclibatur*, and that was the cauſe of the iſſuing of the Writ, and this by the Demurrer if it ſhould be confeſſed.

Yet this is but a general, how or in what manner *periclitabatur non conſtat.* By the Law the Defendant may have a Protection when he is in *negotiis Regni*: but when he will make uſe of it, it's not allowable in that generality, but he muſt ſhew in particular in what Town, or Caſtle, or other particular Service he is in, that ſo the Court may judge whether the cauſe be ſufficient, yea or no; and yet is that His Majeſties Writ too, as well as this in queſtion: ſee the Books for it 36 *H.* 6. 39. 28 *H.* 6. 1. Yet in the fourth place, If your Lordſhips ſhall give any heed to this general, as to the particular of Pirates infeſting the Coaſts and preparations further *ad Regnum gravandum*, mentioned in the Writ, the caſe then, as I conceive, is this.

In a time of Peace His Majeſties vigilancy foreſees a danger likely to enſue, the ſupplies for prevention of this danger will ſerve if brought in ſeven Months after within four days, whether in this caſe without their conſent in Parliament His Majeſty may alter the property of His Subjects goods.

Mr. St. John's *ſecond days Argument.*

MY Lords, I have now done with the defence in general, and in the laſt place I ſhall endeavour to prove that this of the Sea hath no ſuch peculiarity in it, but that it will fall within that of the defence in general.

Wherein in the firſt place I endeavour an Anſwer to ſome Objections, both from Authority and Reaſon, that may ſeem to prove a right. And ſecondly, to ſome Preſidents concerning the uſe and practice; in thoſe of the firſt rank I ſhall begin with *Danegelt.*

It may be ſaid, that the *Danes* infeſting the Realm, that *Ethelred,* for the reſiſting of them, firſt by his own Authority laid this upon the Subject, and made it an annual Charge.

Secondly, That after the conqueſt, they ſeldom infeſting the Coaſts of the Conqueror, took it not annually as at the firſt, but at ſuch times only as it is in the *Black-Book, lib.* 1. *Cap.* 11. when *ab exteris gentibus Bellum, vel opiniones Bellorum inſurgebant.*

And Thirdly, That after *H.* 2. time the Kingdom being altogether freed from the *Daniſh* Invaſions, although the *Danegelt* both loſt the name and uſe, it never after his time being taken by Hydes of Land as before; that yet the ſucceeding Kings by the ſame Authority did lay other Taxes upon the Subject for defence of the Sea.

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My Lords, For Anſwer, in the firſt place I ſhall obſerve this only by the way, that the beſt and certaineſt Authorities for the *Danegelt* agree not what it was.

I mean the Laws of *Edward* the Confeſſor *Cap.* 11. and the *Black Book*, for the Confeſſors Laws ſay, that it was one ſhilling upon every Hide of Land, and the *Black Book* two Shillings, by which it ſhould ſeem that it was little in uſe in *H.* 2. time, nor much known.

That 11*th* Chapter in the Confeſſor's Laws, where this is mentioned, was no part of the ancient Laws themſelves, but ſomething afterward added appears by the words themſelves.

Firſt, It ſpeaks of the freedom which the Church in the firſt Inſtitution of it had, which freedom, we know, was not loſt till after the Conqueſt, and likewiſe of the granting of it to *William Rufus* by Parliament; and therefore it ſhould ſeem to be inſerted in thoſe Laws afterwards out of the Laws of *H.* 2. for this 11*th* Chapter, and that of *Danegelt* in *H.* 2. Laws are the ſame *de verbo in verbum*, as appears in *Hoveden*, *fol.* 344.

But admitting the thing, I ſhall endeavour anſwers to each part of the Objection, as firſt, That the *Danegelt* was granted in Parliament.

Mr. *Camb. Britt. p.* 142. obſerved that the *Danes* firſt infeſted the Coaſts *Anno Dom.* 800. and, as his words are, with ſuch Hurly Burlies, as the like was never heard of, made havock of all, razing of Cities and burning of Churches, and for their continual Piracy had got the name of *Weccingi*, that is Pirates as the Pirates.

The *Danegelt* firſt began in *Ethelreds* time, almoſt 200 years after the *Danes* firſt Invaſion, for he began his reign *Anno Dom.* 978. That proviſion for Sea-defence was made in the interim after 800. and before *Ethelreds* time, appears by the many Sea-fights of *Alfred* and other Kings made within them: that this proviſion was uſually in Parliament, is probable from that of *Ingulph*, *London* Print, *fol.*488. where, *Anno Dom.* 833 which was 33 years after the *Danes* firſt Invaſion, a deed to the Abbot of *Crowland* is dated thus; *Coram Pontificibus, Proceribus, & Majoribus totius Angliæ, in Civitate Londoniæ, ubi omnes congregati ſumus pro conſilio capiendo, contra Danicas Piratas littora Angliæ aſſidue infeſtantes*: if King *Ethelred* by his own Authority might have impoſed this, it's like ſome of his Predeceſſors, the caſe ſo neceſſarily requiring it, in almoſt 200 years ſpace would have done it before his time.

That this of *Danegelt* was done in Parliament the words carry as much, for the words of the Law are *danſgeldi redditio primitus Statuta fuit*, a word moſt proper for the Parliamentary Authority.

But fully by the Laws of that King, I mean *Ethelreds* times, in Mr. *Lamberts Saxon* Laws, *fol.* 85. there *ex ſapientum ſuorum Conſilio* peace is made with the *Danes*, and a certain ſum of money in preſent granted to the Army, as our Hiſtorians obſerve. The *Danes* by compoſition were to ſend away their whole Fleet ſaving 45 Ships, which were to remain to defend the Kingdom againſt other Enemies, and the King was to maintain theſe Ships at his charge: that the *Danegelt* was paid to the *Danes* for this defence many of our Hiſtorians obſerve. My Lords, That at the ſame Parliament this was provided for, appears by the words of the Law, *Si quis* *igitur poſt hac Navalis aparatus in Anglia præd. fecerit, hic nobis auxilium ferat exercitus noſq; ei (quamdiu in fide manſerit) quæ ad commeatum ſupputent paravimus per omnia*, that this was a Parliament, as the words ſhew it, ſo is it held in the Preface to the *9th Rep.* If this was not the *Danegelt*, yet this is clear, that in that Kings time then promiſed *contra navales apparatus vias*, made by *Parl. Huntingdon*, *fol.* 265. *London* Print: *Primrum ſtatuerunt Angli infauſto concilio quod ipſi Danis cenſum perſolveret Regibus*, *namque noſtris modo perſolvitur ex conſuetudine quod Danis perſolvebatur ex ineffabili terrore*, that *Danegelt*, which after the Conqueſt was paid to the King, we ſee by that Author *primum ſtatuerunt Angli*; *ſtatutum Anglorum*, muſt needs be by Parliament.

If the *Danegelt* in time of ſuch great danger was not impoſed without Parliament, it will ſtrongly make againſt thoſe that ſhall object againſt it.

Secondly, The *Danes* having quitted the Realm, that the *Danegelt* was releaſed by *Edward* the Confeſſor is affirmed by *Ingulph. fol.* 510. and *Hovedon*, *fol.* 253. and all our later Hiſtorians. That of *Ingulph*, my Lords, alone is without all exception who lived in thoſe times, for he was brought up in *England* in the Confeſſors days, and therefore knew what he wrote. He afterwards went over into *Normandy*, and was the Conquerors Secretary; came over with him to the Conqueſt, and at his own charge maintained twelve Horſes; he was ſo great at Court, that as himſelf writes, *fol.* 514. *quos voluit humiliavit*, *quos voluit exaltavit*; and *p.* 518. a Charter of the Conquerors to the Abby of *Crowland* was made *ad petitionem familiaris mei Ingulphi*, and therefore in all likelihood would not report this partially againſt the King.

My Lords, That we are not to put out our Fires and ringing of the *Coverfew* Bell, we have no other Law for it but diſuſe, and the teſtimony of Hiſtorians that *H.* 1. releaſed it.

For that of the *Black Book*, that *William* the Conqueror retained it *quando Bella, vel opiniones Bellorum inſurgebant*, as that Book is miſtaken in the thing, ſaying it was two Shillings on every Hide, being in truth but one; ſo it is poſſible he might miſtake in the other too: That it was releaſed *in æternum* is apparent; that many things were done *de facto*, to the infringing of the liberty of the Subject, both in his time, and of *H.* 1, and *H.* 2. too, it is clear by our Hiſtorians; and if it were not releaſed before, yet that King *Stephen* releaſed it, is written by *Huntingdon*, *fol.* 221, *Hoveden*, *fol.* 276. *hoc Deus voluit* ſay theſe Hiſtorians, *ſed nihil horum tenuit*, and as our Hiſtorians all agree, that after *H.* 2. time, in whoſe Reign the *Black Book* was compiled, it was never paid, ſo may it be collected out of the *Red Book*, for all or moſt of the Aids and Eſcuages in *H.* 2. and King *Johns* time being there mentioned in 8 *H.* 2. *quod Danegeldum aſſeſſum fuit*, but after that, neither in his time nor of King *Johns* is any more mention of it.

Sir *Henry Spellman* in his Gloſſary, that when it was taken in the Conquerors time, and ſince that it is was *conſulti Magnatibus Regni & Parliamentari demum authoritate*. My Lords, In the laſt place, If the ſucceeding Kings *mutato nomine*, only have in lieu thereof laid other Taxes upon the Subject, they muſt then hold proportion with that of *Danegelt*, that is, that they have been equally ſet upon all

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the Inland Towns throughout the Kingdom as that was. 2. Upon every Hide of Land: And 3. Likewiſe in time, and that there was no intermiſſion but that in *R.* 1. and King *John*'s times which were active, that then it was put in execution.

Clo. 15. *Johannis m.* 3. *Dor. &* 7. and *Matthew Paris p.* 312, 313. The Pope had granted the Crown of *England* to the *French* King, who was ready to invade the Realm; great proviſion of Shipping was made *ad liberationes Regis, & ad ſtipendia Regis.* So far was this King in this time of neceſſity, from impoſing any aid upon the ſubject for the Sea-ſervice, as that he himſelf bore the charge.

My Lords, The next authority from the right which I ſhall inſiſt upon, is that in the terms of the Law, *fol.* 114. in the Title of (*Hydage*) the taxing by Hides was much uſed in old time, and that chiefly in King *Ethelreds* days, who in the year 1006. when the *Danes* landed at *Sandwich* in *Kent*, taxed all the Realm by Hides, and every 910. Hides of Land ſhould find one Ship.

My Lords, My firſt anſwer is, That this was done when there was a formidable Enemy, and which ſoon after conquered the Kingdom, was upon the Shore, as by the Book appears, and therefore likely that the Courts of Juſtice were ſhut, and that the King was in Perſon in the Field.

Secondly, This was but *actus unicus,* and even by the Common Law that ſo eaſily admits of Cuſtoms, it's *actus Binus* that hath any colour *inducendi conſuetudinem.*

Thirdly, It appears not by any thing in the Book, but that this might be done by Parliament, many of the antient Acts of Parliament are *ſtatuit Rex, vult Dominus Rex.* And whereas the Book ſaith, taxing by Hydage was much uſed in old time. That theſe were by Parliament appears both by uſe and authority, expreſs in Print. Doomeſday in *Barkſhire, quando geldum dabatur communiter per totum Barkſhire dabat Hydam* 3 *s.* there we ſee Hydage *dabatur, Matthew Paris, p.* 780. many *Caruragia* and *Hydagia* recited in Parliament that had formerly been given to that King in Parliament.

Bracton in his ſecond Book, *fol.* 37. is expreſs in the Point, that they cannot be taken but by grant in Parliament; his words are theſe, *Sunt quædam communes præſtationes quæ ſervitia non dicuntur, nec de conſuetudine veniunt, niſi cum neceſſitas intervenerit, ſicut ſunt Hydagia & Caruragia de neceſſitate & ex conſenſu totius Regni introducta, Rot. p.* 8. *h.* 3. *m.* 4.

My Lords, The next authority I ſhall inſiſt on, is the caſe of the Abbot of *Roberts-Bridge* in *Kent*, which becauſe *prima facie* it ſeems to be in point, I will put it at large.

M. 25. *E.* 1. *finiente* C. B. *R.* 77. The Abbot brought a Replevin again *Adam de Brigland* and others for taking his Cattle, the Defendants avow in theſe words, *dicunt enim quod occaſione turbationis inter Regem & Regem Franciæ ſuborta aſſignatus fuit Will. de Leyborn ex parte Regis ad Cuſtodiam Maris faciendam, ratione cujus cuſtodiæ faciendæ Terra & Tenementa hominum ejuſdem Comitatus agiſtata fuerunt ad Cuſtodiam faciendam,* and the Abbot was ſeſſed 22 *E.* 1. at 7*s.* 23 *E.* 1. at 13*s. and* 24 *E.* 1. at 15*s. ad prædictam Cuſtodiam faciendam,* and becauſe he reſiſted to pay that, the Defendants being Collectors for the Town diſtrained the Abbot. The Abbot in Bar of this Avoury ſays, that for his Lands he was aſſeſſed to find a Horſe and Man *in Subſidiam Cuſtodiæ prædictæ*, and that he found this Man and Horſe accordingly, *ad eandem Cuſtodiam faciendam*, and therefore demands Judgement, *ſi una & eadem occaſione Cuſtodiæ prædictæ*, he ought to find the Horſe *& nihilominus prædictam pecuniam ſolvere*. The Defendants maintain their avowry, and ſay, that the Abbot had divers other Lands within the Town, and that he was ſeſſed for them for money, and that he was not ſeſſed for thoſe for the Man and Horſe, therefore iſſue is joyned and day given without any more thereupon that I have ſeen.

My Lords, Beſides the Authority of it in point, theſe two things may further be objected from this Caſe.

The common uſe that 22, 23, 24. *E.* 1. the County was agiſted *ad Cuſtodiam Maris*, and likewiſe to find Land Forces.

My Lords, For the laſt I have before admitted, that by the Statute of *Wincheſter* this may be done, for the ſervice was to be performed in *Kent*, the ſame County where the Land lay.

My Lords, Becauſe this Caſe *prima facie* hath ſome ſhew of Authority in point, I ſhall endeavour a full and clear Anſwer to it.

By the caſe it ſelf it appears, that the Seſſes were in time of War, the words are *occaſione turbationis inter Regem & Regem Franciæ*; neither was the War with *France* only at that time, but likewiſe with *Scotland* and *Wales*, and all the effects of War.

The *French* had landed in divers parts of the Realm, and in particular 23 *E.* 1. in this County of *Kent*, and had burnt the Priory and the greateſt part of *Dover*; *Dover* Haven was ſhut up for a great part of that time the goods both of the *French* and *Scotch* ſeized throughout the whole Kingdom, the Lands of all Priors Aliens ſeized, and thoſe that were upon the Maritime parts removed, and Natives put in their Houſes, and all Strangers whatſoever that landed within the Kingdom to be arreſted: all theſe, if any of them ſhall be denied, will be made good, not only by our Hiſtories, but likewiſe by the publick Records of the Kingdom: ſo that my firſt anſwer is, that theſe Seſſes were in time of an actual defenſive War from the two next and greateſt States unto the Realm.

My ſecond Anſwer is, that it appears not at all by any thing in this Caſe, that theſe Seſſes were made by any Authority from the King, for the words are only in the general, that the County was agiſted, and that the Abbot himſelf was agiſted, but ſays not by whom or whoſe Authority.

That it was not by the Kings Authority appears by *Leyborns* Commiſſion, appointed *ad cuſtodiam prædictam faciendam*, as the words of the Caſe are; for by his Commiſſion whereby he was to do this, which is *Rot. vas.* 22 *E.* 1. *M.* 8. He was ſo far from having any power to Tax the County hereunto, that he is Commanded for Victuals, Arms and other things that he ſhall need in this buſineſs, that they ſhall pay thoſe from whom they ſhall have any ſuch thing, which likewiſe is entred in the *Co'ia* 23. *E.* 1. *Rot.* 77.

My Lords, That there were Parliaments in every one of theſe years appears by the Summons, and thoſe in words not uſual; for the great Fleet of *France* being mentioned, and that the *French* did intend *Linguam Anglicanam omnino delere*, they were now called

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My Lords, That accordingly order was taken *cum incolis*, and that the Gentlemen and other Inhabitants by way of By-law and agreement amongſt themſelves did make proviſion in this particular, I ſhall endeavour to prove to your Lordſhips, that it hath been done at other times, and ſuch By-laws good appears in 14 *E.* 2. *B. R. Rot. C.* 60.

The *Scots* entring *Durham* and a By-law was made by the Inhabitants for raiſing mony, and one that refuſed it was adjudged to pay it. Beſides, *Leyborn* who was Admiral of all the *Engliſh* Fleet, there were *Cuſtodes Maris* in each Maritime County; theſe as appears *Co'ia.* 24 *E.* 1. *Rot.* 78. *dorſ.* were choſen by the Commonalty of each County.

And that theſe together with the Sheriff and Inhabitants did make Orders for thoſe things appears by the *Co'ia* 23 *E.* 1. *Rot.* 79. where Writs are directed to the Sheriff of *Kent*, and all the Sheriffs of other Maritime Counties, commanding them, that *Circa Maris Cuſtodiam viſis præſentibus Milites, & Potentiores liberos homines de balliva tua evoces, & cum ipſis provida circumſpectione deliberes*, how he ſhould do it. This, I conceive, is preſſed in point, and the practice grounded upon that in Parliament *ad ordinandum cum incolis*.

My Lords, My third Anſwer to this Caſe is, that theſe Seſſers were for Land ſervice only, and not for Shipping.

And this appears firſt by the Caſe it ſelf, for the Abbot in Bar of the Avowry ſays, that he was ſeſſed to find a Man and Horſe *in Subſidium Cuſtodiæ prædictæ*, which muſt be for Land Service, and therefore demands Judgement *ſi una & eadem occaſione Cuſtodiæ prædictæ*, he ought both to find the Horſe and pay the Seſs.

My Lords, This is not denied by the Defendants, but they ſay that the Abbot had other Lands, and that this Seſs was for thoſe other Lands; ſo that it's admitted that the Seſs for the Horſe, which muſt be for Land-ſervice, and that for which they avow were both for the ſame Cauſe, all the difference is, whether the Seſs were upon the ſame Land or not?

My Lords, If the Seſſes for which the Defendants avow had been for Shipping, they might have admitted all that the Abbot had ſaid in Bar of their Avowry, that is, that notwithſtanding he found Arms for Land-ſervice, that yet he might for the ſame Land have been ſeſſed again to the finding of Shipping. Neither do I doubt but that the Parties in the actions now before your Lordſhips do find Arms, and yet they are ſeſſed for the Shipping, and that it will be ſtood upon by the other ſide, that the finding of Arms for Land-ſervice excuſeth not for the Shipping.

But it may be ſaid, that the very words are, that the Seſſes were *pro Cuſtodia Maris*.

My Lords, By divers Records it appears expreſly, that the Cuſtody of the Maritime parts by Land is called *Cuſtodia Maris*.

Clauſ. 23 *E.* 1. *m.* 4. *dorſ.* A Writ directed *Collectoribus pecuniæ ad Cuſtodiam Maris* in this County of *Kent*, commanding them, that in reſpect that the five Ports were at the charge of Shipping *quod quieti ſint de Cuſtodia Maris facienda*, which muſt needs lye at Land.

Co'ia 24 *E.* 1. *Ro.* 79. A Writ to *William Bonill & Sociis ſuis ad Cuſtodiam Maris in Com. Suffolk aſſignatis*, and yet all that they are to do in that Office is for defence at Land; ſo *Tr.* 31 *E.* 1. *n.* 20. *Co'ia.* This *Cuſtodia Maritime* how it is to be done appears *Rot. Parliament.* 46 *E.* 1. *n.* 49. and by the Statute of 5 *H.* 4. *cap.* 3. It is to be done as heretofore it hath been done according to the Statute of *Wincheſter*.

5 *H.* 4. *cap.* 3. *nata.*

My fourth Anſwer to this Caſe is, that the Plaintiff was a Clergy-man, for the Clergy having denied in Parliament to aid the King as the Laity did this year, and at this time they ſtood at the Kings diſfavour, and in *H.* Term as appears *Co'ia H.* 25. *E.* 1. *Rot.* 17. the King Commanded all his Courts of Juſtice, that if any Clergyman was Plaintiff in any Action *quod nullum ei fiet remedium*, and therefore *Walſingham*, *P.* 41. in his *annatis concluſio* of this year of 25 *E.* 1. ſays thus, that it was *clero Angliæ importabilis, quia de protectione Regia eſt excluſus, & per Regem nihilominus deperdat.*

But my Lords, if I ſhould let all go that hath been ſaid, yet under your Lordſhips favours, the Caſe is of no authority at all; for admitting that the Seſſes were for Shipping, and that by the Kings Authority, yet had the Plaintiff no reaſon to put himſelf upon the point of Law, when the matter of Fact would help him.

For the Plaintiff ſays, that he had been ſeſſed before for thoſe Lands; the other Part ſays no, but that it was for other Lands, and upon this the iſſue is joyned.

Nay, my Lords, if there be any Authority at all in the Caſe, under favour it's ſtrong the other way.

For if the Seſſes were for Shipping, the Abbot ſays, that before he found Arms for the Land-Service, and demands the Judgement of the Court, if therefore he ought to pay this Seſs too. The other part, if the Law had been clear, might have demurred thereupon, ſo that the Authority ſways this way, that none for the ſame Land are chargeable for Arms at Land, and for Shipping too.

My Lords, Not only for the clearing of this Caſe, but of all other things that concern it, either in the meer right or matter of Fact before, 29 *E.* 1. that before the Parliament at *Lincoln*, 29 *E.* 1. all things concerning the Kings Prerogative and the Subjects Liberty were altogether upon uncertainties.

The Statutes of *Runimede* of *Magna Charta* and *Charta de foreſta* had been confirmed at leaſt eight times, from 17 *John* unto 29. *E.* 1. and yet not only the Practice, but likewiſe the Judgements in Courts of Juſtice were clear contrary, to the plain both words and meaning.

By the ſecond Chapter of *Magna Charta* a Baron *pro Baronia integra* was to pay but 100. Marks for his relief, the practice and proceſs out of the Chequer till 29 *E.* 1, was always for this relief 100 *l.*

M. 28. *E.* 1. *Rot.* 34. *Co'ia* after the death of *John Gray* that held *per Baroniam*, the queſtion was whether he ſhould pay 100 *l.* as the Record ſays, *Prout ante hæc onerari ſolebant*, or only 100. Markes

propter

An. 1637. *propter Confirmationem Mag. Chart.* and this the Court would not determine before they had conſulted with the King, and yet the ſtatute of *Magna Charta* had been confirmed but 25. *E.* 1. and likewiſe the ſame year, as appears by the Statute *de Articulis ſuper Chartas.*

Co'ia M. 32 *E.* 1. *Rot.* 26. *Phillippe Marmion* died 23 *E.* 1. and 100 *l.* paid for his relief.

It was now 32 *E.* 1. in queſtion whether 100 *l.* or 100 Marks ſhould be paid, and accordingly adjudged but 100 Markes. The Judgement is thus entred *ſciendum enim quod fines iſta of* 100 Marks *admittuntur, licet hactenus* they were always 100 *l.* becauſe the King had confirmed *Magna Charta* 29 of his reign, and by his Writ had Commanded the Courts to inroll it, and would have it *de caetero in omnibus ſuis Articulis obſervari.* My Lords, of this kind there be many Caſes.

The Charter of the Forreſt, *Cap.* 10. is *nullus de caetero amittat vitam vel membrum pro venatione noſtra*, and yet againſt the plain letter and meaning, *Co'ia Tr.* 27 *E.* 1. *Rot.* 44. *Adam Gower* of *Scarburough*, as appears, had in this Kings reign been beheaded *pro venatione* in the Forreſt of *Danby*; and now an Inquiſition went out to find what Lands and Goods he had, and then upon the return the queſtion was, whether his Land was forfeited and ſhould eſcheat upon ſuch an Attainder, and reſolved that his Land was not to be forfeited, *P.* 22 *E.* 1. *Rot.* 48. The Kings Shepheard had put the Kings Sheep into a mans ground who had diſtrained them, and for this Proceſs went out of the Chequer to puniſh the man, who there pleads that he knew not they were the Kings Sheep.

And there *Rot.* 51. *Dorſ. Leſſee* for life of a Mannor of the Kings with the Advowſon accepted, by preſenting to the Advowſon, the Court declared that he had forfeited the Mannor it ſelf.

By theſe Caſes it appears, that neither the Practice nor proceedings in the Courts of Juſtice in theſe times, in things between the King and the Subjects, are ſo much to be relied upon as the words of the Law.

Ob. 4. My Lords, It may further be objected, that at the Common Law, before the Statutes of *Wincheſter*, the King might compel the Subject to find Arms for the defence of the Land, and therefore by the ſame reaſon he may charge them to find ſhips for defence of the Sea.

My Lords, not granting the thing, yet for the preſent admitting it, I ſhall thereunto give theſe Anſwers.

1. That His Majeſty by the Tonage and Poundage, and other duties at Common Law, before-mentioned, hath a particular ſupply for that of Shipping, but hath nothing in particular for the other of Armes, and therefore that may with more reaſon be laid upon the Subject than the other.

And yet for one of the principal things in that Statute of *Wincheſter*, that is, for Watching and Warding, the Kings before that Statute had a particular and certain farm or ſum of money of each County for the doing of it, which after that Statute the County was diſcharged of, becauſe by that Statute the County took the charges of doing it upon themſelves, as the Caſes are, *Co'ia H.* 20 *E.* 1. *Rot.* 10. and *Br. Tr.* 33. *E.* 1. *Rot.* 23. *dorſ.* 18 *l. pro Can.* and 16 *l. pro Northumb.*

My ſecond anſwer is, That each Subject, and that *Secundum ſtatum & facultates*, is already chargeable for that of Ships, as hath been before proved; and therefore if he be chargeable both in Money and kind too, the charge is double in the one, and but ſingle in the other: Neither would it hold proportion with theſe Caſes of Watching, where the County was diſcharged of Money, when they took the things in kind upon themſelves: And therefore this Objection cannot, as I conceive, be made, unleſs His Majeſty firſt quit all the before-mentioned Duties upon Merchandiſe.

3. My third Anſwer is, That in that of Arms there is only *mutatio ſpeciei*, changing of Money into Arms, for they remain the Subjects ſtill in property, and are in his own cuſtody; he may ſell them, or imploy them at his Pleaſure for his private uſe.

But in this way of Shipping there's *Oblatio Rei*, in reſpect of the Victuals and Mariners Wages for 26 Weeks.

4. My fourth Anſwer is, That that of Arms is not only for the Defence againſt Forreigners, but in the Watchings and Wardings upon Hue and Cry, and otherwiſe, to keep the Peace within the Realm, and for the execution of Juſtice, by aſſeſſing the Sheriff, when he ſhall have cauſe to uſe the *Poſſe Comitatus*, and otherwiſe; all which do fail in the other.

And as the uſe of Arms is more general, ſo are they for the more immediate Defence of that Element, wherein we have our moſt uſual and certain livelihood.

And yet the ordering of theſe for 300 years and upwards, was by Authority of Parliament.

Laſtly, my Lords, in reſpect of the Victuals and Mariners Wages to be found for 26 weeks; the Caſe in queſtion as I conceive, cannot be compared to that of Arms, but rather to that of taxing the Country for finding of Souldiers to go out of their Counties.

5 *Obj.* My Lords, the next Objection that I ſhall endeavour to give anſwer unto is, That it is in His Majeſties Power, for the ſafety of the Realm, to ſhut up the Ports and Havens of the Kingdom, and thereby to make a general ſtoppage of all Forreign Trade: And therefore, as His Majeſty may anticipate gain, by barring Men from the exerciſing of their Callings, ſo by the ſame reaſon may He take ſomething away.

My Lords, my firſt Anſwer is, That the Law therein doth truſt the King only with that, which being done, is moſt to his own loſs, as in reſpect of the Cuſtoms, and other Duties, this of prohibiting Forreign Trade would be.

My ſecond Anſwer is, That this cannot be done but in time of War, and imminent danger; and that this Objection therefore will not be ſeaſonable, until the other be put in execution.

6 *Obj.* The laſt Objection is, That in divers old Charters of Liberties and Exemptions, the Patentees are freed *de Danegeldo & Navigio*; hereby is implyed a Right. My Anſwer is, From the ſame Charters it may as well be inferred, that the Subject is bound to make and repair the Kings Parks and Houſes, and to make new Bridges, and divers other things; theſe Charters of Exemption

freeing them *ab operationibus Dominiorum Regalium, Parcorum, & Pontium*, and from divers other things, which by Law the Subject is not bound unto.

Obj. from matter of Fact and Charge.

My Lords, for the Preſidents that may be brought for proof of the uſe and matter of Fact; as I do not profeſs to know them all, ſo if I did, yet time would not permit a particular Anſwer to each of them; I ſhall therefore offer theſe general Anſwers to them.

That moſt of them, or all of them, are for charging the Sea-Towns, and not of the In-land Counties: That beſides the Five Ports, many great Sea-Towns and Havens which have Ships, have many great Priviledges, and are infranchiſed for that purpoſe, is declared in the Parliament Roll of 13 *E.* 3. *N.* 11. before cited. Thoſe that are to find Ships, beſides the many Preſcriptions for Wrecks and benefit of Fiſhing, are diſcharged of Arms and Defence at Land, as appears not only by that Parliament Roll, but by the *Scotch* Roll, 10 *E.* 3. *N.* 28. *Dorſ.* The Town of *Shoram*, in the County of *Suſſex*, time out of mind had found Ships; and therefore being by the Commiſſioners for the Array taxed to Arms for the Land-Service, a *Superſedeas* for that very cauſe awarded.

Iter Suſſex 7 *E.* 1. *Roll* 63. *Dorſ. William de Bruiſe* Lord of *Shoram*, upon his Claim adjudged, that all the Cuſtoms of Merchants at *Shoram* belonged to him, *Rot. Pat.* 26 *E.* 1. *M.* 16. The Town of *Yarmouth*, *pro ſervitio Navium impenſo & impendendo*, are diſcharged of all Subſidies granted in Parliament, *Pro Corporibus Navium & attito, & Co'ia Tr.* 3 *E.* 2. *Ro.* 30. The Town of *Baldſey*, in the County of *Suffolk*, for the ſame cauſe diſcharged by Judgment of the Court.

Iter Cant. 21 *E.* 1. *Rot.* 44. *Dorſ.* Certain Land-owners within the Five Ports have *Tall' de quolibet homine applicante* upon their Lands.

Petitions 1 *E.* 3. *Ro.* 9. *Office de Pa'*, in conſideration of the Charge of providing Ships, the Town of *Southampton* petition, That their Priviledges of having Cuſtoms within the Ports be confirmed unto them. That they had theſe, appears *H.* 13. *H.* 4. *B. R. Ro.* 39. where they are indicted for Extortion, for taking more Cuſtom than was due, *Rot. Par.* 45 *E.* 3. *N.* 31. The Commons pray, that the Franchiſes of the Sea-Towns and Havens may be allowed them as heretofore, and that by default thereof the Navy of *England* is much decayed, to the diſaſſurance of all the Realm if need ſhould be. That thoſe that are not Maritime Towns, ought not to be charged, which is the very Caſe of the Defendant: I ſhall cite to your Lordſhips expreſs Preſidents.

Clauſ. 13 *E.* 3. *M.* 14. *Dorſ. pars ſecunda.* The Town of *Bodwine* in *Cornwel* diſcharged of Ships, becauſe *dicta villa portus non eſt, & longe a Mare diſtat*, and hath not uſed before-time to find Shipping. And an Inquiſition awarded to enquire of theſe Particulars, whereby it appears, that the In-land Counties had not ſo much as *de facto* been uſually charged with Ships.

Rot. Franc. 21 *E.* 3. *M.* 17. Thoſe Towns *quæ Naves non habent, & quæ aliis Naves habentibus contributoria non exiſtunt*, that they ſhould be diſcharged. It appears thereby, that there be ſome Towns that are Members of great Sea-Towns, and are contributory to Shipping, and other In-land Towns are not contributory, *Secunda Pars Pat.* 2. *R.* 2. *M.* 42. a *Chertre* 51 *E.* 3. whereby it is likewiſe recited, that the Burgeſſes of *Beverly* had by their Petition in Parliament complained, That that Town is *in loco arido, & a Mari*, that *ad ſiniſtram procurationem quorundam Machinantium ipſos indebite prægravare ad contribuendum ſimul cum hominibus villæ de Kingſton ſuper Hull*, to the making of a Barge, *per mandatum Regis.* Now they pray *de omnibus & ſingulis hujuſmodi oneribus inſolitis*, to be diſcharged by the Charter; it appears that they are diſcharged accordingly, and this now exemplified 2 *R.* 2.

2. To thoſe of 48 *H.* 3. both for Taxes for Souldiers, and ſome to Shipping, I ſhall give a particular Anſwer: That it was then *Tempus Belli*, when the Courts of Juſtice were ſhut, for the Commiſſions went out after *April*; and in the *Red Book fo.* 241. 6. it was *Tempus Belli* from 4 *Sept.* 48 *H.* 3. till the *16th* of *Sept.* 49 *H.* 3. and that the Courts of Juſtice were ſhut, appears in 49 *H.* 3. *R.* 4. *Co'ia Scaccario non fuer' Barones reſidentes in Scaccario ad Paſ.* 48 *H.* 3. and *Co'ia Paſ.* the 49 *H.* 3. *propter turbationem nuper habitam*; there were no Sheriffs *in aliquibus Comitatibus*, 48 *H.* 3. and thoſe that were, *non potuerunt ſic facere qua ad Officium Vic' pertinebat.*

3. To thoſe Commiſſions that went out before 29 *E.* 1. I have given an anſwer already, That the liberties of the Subject had been adjudged againſt the direct words of *Magna Charta.*

To the Commiſſions 30 *E.* 1. *M.* 9. In the Patent Roll *de puniendo homines* that refuſed, it is *quia ad rogatum Regis mittere conceſſerunt* ſo many Ships; and if a By-law were good to bind them, as is before proved, as well as their own promiſe: neither have I ſeen any legal Proceedings againſt any of thoſe that refuſed at that time, ſave only againſt the Five Ports that are cited by their Service.

P. 33 *E.* 1. *Ro.* 38. *B. R. & Ro.* 82. againſt *Seaford*, as a Member of the Ports, and the Charge is, That *per ſervitium tenent' invenire unam navem.*

5. For thoſe of *E.* 3*d's* time, His Reign was for the moſt part a time of War, and that the offenſive brought a defenſive upon the Kingdom is plain. *Wal.* ſays, That *P.* 119. 10 *E.* 3. the *French*, *Wal. P.* 131. burnt *Southampton. Stowe P.* 234. 12 *E.* 3. They aſſaulted *Southampton*, and burnt part of *Plimouth.* 13 *E.* 3. They aſſaulted the Iſle of *Wight*, *Rot. Parliament* 13 *E.* 3. *pars prima N.* 9. That they had done much miſchief upon the Coaſt, and conquered the Iſle of *Jerneſey.*

Scotch Roll 10 *E.* 3. *M.* 5. *Dorſ. & M.* 2. All the Ports throughout *England* ſhut up.

My Lords, in theſe years, wherein moſt of thoſe Writs iſſued, the great danger appears, and yet that the Charge laid upon the Country was by Law and agreement.

I ſhall cite to your Lordſhips the *Scotch* Roll 10 *E.* 3. *M.* 3. The *French* riding at Anchor at the Iſle of *Wight*, the King ſent divers Privy-Councellors to *Dover*, and commanded all the Officers, Maſters of Ships, Mariners, and Inhabitants, from the *Thames* to the *Weſt* to come thither, and *ad tractandum* with thoſe Lords of the Council about the

An. 1637.

Defence at Sea by Ships; and in the Records recited, that notwithſtanding the Kings former Command, *hactenus quicquid non fecer' in præmiſſis*, the Writs for Shipping iſſued before, and were not executed, and therefore now a Commiſſion, if ſo it might be done with conſent. 20 *E.* 3. Other Writs went out, *Ro. Fr. ſecunda pars M.* 24. 20 *E.* 3. writ to *Yarmouth*, *propter pericula Maris*, to ſtop up their Havens; and *Rot. Fr. prima pars M.* 19. *Dorſ.* That no Fiſhermen go out to Sea.

Clauſ. 10 *E.* 3. *M.* 23. I ſhall endeavour a particular Anſwer to this: The Writ ſays, That *vadia pro defenſione ſuper Mare ſolvi non ſolebant temporibus Progenitor'* of the King.

To this I ſhall give this Anſwer, That theſe Wages were demanded before the time of their going to the Service; and the Record is, That *hujuſmodi vadia* have not been paid.

2. My Lords, If this Anſwer be not ſufficient, my ſecond Anſwer is, by denying the King; for beſides that of 15 *Joh.* in that time of neceſſity the Ships were to ſerve *ad liberationes, & ad ſtipendia Regis*, and 46 *H.* 3. *M.* 4. both in *E.* 1. *E.* 2. and this Kings time, before the tenth year of His Reign, Wages for Defence were frequently paid.

My Lords, Becauſe I know not how far this will be ſtood upon, I ſhall ſpare the citing of any of them, and ſhall to this purpoſe cite to your Lordſhips only this Caſe: It is amongſt the *Pa. Petitions*, 1 *E.* 3. and tranſmitted into the *Chequer*, *H.* 2. *E.* 2. *Dorſ.*

The Fiſhermen upon the Coaſt of *Yarmouth*, 20 *E.* 2. were daily robbed and killed, and for Reſcue of them, thoſe of *Yarmouth* were commanded to ſet out ſome Ships to Sea, and *Adam Bridlington*, the Kings Clerk, ſent with 300 *l.* to ſet out this Fleet, which the Men of *Yarmouth* intended they ſhould have as Wages for the Voyage; but the Clerk would not let them have above 230 *l.* and that as Money borrowed of the King; and for this they gave their Bond of re-payment hereof, 1 *E.* 3. They complained in Parliament, and pray, That they may be diſcharged of the 230 *l.* and that the Bond may be cancelled; which is adjudged accordingly, and tranſmitted into the   for a Tryal, whether they had done the Service or no.

My laſt Anſwer to theſe Preſidents is, That the Matters of Fact in theſe years, to the violation of the Subjects Rights, procured upon freſh Suits, not only the before-mentioned Stat. of 14 *E.* 3. *Cap.* 1. againſt any Charge to be laid upon the Subject without aſſent in Parliament.

But afterwards they complained in Parliament, 15 *E.* 3. *N.* 9. That their Goods were ſeized, and their Bodies taken without any Suit commenced againſt them, contrary to *Magna Charta*, and the Statutes and Ordinances made thereupon with ſo much diſcretion of their Anceſtors.

And in particular, in the Parliament Roll of 22 *E.* 3. *N.* 4. for the guarding of the Seas. And in 36 *E.* 3. *N.* 9. and 37 *E.* 3. *N.* 2. as before in 15 *E.* 3.

My Lords, I am now come to the laſt thing, which is the Proofs in the Point, which I ſhall humbly offer to your Lordſhips. My Lords, the firſt Authority that I ſhall cite to your Lordſhips is, the

Patent Roll 26 *E.* 1. *M.* 21. whereby I ſhall endeavour to prove to your Lordſhips theſe two things.

1. The confeſſion of that King and His Council, That He was ſo far from having power to tax the People for the Cuſtody of the Seas, as that he is bound to make ſatisfaction for any thing taken from the People for that purpoſe.

2. The ſecond, That the Charges laid upon the People for the Cuſtody of the Sea, were the principal grievances that occaſioned the making of the Statutes of 25 *E.* 1. and *de Tallagio non concedendo.*

For the laſt, the King there declares, That He had a deſire to redreſs the grievances made to the People in His Name, and inſtanceth what they were, *veluti de rebus captis in Eccleſiis, & omnimodis alijs rebus captis & aſportatis, tam de Clericis quam de Laicis, ſive pro Cuſtodia Maris, vel alio modo quocunq;.* Whereby, my Lords, there's an acknowledgment, that it is a grievance, and to be redreſſed, —— to lay any Tax upon the Subject for the Cuſtody of the Sea.

Commiſſioners are there named throughout all *England*, to enquire of theſe grievances; herein they are to proceed accordingly to certain Inſtructions from the King and the Council.

Which are theſe three.

1. Whether the things were taken without Warrant; and if ſo, then the Party that took the Goods is to make ſatisfaction, and further, to be puniſhed for the Treſpaſs.

2. If there were a Warrant, whether the Sheriff, or other Miniſter, took more than the Warrant allowed; if ſo, then the Officer was to make ſatisfaction.

3. If all were done according to, and in purſuance of the Warrant, and no more than upon certificate thereof unto the King, as the words are, it *en ferra tant que il ſe ſiendra appayes pro reaſon.*

The King hereby promiſeth, That whatſoever things were taken from the People, by any command of His, for the Cuſtody of the Sea, that he will make reaſonable ſatisfaction to the Party for ſuch things.

My Lords, for the ſecond thing, that is, That theſe grievances occaſioned the making of theſe Statutes, is clear from the words of the Patent; for they were made, *Poſt guerram inter Regem, & Regem Franciæ*; which, as appears by the Caſe of the Abbot of *Roberdsbridge*, was from 22 *E.* 1. until 25 *E.* 1. and by all our Hiſtorians, and many Records.

It appears likewiſe by thoſe other words, that the King, before His going into *Flanders*, intended to have remedied thoſe grievances; He went over in *September* 25 *E.* 1. and the Statute 25 *E.* 1. was made the 10*th* of *October* after.

Hence likewiſe it follows, that the exception of the Kings ancient Aids and Prizes, mentioned in the Statute of 25 *E.* 1. extends not to this of charging of the People to the Cuſtody of the Sea; that being one of the principal grievances that occaſioned the making of it. That the ſame grievances cauſed the making of the Statute *de Tallagio*, I have before offered the proof to your Lordſhips.

2. My Lords, The next Authority which I ſhall preſent is the *Co'ia H.* 23. *E.*1. *Ro.*77. there the King commanded 30 Gallies to be made by ſeveral great Towns, every Gally was to have ſixſcore Oars a-piece. Theſe were *pro defenſione Regni & ſecuritate Maris*. My Lords, the Caſes are many in the *Chequer*, where the Mony for the making of theſe Gallies was recovered againſt the King.

I confeſs, my Lords, that the King had promiſed payment to thoſe that made them, which I ſhall thus ſubmit to your Lordſhips: That in caſe the King might have commanded the making of them at the Charge of the Towns, that then the Kings Promiſe was but *Nudum pactum*, in promiſing payment for that which by Law they might have been forced to do; And ſo the payment reſted only in the Kings Grace and Pleaſure. But, my Lords, upon Suits in His own time of *E.* 2. and *E.* 3d's time, the Money for making theſe Gallies was recovered by ſeveral Towns. *M.* 29 *E.* 1. *Ro.* 29. *Dorſ.* for *York*. *M.* 31 *E.* 1. *Ro.* 77. *Ipſwich* and *Donwich*. *P.* 5 *E.* 2. *Rot.* 21. for him, *prout juſtum fuerit*, nothing having been paid before.

Bra. M. 6 *E.* 2. *Rot.* 14. Both for the Gally made at *Southampton*, and bringing her to *Winchelſey* at their own Charge.

Præcepta P. 1 *E.* 3. All the Money from *Southampton* not being paid, now ordered that it ſhould be paid.

3. My Lords, The next Authority which I ſhall preſent to your Lordſhips, is the Parliament Roll of 13 *E.* 3. *Pars prima N.* 9. and 11. The Cauſes of calling the Parliament are declared to be Three.

1. Firſt the keeping of the Peace.
2. The defence of the Marches.
3. The third, the ſafe-guard of the Sea, that the Enemies might not enter the Realm to deſtroy it.

Theſe three Points for the Commons to adviſe upon, are put into writing, and entered in the Roll.

My Lords, by the Articles themſelves propounded on the Kings part, it appears that the Commons are not chargeable to the guarding of the Sea; for it is propounded unto them with caution, That not being bound to the guarding of the Sea, that this advice of theirs ſhould not be prejudicial to them, to bind them thereunto, and that there are Ships enow in *England* to do it, if the People were willing, *N.* 11. The Commons afterwards, in debating theſe Articles, when they came to this of the Sea, notwithſtanding the caution before, they are afraid, that if they ſhould debate it, that it might imply that they are chargeable to do it; and therefore they proteſt againſt giving any advice therein, as a thing whereof they have no cognizance; and do further declare, That the five Ports, and divers other great Towns that have Franchiſes, and are bound thereunto, that they ſhould do it.

And therefore the Merchants, Maſters of Ships, and Mariners through *England*, are ſummoned to be at the next Parliament for advice about Shipping.

4. My Lords, The next Authority, is the Parliament Roll 20 *E.* 3. *N.* 21. The Commons petition in theſe words, *que la gard de la mere ſe face deſcries Res ſoit le gard ſit man ad refait amant vis ſe-*

Quer de ceux parolls en le Record.

nois ut ſemble que Melliur gard ne poit eſtre fait que le Roy ne fait no’ poſt il de marrit iſſint per de la ſur Ca’ guer’ & pr’ de faire de ceſt terr’.

My Lords, The Commons having formerly granted the King divers Aids and Subſidies upon Wools, Wooll-fells, and Leather, and otherwiſe, for the guarding of the Sea, they now grew weary of it, and deſire that the King himſelf from thenceforth ſhould bear the whole burthen thereof, and charge him with his promiſe to that purpoſe.

My Lords, This Petition, although in the Name of the Commons, yet the Lords joyned in it; for otherwiſe all our Acts of Parliaments of thoſe times being made upon Petition and Anſwer, ſhould be without the Lords aſſent. Hence it appeared, that the whole Kingdom at this time was ſo far from thinking that the King could charge them without their conſents, to the guarding of the Sea, as that they alleadge that the King himſelf ought to bear the whole Charge; neither doth the King deny His promiſe, nor wholly deny the thing; for though he ſays, that it ſhould be done as hath been done before, yet it is with a qualification, becauſe the Sea cannot be better kept than he hath kept it, by reaſon of his ſo often being at Sea in Perſon, in going and returning from *France*, and diverting the Enemy by his Wars in *France*; if the King had given His abſolute denial, yet here's the Judgment that both the Houſes of Parliament expreſs in Point.

Rot. Franc’ 21 *E.* 3. *Secunda pars N.* 11. and 9. The Merchants had granted 2 *s.* 8 *d.* upon their Goods till *Michaelmas*, for providing 120 great Ships *pro ſecura conductione Navium & Merchandizarum, & pro defenſione cæterarum maritinarum Regni, & aliis periculis his guerrinis temporibus regno venientibus.* This Grant being made by Merchants, the King alleadgeth this was not ſufficient for the Service, and the cauſes of the ſtoppage of Trade by reaſon of the Wars: the King now lengthens out the time from *Mich.* till *Eaſter* following; and to ſatisfie the People the King by His Proclamation declares, That the 2 *s.* 8 *d.* ſhall ceaſe at *Eaſter* according to the Grant; which, as it ſhould ſeem, not ſatisfying the People, or the King ſtill continuing the taking thereof, the Commons in Parliament, 22 *E.* 3. *N.* 16. pray, that it may ceaſe, and that by procurement of no Merchant, *Pluis l’argent ſoit continue.*

An Impoſition but for half a year, and that upon Merchandiſe, and by conſent of the Merchants, for the Defence, yet taken off upon complaint.

The Anſwer is, that it ſhould ceaſe.

My next Authority is the Parliament Roll 2 *R.* 2. *Pars ſecunda N.* 5. before cited, where the great Councel and Sages of the Kingdom reſolve, That the Commons are not chargeable to the Defence of the Realm without Parliament, extends to this Particular of the Sea, for the preſent preparation whereto the Commons are not chargeable for defence at Sea; and therefore the Money lent was to provide an Army for the Sea *en defence & ſalvation del’ dit Realme, & de la navie, & des coſtiers del’ mere.*

My Lords, The next Authority is the Parliament Roll of 2 *H.* 4. *N.* 22. Commiſſions to charge the People to make Ships for the defence of the Realm without conſent in Parliament, repealed by the King, and the whole Parliament, for that very cauſe.

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Perfect this per le Record.

Item pur ceo quere tarde divers Commiſſions fuerunt fait au divers Civies, Burrowis & Villis du Roylme pur faire certein barges & ballingers ſs' aſſent du Parliament, & outment que eſtre fait devant ces heures n' les Commons prove a noſtre ſur le voy que les dits Commiſſions ſoyent repeales, & qu'ils ne ſoyent de nul force ne fait a que fuit reſpondus que le Roy voet que m' les Commiſſions ſoyent repeales in touts points mes pur le grand neceſſitie que ad des tiels neifes pur defence du Roylme en Caſe que les queus ſe priment le Roy voet Communer de reſt matter oveſq; les ſeigniore, & puis apres le monſtre ove dits Commons pur eut aver lour Counſel adviſe in tiel part. The firſt Commiſſions repealed, becauſe the Commons were not chargeable without conſent in Parliament; and now the King will put it into the Parliamentary way by doing with aſſent of the Lords and Commons.

8. My Lords, my next Authority is the Par. Roll 9 *H.* 4. The cauſe of the calling of the Parliament is for the ſafe guard of the Sea, and of the North Marches; and *N.* 17. great miſchief ſhewn for default of the ſafe keeping of the Sea; and *N.* 21. It's there inrolled by the Kings Commandment, that there was Communication had between the King and the Lords of the Defence of the Realm, and for reſiſting the Enemies, who made preparation on all ſides, whereunto ſufficient reſiſtance cannot be provided, without that the King have in His Parliament ſome notable Aid granted unto him.

My Lords, The King hereby acknowledgeth, that he cannot without the Parliament charge the People for the ſafe-keeping of the Sea, that being the principal part for the defence there intended. The ſame with the Summons, that without the conſent of the Commons, *negotia prædicta infra remanerent*; and with the Summons in the cloſe Roll, 23 *E.* 1. before-mentioned, *quod omnes tangit per omnes debet approbari.*

My Lords, the next Authority in the Parliament Roll, 4 *H.* 4. *N.* 28. The Lords Spiritual and Temporal, and the Commons grant to the King a Subſidy upon the ſtaple Commodities, and Tunnage and Poundage, and likewiſe a 10*th* and 15*th* with this proteſtation,

Proteſtant que ceſt grant en temps avener' ne ſoit paſſe in example de charger les dits ſeniors ne les Commons du Realme de nul manner Subſidie ne 10th *ne* 15th *a les guerris deſcore, gates ou ſafeguard de mere s'il ne ſoit Ples volunts des Seigniors & Commons de veſtre Realm, & ceo a novel grant faire in plein Parliament.*

Rot. Parliament. 6 *H.* 4. *N.* 12. and

Rot. Parliament. 1 *H.* 5. *N.* 17. the ſame Proteſtation as before.

My Lords, That the Charge of the Defence at Sea, and that in a large proportion, by reaſon of the before-mentioned Duties, is to be born by His Majeſty, I conceive that it will not be denied, that in *Subſediam*, and Aid of His Majeſty, therein the Commons are not chargeable without their conſent in full Parliament: in theſe three Records there is not only theſe Proteſtations of the whole Realm, being made by the Lords and Commons, but likewiſe theſe Kings conſents, by accepting the things granted, and that without any qualification of the Proteſtations. Theſe Proteſtations,

ſtations, that they are not chargeable to the guarding of the Sea in a certain way, as are 10*ths* and 15*ths*, do much more fail in a way uncertain, as here.

My Lords, my next proof is from the practiſe of former Kings in their frequent demands of Aids in Parliament, for the defence of the Sea, as well before the Statute of Tunnage and Poundage, as then; and ſithence Monies borrowed by the former Kings for Ships and Defence at Sea, and Indentures of Reteyner for that purpoſe at the Kings Charge.

And not only ſo, but upon Suit, allowances in the *Chequer* for Victuals, Mariners Wages, Archers, Priſoners taken in Sea-Fights, *pro defenſione*, and all other things neceſſary for Shipping, when for the Defence of the Realm. Whereupon the ſame Argument may be made in this particular for the Sea, as was before for the Defence in general.

The laſt thing which I ſhall preſs, is that of the five Ports. Their Service is certain in reſpect of the time, but 15 days in a year, in reſpect of the Charge, but 20 Men and a Maſter, the number of Ships certain.

Beſides, that they are diſcharged of Arms for the Land-Service, they have divers other Priviledges for the doing hereof; they were free from all Aids and Subſidies granted in Parliament, and are by Privy-Seal diſcharged thereof, *H.* 2. *E.* 3. *Co'ia*, about the end of the Roll.

They are freed from all Tolls, Murage aud Pontage throughout the Realm, which bringeth a greater Charge upon the reſt of the Subjects.

My Lords, I ſhall thus offer it to your Lordſhips, if they that have theſe Priviledges ſhall ſerve but 15 days in a year, how the others that have no Priviledges at all ſhall do it for 26 weeks, as in the Writ.

Secondly, their Charge is certain in the number of Men and Ships, how the reſt of the Commons, that are ſo far from having any Priviledges or recompence for it, as that they do contribute to this Charge of the five Ports, ſhall, as by the way in the Writ, be altogether uncertain in the matter of Charge, both in the number of Men, and of Ships, and of every other thing.

My Lords, I ſhall preſs this farther, thus, when the Ports exceed their Charge in the number of Men or Ships, allowance by the King is to be made unto them.

This, as it appears by the Quier of *Dover*, and the Patent Roll of 7 *H.* 7. before cited, that after the 15 days they were to be at the Kings Charge. So in the Patent Roll, 19 *H.* 3. 14 becauſe they found 40 Men in the Ship, the King promiſeth payment for all over and above the number of 21. *Bra. Tr.* 33 *E.* 1. *R.* 22. allowance to Service in *Scotland*. The *Scots*, as appears by *Wal. P.* 53. and other-where, having about that time burnt divers *Engliſh* Towns and Ships, and a School-houſe with 200 Scholars in it.

Viſus Com. P. 33 *E.* 1. *R.* 70. *Pro ingenio Ro. Scotland*
P. 34 *E.* 1. *Ro.* 37. *Co'ia la Compoſition.*

An. 1637. My Lords, if the Ports, who are bound to the Defence at Sea, when they have performed their Service, be not compellable to any farther Charge; I ſhall humbly offer it to your Lordſhips, whether thoſe that be not bound at all, are from the ſame reaſon chargeable at all.

My Lords, I have now done, and ſhall not further preſs upon the patience of your Lordſhips.

I know that *nullum Tempus occurrit Regi*: The diſuſe thereof I ſhall preſs it no otherwiſe than as it is an Interpretation of the Statute made againſt all Aids and Tallages in general, and of the complaints in Parliament of 5 *N*. 9. 36. *N*. 9. and 37 *E*. 3. That thoſe Statutes had not been duly kept: And further, as it is an Interpretation likewiſe of the before-mentioned Declarations, Petitions, and Proteſtations againſt this in particular, and as it is an execution of them, and putting them in practice.

Praxis Sanctorum, as the Divines ſay, *eſt interpres præceptorum*.

The Claims which anciently the Subject hath made upon the Crown, that none of the great Officers of the Kingdom could be choſen but in Parliament, nor that the King had power to ſell any of the ancient Crown-Lands; the diſuſe it ſhews, that thoſe Claims of theirs were not legal.

Bra. in his fourth Book, *fo*. 209. ſays, That *longa Patientia trahitur ad conſenſum*; the Non-Claims therefore of ſo many of the later Kings and Queens, I ſhall preſent unto your Lordſhips, as ſo many *le Voat's* and Declarations of their ſeveral conſents; That without Aſſent in Parliament they could not have laid the like Seſs upon any of their Subjects, as is now laid upon my Clyent.

The End of Mr. St. John's *Argument.*

Sir John Bankes *Knight, the Kings Attorney-General, his firſt days Argument in the Caſe of Ship-Money in the* Exchequer-Chamber, December 16. 1637.

May it pleaſe your Lordſhips.

THere was a *Scire Fac'* brought againſt Mr. *Hampden*, and divers others, to ſhew cauſe why thoſe Sums of Money Seſſed upon them by the Sheriff of *Buckingham* ſhould not be paid and anſwered. It beareth *Teſte* 22 *Maii* 13 *Car.* and a *Sci' Fac'* Returned: Mr. *Hampden* demandeth Oyer of the original Writ 4. *Aug.* and of the *Certiorari*, *Mittimus*, and ſeveral Returns. The Writ of 4 *Auguſti* went out to provide a Ship of 450 Tun, with Victuals, Men, Munition, *&c.* The Writ giveth Power to the Sheriff to make an Aſſeſſment upon the County, and giveth Power of Diſtreſs and Impriſonment *contra rebelles* in caſe of Non-payment. He demandeth *Oyer* of the *Certiorari*, which conſiſteth of two parts, the one to certifie the Sums aſſeſſed, the other to certifie the Names of the defaulters. And the Names of thoſe that made default were Returned, and Mr. *Hampden* amongſt others. He demandeth *Oyer* of the *Mitimus*, which doth recite the tenure of the firſt Writ.

Upon *Oyer* of all theſe, both of the Writ 4 *Auguſti*, of the *Certiorari*, *Mittimus*, and *Sci' Fac'*, and their ſeveral Returns, Mr. *Hampden* hath demurred in Law.

The Caſe that ariſeth upon this Record is thus: The King is Lord of the Sea. That's part of the Record. The Sea is infeſted by Pyrates and *Turks*, who commit depredations, and take Goods of Merchandizes, both of the Kings Subjects, and others that traffick there, and carry them away into Captivity. There is preparation of Shipping, eminent danger; for ſo the Writ reciteth: A danger, that the Kings Dominion at Sea ſhould be loſt, or at leaſt diminiſhed. There was a farther danger, that *Salus Regni periclitabatur:* Whether in this Caſe the King, *pro defenſione Regni, tuitione Maris*, &c. may command His Subjects, *per totam Angliam*, by Writ under the Great Seal to provide Ships at their own Coſts and Charges. And this when the King in His own Judgment conceiveth ſuch a danger as doth neceſſarily require this Aid. That, under favour, is the Queſtion upon this Record.

There is in this Record, whereof your Lordſhips are Judges, four Writs. (1) 4 *Auguſti* 11 *Car.* which goeth out of the *Chancery* for the ſetting forth of this Ship of 450 Tunn. (2) That 9 *Martii* 12 *Car.* and that's the *Certiorari*. (3) 5 *Maii* 13 *Car.* which is the *Mittimus*. (4) 22 *Maii* 13 *Car.* which is the *Sci' Fac'*. The ſecond and the fourth Writ, which is the *Certiorari* and the *Sci' Fac'*, they are Returnable. The firſt Writ and the third Writ, which is the Writ 4 *Auguſti*, and the *Mittimus*, they have no Return; but they give command, and require execution ſhould be done, *prout de jure*, &c. *ſecundum conſuetudinem Angliæ*.

The firſt Writ, which is the ground of this Buſineſs, ſtandeth upon two Parts, *viz*. A Preamble, and the Body of the Writ: The Preamble, that containeth, firſt, a Direction; ſecondly, the Motive and Cauſes of the iſſuing of the Writ. The Body containeth ſix; The direction that is unto the Sheriff of the County of *Bucks*, *Necnon* unto the Bailiffs and Burgeſſes of *Buckingham*, and *probis hominibus* of all the County. The Motives, and the Reaſons inducing this Writ, are nine in number. (1.) *Quia Piati*, &c. That theſe commit ſpoils and depredations by Sea, and take the Goods of the Kings Subjects. (2.) Becauſe they carry the Kings Subjects into miſerable Captivity. (3.) Becauſe of the preparation of Shipping that is made *undiq*; to infeſt the Coaſts. (4.) *Quia periculum*, &c. (5.) *Quia pro defenſione Regni, tuitione Maris*, &c. (6.) *Quia pro repulſione*, &c. (7.) *Quia Progenitores noſtri Reges Angl' Dominium Maris temporibus*, &c. (8.) *Quia onus defenſionis*, &c. (9.) The moſt prevalent, *Quia hoc per Legem & Conſuetudinem Angl'*, &c. The Body of the Writ containeth ſeveral Mandates to the Sheriff, and Head Officers, *quod fide & ligeantia*, &c. *ſicut nos & honorem diligitis*. The *Mandates* are ſix. (1.) To provide a Ship of 450 Tunns, well-armed, and furniſhed with Proviſion, and that was to be in readineſs by the firſt of *March*, to continue for the ſpace of 26 Weeks, *ad proficiſcend' cum Navibus noſtris pro tuitione Maris*, &c. (2.) *Mandate* was a command unto the Sheriff, and the Head-Officers, that they ſhall meet within 30

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days, and ſet down what ſhall be taxed upon the incorporate Towns. (3.) A *Command* unto the Head-Officers of thoſe incorporate Towns, that within their Bayliwicks they make an Aſſeſſment upon particular Perſons, and compel them to pay the ſame. (4.) A *Power* unto the Sheriff to Aſſeſs all within the reſidue of the County, *juxta ſtatum & facultatem.* (5.) A *Command* for the levying of thoſe Sums by diſtreſs, *ut contra rebelles,* to impriſon their Perſons. (6.) That no part of this Sum collected ſhall be converted unto any private uſe; but if any Money be remaining, it ſhall be paid *inter ſolvenda.*

My Lords, the *Reaſons* expreſſed in the Writ might juſtly ſatisfie any Man's Judgment without further Argument; but I ſhall clearly manifeſt, there is no Clauſe or Particle in this Writ, but is verified by many Records, and is *ſecundum Legem & Conſuetudinem Angliæ.* The Queſtion that is made is of a high and tranſcendent nature: It concerneth the King in thoſe Caſes, where He in His Royal Judgment ſhall conceive a *neceſſity* for the Defence of the Realm, to command Shipping in this kind; whether by His *Royal Power* He can do it, or muſt require the Aid *per Commune Concilium in Parliament*. And I conceive His Majeſty may do it, not only by His Kingly Prerogative, but *Jure Majeſtatis.* This Power is not only *inter Prerogativa Regis, ſed inter Jura Summæ Majeſtatis.* I find by many Records, that theſe Writs have iſſued out in all ſucceſſion in the times of the *Saxon* before the Conqueſt. But I never find that this Power was ever Judicially queſtioned in any Court at *Weſtminſter.* I find queſtion made touching Aſſeſſments, whether they have been equal; touching the levying, whether within the Warrant of the Officers; touching the diſcharging of ſome by reaſon of a Grant of exemption: but to queſtion the main Power, whether the King by His Royal Power might command this for the defence of Himſelf and the Kingdom, was never diſputed. But His Gracious Majeſty, who hath declared Himſelf, that He will rule His People according to His Laws; for the ſatisfaction of the People, and to clear His Juſtice and Judgment, doth ſuffer theſe Writs to go forth, to which ſome have demurred, and to be queſtioned in this Legal way to be determined by your Lordſhips, to which I hope you will give a clear end.

My *Poſition* ſhall be this, That the King, as He is King of *England, pro defenſione Regni, tuitione Maris,* &c. *When His Majeſty in His Royal Judgment conceiveth it time of danger, as doth neceſſarily require the Aid commanded in this Writ, that He may command and compel His Subjects,* per totam Angliam, *to ſet forth Ships with Men and Munition,* and *double equipage*; and *this may be done as well by the Kings Writ under the Great Seal, as conſent in Parliament.* For the Proof of this *Poſition,* I ſhall reduce what I have to ſay to theſe Heads. 1. That this Power it is *inter Jura Summæ Majeſtatis innate in the Perſon of an abſolute King,* and *in the Perſons of the Kings of* England; ſo inherent in the King, that it is not any ways derived from the People, but reſerved unto the King, when Poſitive Laws firſt began; and that in this Caſe the King is the *Sole Judge* of the danger, and how this danger is to be prevented and avoided: This is my firſt Ground. The ſecond is this, That this Regal Power it is not confined to the politick advice, that the King muſt be in

Cathedra ſitting in Parliament. But that it hath been always done, either *per ipſum Regem, aut per Concilium, aut per Dominos ſuos, aut per Regem*, when He ſhall pleaſe to call a Conſultation of Merchants and Portſmen experienced in the Service.

My Lords, upon this Head I ſhall prove unto your Lordſhips, that this Power is ſo inherent in the King, that during the time of Parliament, and in thoſe years when Parliaments were ſitting, that theſe Writs iſſued out by a Regal Power, without any Power of Aid in Parliameut; and that Advice was not thought neceſſary in former times. In the third place I ſhall ſhew your Lordſhips out of the very Title which the Common Law of *England* giveth to the King, that this Power is implyed out of His *Sovereign Title* given unto Him by the Common Laws of *England*. In the fourth Place I ſhall inſiſt upon Preſidents, and herein I ſhall deſire you to take notice, that theſe Writs have not iſſued out at the firſt upon any ſudden advice, but that there was a great ſearch made firſt by my Predeceſſor Mr. *Noy*, a Man of great Learning and profound Judgment; other Searches made by the Kings Counſel, and ſome others; and a great number of Records were conſidered of, and maturely, before theſe Writs iſſued; ſo nothing was done upon the ſudden. And we that are of the Kings Counſel did think it fit, that moſt of theſe Records ſhould be cited in the firſt Argument by Mr. *Solicitor*, to the end that the Counſel at the Bar might give an Anſwer in their Reply. Many other Records have been added by Mr. *Solicitor*, and many more I ſhall cite which have not been remembred.

My Lords, in the vouching of theſe Records I ſhall obſerve eight things. Firſt, That the Records we inſiſt upon, they are not grounded upon any private Cuſtom, upon any Charter, upon any Covenants, but upon *the Law of the Land*. And there is not in any of theſe Records any recital, that theſe Writs went out upon any of theſe Grounds. 2. That in all Ages before the Conqueſt, and in the time of *William* the firſt, that theſe Writs have iſſued, *per ipſum Regem, per Regem & Concilium*, and did not iſſue by any Advice in *Parliament*. 3. That theſe VVrits were ſent out, not in Caſe of *Hannibal ad portas*, or an Enemy diſcovered, or ſudden Invaſion, but in Caſe of *rumors of dangers*, and in that a danger might happen; ſo not in approach of an Enemy, but in Caſe of preparation to be provided againſt an Enemy. 4. That the King did command Shipping to be ſet forth, and in thoſe years wherein there were Parliaments, and ſitting Parliaments, and by His Regal Power, without advice in Parliament. 5. That great Subſidies and Aids have been given unto the King in Parliament, *pro defenſione Regni*, in the ſame years that VVrits went forth for the Defence of the Kingdom. 6, That thoſe Aids have not only been required from the Maritime Parts, the Ports, nor from the Maritime Counties, but from the In-land Counties, as this Caſe is *Buckinghamſhire*, and *per totam Angliam*. 7. That many times when theſe VVrits iſſued, there hath been no ſuch Cauſes declared, as hath been in this VVrit. I ſhall obſerve, that in many of theſe VVrits no cauſe at all was ſet forth in them, but only that they ſhould repair to the place of Randezvous, and there receive further direction. 8. I ſhall verifie every Clauſe of this VVrit by many Preſidents. A *Mandamus*,

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damus, and not a *Mandamus Rogantes* Shipping at the charge of the County and aſſeſſment by Sheriffs as Commiſſioners, and a penalty greater, not only Diſtreſs and Impriſonment, but *extent* of Lands, ſeizing of Goods till the King were paid. Theſe are the things I ſhall obſerve out of the Preſidents when I come unto them.

My Lords, In the fifth place, when I have laid theſe foundations, I ſhall then diſpel thoſe miſts that have been raiſed, remove thoſe Forces that have been muſtered, and anſwer the Objection of thoſe Gentlemen that will not be defended by the Kings Writ under the Great Seal. And in this give a particular anſwer to the Acts of Parliament, that they have cited, to the Records that they have inſiſted upon, to the Reaſons and Authorities. And I ſhall anſwer their exceptions that have been taken unto the ſeveral Writs, Records, and Proceedings thereupon. In the ſixth place I ſhall collect ſome concluſions and reaſons out of the Premiſes, and cite unto your Lordſhips ſome Judicial Records, that may ſatisfie your Lordſhips in point of Judgement. Theſe are my Materials, I ſhall proceed unto the Building.

My Lords, *My firſt ground was, that this power was innate in the perſon of an abſolute King, and in the perſon of the King of* England. All Magiſtracy is of nature, and obedience, and Subjection is of nature; and before any poſitive Laws were written, or any municipal Law, people were governed by the Law of Nature, and Practiſe did rule according to natural equity: this appears in the Reports of Sir *Edward Cook*, written by him when he was Chief-Juſtice, 7 Report *fol.* 13. I will not take occaſion to diſcourſe, either of the Law of Nature, which doth teach us to love our Country, and to defend it, and to expoſe the Hand to danger rather than the Head ſhould ſuffer: nor of the Law of God, which commandeth obedience and ſubjection unto the Ordinances of Superiors: nor of the Law of Nations, which doth agree, that there muſt be protection from the King, and obedience from the People; and without defence there can be no protection, and without aid of the People there can be no defence: nor of the Imperial Law, which ſaith, that in caſes *pro utilitate* the King may *ſtatuere* alone.

My Lords, I will upon this Subject confine my ſelf to the Law of the Land, and inſiſt upon ſuch Records, and ſuch Preſidents, and ſuch Reaſons, and ſuch Authorities as I find both by Record of former times and by our Books. 1. In the original government of this Nation I do not find the contrary, that there was a great number of Petty Regiments. And when *Julius Cæſar* did invade this Realm, he writeth that there were four Kings in *Kent*, and other places; and *Strabo*, *lib.* 4. ſaith the like.

So thoſe times will not be material. During the domination of the *Romans* from *Julius Cæſar*, which continued 500 years, the *Romans* had their Prefects here in *England*; no man will doubt but they might command what they pleaſed: that in their times there were ſpecial Officers called *Comites*, and Officers appointed by Sea, and others by Land. Thoſe that ſucceeded the *Romans* were the *Saxons*, and in their times both by antient Grant, and by Edicts of the Princes of thoſe times, that this Naval Power was commanded by them for defence of the Realm. Firſt to begin with King *Inas*, *Anno Dom.* 725. King of the *Weſt Saxons.* This King in that year made a grant to the Abbot of *Glaſſenbury*, *Quod*, *&c.* *ſint quieti ex omnibus Regis exactionibus & operibus*, except *expedite Arcium*, *Pontium*, *&c.* *conſtructionem ſicut in antiquo*, *&c.* Which ſhews that theſe expeditions were accuſtomed to be done. *Wuldredus*, King of *Kent*, he in the year 742. granted to His Churches, *quod ſint liberi ab omnibus ſecularibus ſervitiis*, except *expedit. pontis*, *&c.* ſo in that grant theſe expeditions were excepted.

Ethelbaldus, King of the *Mercians*, *Anno* 749. granted *Monaſterio de*, *&c.* except *ut ſupra*: So that as in this time the ſervices were common, and were done *a dicto Regis*, that the Churches ſhould be free from all ſervices but theſe three of expedition, of building Caſtles, Bridges and Forts, *A quibus nulli unquam laxari poſſunt.*

Egbert, *Anno* 840. commanded a great Navy to be provided, and that was for the defence of the Realm and ſafegard of Ships.

Ethelwald that was King of the *Weſt Saxons*, *Anno* 854. granted to the Church that it ſhould be free from all Services temporal, except *Regalibus Tributis.* In the time of King *Alfred*, who was the firſt Monarch and King of all *England*, there was one . . . . who was a Privy Councellor in his time, and writ his Life and the Story of his Time, and he in his ninth page ſaith, *quod Rex Alfredus juſſit Gall*, *longas Naves*, *&c.* and agreeing with the Hiſtory of *Wigorenſis* 316. *Huntington* 351. wherein your Lordſhips may ſee by the Records, that it was done *ex præcepto Regis per totum Regnum.*

This King made a Law (which is not remembred by *Lambert* in his *Saxon* Laws) to this ſubſtance; that no man upon Summons by the Horn or word of Mouth ſhould ſit ſtill in matter of Theft, Bloodſhed or going to War, whatſoever his expedition ſhould require: and there he doth mention it to be upon pain of forfeiture of Life and Death. King *Edgar* who ſtiled himſelf *Angliæ Baſilius*, he in the year 959. provided a mighty Navy of 3600 Ships, as ſaith *Wigornenſis* and *Math.* of *Weſtminſter*; and he gave a Command that every year at *Eaſter* a Navy of 3 or 4000 Ships be ſet out and divided into three parts, *Eaſt*, *Weſt* and *North.* The Ships in thoſe times were not ſo great as now they be. The ſame *Edgar* in the year 973. granted unto the Abby of *Thorney* all manner of Immunities, and that it ſhould be free, except thoſe three defences of building of Bridges, Caſtles and Forts. And the ſame King, in his Charter to the Church at *Worſter* granteth unto them to be free *ab omnibus exactionibus*, except *conſtructionem Pontium*, *Arcium*, *&c.* My Lords, by all theſe ſeveral grants, and what hath been done by thoſe Kings it doth appear, that theſe three fundamental ſervices were reſerved unto the Crown, ſaving ſome two or three Abbys which had ſome particular exemption. In the year 1008. which was remembred by Mr. Solicitor, there was then a great Navy prepared by King *Ethelred.* The words are thus, *Rex Ethelredus per totam Angliam ex* 310. *Hidis Navem unam*, *&c.* *præparare fecerit*, That was for every 310 Hides of Land to build one Ship, and every eight Hides to find a Man and a Corſlet, and to meet at *Sandwich* for defence againſt the *Danes*;

This

An. 1637.

This appeareth, *Huntington* 360. *Math.* of *Weſtminſter* 387. *Hovenden* 426. *Malmsbury* 100. In this Record theſe things are obſervable. 1. *Rex parare facit & Rex juſſit*, then *per totam Angliam*, all *England* was to be charged by the *Gloſſary* of that Learned and *Judicious Antiquary*; it appears that *virgata terra continet* 24 *Acras*; upon caſting up of this it doth appear, that there be in *England* 363600 Hides, every 310 Hides being to ſet forth one Ship, the whole number amounteth to divers thouſands, and every 8 Hides to ſet forth a Souldier 45450 men; but it is not the number but the matter that is done by the Kings Command *per totam Angliam.*

Sir H. Spelman.

In the thirteen year of King *Ethelred* he made an Edict, which Mr. Attorney cauſed to be read in Court, ſaying he had it out of an old Book at Cambridge, *quod inſtaurant tiel nomber de naves per ſingulos Annos, &c.* I read it to this purpoſe, to ſhew that in the 30*th* year of his Reign there was a Naval expedition always to be ready at *Eaſter*, and ſheweth the penalty of ſuch as did depart without licenſe.

King *Canutus*, *Lambert*, *fol.* 117, 118. *ex ſapientium Concilio, &c.* ordained a Command among his temporal Laws, *Cap.* 10. *quod præſidii fiant, &c.* Command Shipping to be provided, and *fol.* 118. a penalty upon thoſe that did refuſe to pay 120 *s.* which was a great ſum in thoſe days. That which I do obſerve out of theſe two, were theſe; 1. That they were made by the King by the advice of his Lords; that there was to be yearly preparation for ſhipping. Thoſe that departed out of the ſervice, were to incur the forfeiture of all their Eſtates. *If theſe Edicts were Acts of Parliament, they ſtand unrepealed, and if no Acts, then they ſtand by Command from the Kings power.*

My Lords, I have ſhewed unto your Lordſhips the practice as it was before the time of *William* the firſt. He did not abrogate the former Laws, but was ſworn to obſerve them. Nay, it was ſaid, he did confirm *Antiquas Leges & Conſuetudines Angliæ*; So as then, if theſe were the Laws, and the ancient Kings of *England* had before his time, he did ratifie and confirm it, but not diminiſh it. This Power of commanding of Shipping, for the defence of Realm, it is a principal part of the Royal Power. This Kingdom, it is a Monarchy conſiſts of Head and Members, the King is the Head of this Politick Body, it conſiſts of Clergy and Laiety. It is furniſhed with intire Power and Juriſdiction, not only to miniſter Juſtice in cauſes Eccleſiaſtical and Temporal unto His People, but likewiſe for defence both of the one and the other. This Power I find to be mentioned in the Regiſter of original Writs before the Conqueſt; 127. *b.* it reciteth, that *Nos inconſideratione ad providendum ſalvationem Regni noſtri, &c.* It appears by *Stamford* in his Prerogative, *Cap.* 1. That as the King is the moſt excellent and worthieſt part or member of the Common-wealth, ſo is He alſo the Preſerver, Nouriſher and Defender of His People. I find it in *Forteſcue*, which they have cited, that a Common-wealth without this Head were but a Trunk. I find it in *Fitz. Nat. Bre. fol.* 73, or 173. that the King of Right ought to defend the Realm, as well againſt the Enemies at Sea, as againſt other Enemies, that it be not ſurrounded, nor waſted. How is this defence againſt the Sea and Enemies, is the King bound to defend the Realm by Sea-walls at his own Charges? No, the Power of the defence is a Superintendent Power in His Majeſty to authorize Sheriffs and Commiſſioners to ſee it done, but by His Power, yet at the charge of the People, *Regiſter* 227. *b.* It appeareth there where the King commandeth His People by His Writ, one directed to the Sheriff, the other to Commiſſioners, and in both Willeth and Commandeth *quod diſtringat A. B. & alios*, to diſtrain the Lands of all thoſe that may receive damage to repair to the Sea-banks, as well as the Terrtennant. This Writ was before any Statute, for the Regiſter was before the Conqueſt; and the firſt Statute that concerneth Sewers was made 6 *H.* 6. ſo it is by the power the King had at Common-Law, and not upon any Statute; and this was to the Sheriff as well as to Commiſſioners: and that it was done at the charge of the Country, and not at the Kings charge, *Pat.* 23. *E.* 1. *m.* 4. *dorſ.* agreeth with the Regiſter. The King doth there recite *quod ratione dignitatis Regis, &c. & per juramentum ſumus aſtricti ad providendum ſalvationem Regni,* and there he giveth power to Commiſſioners to diſtrain the People to make defence againſt the Sea at their own charges, *Pat.* 2. *E.* 3. 2. *m.* 5. *dorſ.* in the Caſe of *Wiſeman,* 2 *Rep. fol.* 15. The King *ex officio* is to govern his Subjects in peace and tranquillity, 7. *Rep. fol.* 9. protection of the King is generally over all the Kingdom. There is reaſon why it ſhould be thus, for the King of *England* he hath an entire Empire, he is an abſolute Monarch; nothing can be given unto any abſolute Prince, but is inherent in his Perſon, as may appear both by Books, Records and Acts of Parliament, *Brac. lib.* 2. *fol.* 55. *b. Sciendum, &c. Dominus Rex ſuper omnes, qui ad Coronam pertinent.* This appeareth likewiſe in the Statute 24 *H.* 8. there it is declared, that this Realm of *England* is one Empire, and hath been ſo accepted in the world, Stat. 25 *H.* 8. *c.* 21. 1 *El. c.* 1. 1 *Jac. c.* 1. the Crown of *England* is affirmed to be an Imperial Crown, and Acts of Parliament proove the higheſt nature, 16 *R.* 2. *c.* 5. that the King holdeth his Empire immediately of the God of Heaven, and at His Coronation the Crown is elevated as a ſignification thereof: this is likewiſe acknowledged in the *Iriſh*-Reports, *fol.* 60. *Rex Angl. eſt abſolutus. Forteſcue* ſaith the King of *England*, as well as any other King or Emperor, hath all his liberties within His Kingdom *in Imperio ſuo.* The Law of *England* maketh the King of *England* not as His Subjects, nor a natural Body, but a politick Body, freeth him from all imperfection or infirmity; he is immortal, he never dieth, the King ever liveth, 1 *Com.* 177. 11 *Rep.* 7. 21. *E.* 4. and other Records.

My Lords, As he is an abſolute Monarch, ſo all theſe *inter jura ſummæ Majeſtatis* are given unto His Perſon by the Common-Law. 1. He hath Supreme Dominion both by Sea and Land: this is proved by *Mirror*, the greateſt part whereof was written before the Conqueſt, ſome things added to it by *H. Horn* in the Reign of *E.* 4. he concludeth all Lands, and all Juriſdiction, and all Dominion is derived from the Crown, that whatſoever was not granted from the Crown remaineth in the Perſon of the King. This *ſupremum dominium* is ſo inherent in the Kings Perſon, that if the King grant away His Lands *abſque aliquo reddendo*, yet the tenure muſt ſtill remain to the King.

8 *H.* 7. 12. 30 *H.* 8. 45 *Dyer.* This Dominion is not only upon the Land, but it is upon the Sea. And ſo the King He hath not only a Dominion by Sea, but He is *Dominus Mar' Angl'*, &c. He is both an owner of the Sea, and Soil under the Sea. And ſo it was lately reſolved by my Lord Chief-Baron, and the reſt of the Barons of the *Exchequer*, in the Caſe of *Sutton Marſh*, That the Soil of the Land, as the Sea floweth and re-floweth, is the Kings, and the King is ſeized thereof *Jure Coronæ, Mirror* 8. only the Dominion of the Sea, but the very Soil thereof belongeth unto the King.

Next place, He hath, beſides His *Supremum Dominium*, a *Sovereign Juriſdiction*, and that extends both by Sea and Land: 1. For creation of all His Majeſties great Officers and Judges, creation of the Admiralty time out of mind. 20 *H.* 7. *fo.* 8. 12 *H.* 7. 17. Power to make Juſtices could not be granted; and all theſe Powers reſumed in the Statute, as inherent in the Crown, *&c.* Surely this Juriſdiction by Sea did not begin in the time of *R.* 1. when thoſe Laws were renewed by Him at His return from the Holy-Land. But there were Admirals in *England*, and the Admiral-Law by Sea long before 27 *E.* 1. A famous Record in the *Tower*, that the Commiſſioners for the Emperors of *Spain* and *France* did appear before the Kings Commiſſioners, and did acknowledge, the Sovereignty of the King of *England* upon the Sea did belong unto Him time out of mind. And for further proof of this, it appeareth likewiſe in that Learned Book of Mr. *Seldens* (*Mare Clauſum.*)

My Lords, The next inherent Power of the Crown is 1. Pardons, 2. Reſtitutions, and 3*ly*, Pardoning of Condemned Perſons, which none can do but the King Himſelf, 1 *H.* 4. *fo.* 5. 20 *H.* 7. 8. The 4*th* is *Jus nummi percutiendi*, a ſetting of a Royal Stamp upon His Coin, and the debaſing of it, 21 *E.* 3. 6. That the King only can put a Value upon it, 5 *Rep.* 114. That the King by His abſolute Prerogative may make any Forreign Coin lawful Money of *England*, by His Proclamation, *Daves Rep. fo.* 20.

Next is, *Jus Sum' Majeſtatis*, that of concluding War and Peace, which is abſolutely inherent in the Kings Perſon, which He may do without calling of His great Council, 19 *E.* 4. 6. That all the Subjects of *England* without the King, 7 *Rep.* 25. cannot make War *Bellum indicere*. And to make Aliens Denizens, is a Point of High Prerogative.

My Lords, This Truſt that the King hath for making of War and Peace, and for the Defence of the Realm both by Sea and Land, it is a great Truſt inherent in the Perſon of the Crown. No Man ought to miſtruſt where the Law doth truſt. There is an Objection: If it ſhould reſt in the Power of the King, He might do it, where there ſhould be no ground for it, and without cauſe, and cauſe Forces to be muſtred, and Ships provided, where there is no eminent danger, in ſuch a manner as it might be grievous to the People. Theſe are Objections clearly againſt preſumption of Law; for where the Law truſteth we ought not to diſtruſt. The King, as appeareth by all our Books, is the Fountain of Piety and Juſtice, and will do right unto His Subjects, 1. *Com'* 240. All Juſtice is derived from the King, 13 *E.* 4. 8. The King can do no wrong, *Bract.*

lib. 3. *ca.* 9. 8 *H.* 6. 20. Royal Power *de aver Correction de luy m'*; He is the ſole Judge, and we ought not to queſtion Him, *Bract. Rex non habet Superiorem niſi Deum,* 11 *Rep.* 72. The King is the Fountain of Juſtice and Common Right. Aud the King being the Lieutenant of God cannot do wrong, 17 *E.* 3. 59. The King could not be made an Inſtrument of coven and fraud, but the Patent was void, 5 *Rep.* 14. That *Religion, Juſtice and Vertue are the ſure ſupporters of Crowns and Diadems,* 24 *E.* 3. 42. *Stamford's* Pleas of the Crown, 72. At the Common Law, if the King commit a Man by His *Bouche*; he is not repleviable. The Law doth not diſtruſt where the King committeth a Man; but it is upon juſt cauſe, and we are not to doubt it. And therefore at the Common Law *ca.* 15. a Man committed by the King was not repleviable. Nay, if he were committed by his Council, that was his repreſentative Body, not repleviable: Shall we then, when the Law hath committed this Power unto the King, who is the Fountain of Juſtice and Equity, who is truſted by the Law of the Realm, and the Common-Wealth, miſtruſt Him? Shall we think that ſucceeding Kings will do that which is not fit to be done? I ſay, if the Law truſt them, we ought to truſt them. But for a further Reaſon; Thoſe that are His Delegates and Judges, ought not to be miſtruſted. That which the Judge doth, as in his Office, ſhall not be aſſigned for error. If it be ſo in the Delegates Power, much more in the Primitive and Fountain. 5 *Ma. Dyer* 163. The Court of *Kings-Bench* did receive a Record of *Niſi prius*, the *Poſtea* Returned by the Clark, and the death of the Juſtice of Aſſize aſſigned for Error, and could not be received. So 1 *Ma. Dyer* 89. a Writ of *Error* to reverſe a Fine, *prout en Dyer.*

That is the reaſon of the Book 7 *H.* 7. *fo.* 40. 10 *H.* 7. 28. *Fitz. Nat. Bre.* ſaith the Books, he cannot aſſign for Error, nor ſhall not be admitted to alledge any thing contrary to the Office of a Judge, as to ſay the Judge did not give right Judgment, or the Clark did not make right Entries, *M.* 7 *E.* 1. *coram Rege.* And that is the reaſon why a Man of *Non compos mentis* in a Fine, and ſuffering of a Recovery, it ſhall not be aſſigned for Error againſt the Acts of a Judge, 8 *Rep. fo.* 121. Doctor *Bonnors* Caſe, Record by a Judge or Juſtice of Peace not traverſable.

(Good my Lords,) Then if by the Laws of the Kingdom one ſhall not be admitted to receive an averment againſt any Acts done by your Lordſhips, the Judges, againſt Acts done by inferior Judges; ſurely in this, where the King is abſolute Judge, it ſhall not be averred, to ſay it was no cauſe of danger, or that is done by the King which ought not to be done.

Bract. lib. 1. *ca.* 24. *eſt in Corone Regis.* The King is ſo abſolutely truſted with this Defence, that the Subject cannot make a Fort or Caſtle upon his own Free-hold without the Kings Licence. That appeareth in the old *Magna Charta,* *fo.* 162. Enquiry made of thoſe that do build Forts and Caſtles without the Kings Licence, *Rot. Parliament.* 45 *E.* 3. *N.* 34. 6 *H.* 4 59. and in a Book of *Long*, 5 *E.* 4. *fo.* 129. That a Subject cannot make a Fort or Caſtle without the Kings Licence, not in his own ground.

An. 1637. My Lords, The King hath ſo diſcharged this Truſt, that though there were no account unto His Subject, yet theſe Ships that have been commanded, was but *ad proficiſcend' cum Navibus noſtris.* The King hath been at greater Charge with theſe Ships gone out, than ever any King of *England* ever was, as will appear by thoſe vaſt Sums of Money the King hath ſpent theſe years, beſides what hath been contributed unto by His Subjects.

My Lords, I have done with my firſt Poſition, That the Kings of *England* have done this before the time of *William* the firſt: That it was an inherent Right in the Perſon of the King of *England*, and that the King is the ſole Judge both of, and when, and how the dangers are to be avoided.

It hath been objected, that the King of *England* may do it, but how? It muſt be according to the Inſtitution of the Laws of the Realm. There muſt be a Concurrent Power, a Politick Advice in Parliament; and ſo it may be done: But the King, either by His ordinary Power, or abſolute, without the aſſiſtance of the great Council, He cannot do it, as hath been objected.

2. Therefore in the ſecond place I ſhall come to the ſecond thing I did propoſe, and that was, that the King, as He is King of *England*, that He alone, for this common Defence of the Realm, without the Aid of Parliament, that he may *Statuere*, &c. That the King, by advice of His Council, when He pleaſe may do it: That He may ordain ſeveral ways by the Inſtitution of the Common-Law, by His Ordinance, by His Proclamation, by His Patent, by His VVrits, and by His Judges. That this may be done by Him; (1.) It is agreeable to reaſon; for Kings were before Parliaments, and then ſurely they might have done it. All Juſtice doth flow from the Crown; and originally, as it was in *Moſes*, ſo it was in the Kings of *England*, only in the Kings Perſon: But afterwards the King did depute His Deputies, and gave other Powers. This is no conceit of mine, 12 *H.* 7. *fo.* 176. *per Fineaux*. There was a time when there were no Municipal Laws, when Poſitive Laws were not eſtabliſhed, when Kings did rule their People according to natural Equity; and then ſurely the King might ordain, no Man will queſtion it; ſince there hath been Poſitive Laws, and Municipal Laws, the Kings of *England* they have ordained, as by theſe ſeveral Records cited appears. It appears by the practice that hath been ſince the time of *W.* 1. That the Kings of *England* in all thoſe VVrits, that they have ordained the iſſuing of thoſe VVrits; The number of the Ships, the times of meeting, the manner of Munition, and the ſtay for the Defence, *quam diu nobis placuerit.* I have made a Collection of what hath gone out by the King Himſelf, what *per Regem* and His Council, and what by the Advice of His Council, and with advice of Merchants and Portſ-men. But they are ſo infinite, and ſo many of them, that I will not trouble your Lordſhips with Repetition.

Theſe Ordinances concerning the Defence, they are ſuitable and agreeable to the Ordinance the King maketh in other Caſes, wherein the King alone doth ordain, as by His Proclamation, *Clauſ.* 24 *E.* 1. 3. *pſ.* 2. *M.* 2. *Dor.* The King by His Proclamation commanded all Earls, Barons, Knights, Eſquires, and other Men at Arms, that none of them ſhould depart into Forreign Parts. *F. N. B.* 85. He agreeth it, and ſaith the Book, He that ſhall tranſgreſs this Proclamation, ſhall be fined for his diſobedience. And this Command may be under the Great Seal, or Signature, or Privy-Seal: For, ſaith the Book, the Subject is to take notice of any of the Kings Seals. So in all Ages, *Clauſ.* 24. *E.* 3. *M.* 7. *Dorſ.* 4 *H.* 8. 11 *H.* 7. 23. The King granted a Proclamation for Recreations, as by *Juſting*, or the like, that He may command *Jus* by His Proclamation. And if one of the Two that is fighting be killed, it is no Felony; but if done without the Kings Proclamation, it is Felony, 5. *Rep.* 114. The King, by His abſolute Prerogative, may make any Coin of Money by His Proclamation.

Next place the King may ordain by His Patent alone, 40 *E.* 3. *fo.* 17, 18. The King did grant a Priviledge unto the Scholars of *Oxford*, That they ſhould have the choice of Inns in *Oxford*, which was before there was any fair Colledge in *Oxford*: ſaith the Townſ-man, this is my Free-hold, they cannot do it; ſay the Judges, this is a good Patent, and is in favour of Learning, and therefore a good Ordinance. So the Juſtices in *Eyre* may take up the principal Inn. If the King make a Corporation, is there any thing more uſual, than for the King to give Power to the Corporation to make Ordinances for common good? 49 *E.* 3. 162. Shall it be ſo in the Creature, and not in him that makes the Creature? A Caſe or two upon every one of them. The King may ordain by His VVrit, and that appeareth 9 *E.* 3. 16. A VVrit of *Ceſſavit* againſt the Tenants of *Northumberland*: The Tenants have been mightily oppreſſed by the *Scots*; they petitioned the King, and ſaid, they were not able to pay their Land-lords their Rents, by reaſon of thoſe incurſions upon them by the *Scots*, and deſire ſtay of Suit; and there it appeareth the King did ordain by His VVrit, thoſe Suits upon thoſe Reaſons ſhould not proceed againſt the Tenants for Non-payment of their Rents: out of the ſame Reaſon are the VVrits of Protection.

Then the King and His Council may ordain; for that I find *M.* 4. *H.* 3, *Fitz. Dower* 179. VVrit of *Dower* there brought by a *French* VVoman; the Tenant of the VVrit pleaded, That there was an Ordinance of the King and His Council, *quod nullus de Regno Franciæ*, &c. That is, that no *Engliſh* Man ſhould be compelled to anſwer any *French* Man or VVoman in a Legal Suit, till the *Engliſh* were anſwered in *France* to their Suits; there 39 *E.* 3. 7. *per Thorp.* The King and His Lords may make an Ordinance, which ſhall be binding as a Statute, *Rot. Fr* 72 *E.* 3. *M.* 6.

Upon Ordinance of the King and His Council I can ſhew above 40 VVrits that have gone out unto the Nobility, Clergy, Arch-Biſhops and Biſhops, and to all the Kings Subjects, to aid for the Maritime Parts, *Rot. Fr.* 22 *E.* 3. *M.* 16. & 50 *E.* 3. *M.* 41. *Do.* 24 *E.* 3. *M.* 6. That of 24 is to thoſe In-lands within ſix Miles of the Sea. 40 *E.* 3. *M.* 37. The like VVrits awarded to moſt of the Maritime Counties, upon pain of the ſeizure of their Lands and Goods: So likewiſe for Proviſion for the Army the King and His Council hath ordained, both for Markets to be kept within ſuch a diſtance of the Army, and VVine ſold there, and no where elſe, *Rot. Sco.* 10. 12 *E.* 2. *M.* 13. *Dor.* So they have ſet down the

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number of the Men of Arms that every Town ſhould be charged with, *Cl.* 13 *E.* 3. *pſ.* 1. 14. *Dor.* with a Command, that they ſhould deſtroy the Commonalty of that County, for the Wages of thoſe Men at Arms.

My Lords, If the King may at all times of danger, by His Proclamation, by His Patent, by His Writs, by the Advice of His Council, ſurely in Caſes of neceſſity it is much more, for *neceſſitas eſt Lex temporis*, where a Defence by Sea and Land is neceſſarily required, *M.* 12 *Car'* opinion, That Men might be compelled to bring in their Proviſion to the Market, whether they will or no, 5 *E.* 4. 6. 14 *H.* 7. 29.

Jurors are by Law to hold together till they give their Verdicts; yet otherwiſe if the Houſe be like to fall over their Heads, 38 *H.* 6. 11. Upon a *Præcipe* the Tenants may be excuſed, if he could not paſs the Waters.

My Lords, I find that in Legal matters the King, by the Advice of His Judges, who are His Councel, may ordain, that the Judges are the Kings Councel in Legal Matters, 19 *E.* 3. 17. 4. *Fitz. Judgment*, 27 *H.* 6. *fo.* 5. Court of *Kings-Bench* called the Kings Councel, 6 *E.* 1. the King and His Judges make certain explanations upon the Statute of *Glouceſter*, as appeareth by *Magna Charta*; and what was done then by the Judges Advice, is the force of a Law at this day. So as you ſee by the Laws of *England*, as well in other Caſes, as Caſes of Defence, the Law hath given the King of *England* this Power to ordain for the good and ſafety thereof. I find that in all Ages, and in all Times, all the Incidents to a Defence, as well as this principal part, hath been given to the King Himſelf, as He is King of *England*. (1.) For the Murage of Towns, that the King hath commanded the Murage of Towns to be done at the Peoples charge. And ſhall His Power extend to particuler Cities, as Towns? and ſhall not He command for the Defence of the Wooden-walls of the Kingdom? *Rot. Alur'* 12 *E.* 3. *pſ.* 2. *M.* 10. The King commandeth, by Writ, a Place to be Fortified towards a War approaching, and every Man having Rent there to contribute, or be compelled by diſtreſs; this was commanded to be done, by the Writ, *Pat.* 12 *E.* 3. *pſ.* 3. *M.* 5. appeareth it was done. The King impoſed a certain Rate upon all Goods and Merchandizes that came unto *Kingſton* upon *Hull*, and commanded, that this ſhould be imployed to the Walling of the Town. And this was *de voluntate Regis*; this appeareth 19 *E.* 2. *pſ.* 1. *M.* 12. There was the ſame Command for *Dover* and other Towns, ſame Roll in 22. *Pat.* 12 *E.* 3. *pſ.* 3. *M.* 14. *Dor.* A Writ for the repairing of the Walls of *Wincheſter* at the Subjects Charge, *Rot. ibidem M.* 15. The King by ſpecial Grant gave Power to the Major and Burgeſſes to Aſſeſs the Inhabitants for the Defence of the Town, *Clauſ.* 1. *R.* 2. *M.* 12. *Oxford* was commanded by the King to be fortified at the Inhabitants Charge, *Cl.* 12 *E.* 3. *pſ.* 3. *M.* 32.

The King commanded particular Subjects to fortifie their Caſtles at their own Charges in time of danger, *Pat.* 1. 8 *E.* 3, *M.* 9. The King taketh the Caſtle of the Subjects into His own Hands in times of danger, *ad defendend' contra Inimicos*, &c. *Clauſ.* 13 *E.* 3. *pſ*, 1. *M.* 36. *Dor.* the King, by the Advice of His Council, did ordain, That the Town of *Southampton*, *pro ſalvatione ejuſdem*, ſhould build a Wall. My Lords, The King may command the walling of the Town at the Charge of the Inhabitants; He may likewiſe command the Defence of the Kingdom by Sea. So for other incidents of Defence; as for erecting of Beacons upon the Sea-Coaſt, *Rot. vaſ.* 11. 12 *E.* 3. *m.* 29. *Dor. Combuſt' inſigniis,* &c.. *Clauſ.* 1 *R.* 2. *m.* 4 *Dor. de ordinatione pro vigiliis;* &c. So likewiſe the King in all Ages hath commanded the imbarging of Ships for the Defence of the Realm, and for all publick Service; this appeareth *Clauſ.* 14 *H.* 3. *m.* 17. *Dor.* All Ships arreſted that could carry ſixteen Horſe, *Rot. Sco.* 10 *E.* 3. *M.* 2. *Dor. omnes Naves pro defenſione,* &c. *Rot. Alm'* 12 *E.* 3. *M.* 23. *pſ.* 1. *a.* & 12. For Imbarging of Ships for the Defence of the Realm. So likewiſe the King commandeth and appointeth who ſhall be Officers, who ſhall be Admiral of the Fleet, who ſhall be *Cuſtodes Marit',* as appeareth *Pat.* 19 *E.* 2. *m.* 7. *Dor.* and in the ſame Roll, *m.* 10. *Pa.* 15. *Jo. m.* 6. *Pat.* 48 *H.* 3. *m.* 5. *Clauſ.* 23 *E.* 3. *m.* 5. *Dor.* and an infinite number more, then the Country paid the Charges of thoſe who had *Cuſtodes Marit';* that appears *Fra.* 21 *E.* 3. *m.* 31. *Dor. Clauſ.* 13 *E.* 3. *pſ.* 1. *m.* 14. *Dor.* The King, when there was cauſe, He moderated the expenſe, *Clauſ.* 25 *E.* 3. *m.* 16. The King did order how much, and how long the County ſhould pay for Wages, and commanded the ſtay of thoſe that would have been gone before their time: And this appeareth *Pat.* 48 *E.* 3. *m.* 4. *Clauſ.* 48 *H.* 3. *m.* 2, & 3. *Dor.* then it appeareth by many Records, that this Guard of Sea-Coaſts to be accordingly, as the King ſhould order and direct, ſometimes *per Regem, per nos & Concilium,* &c. and this appeareth *Clauſ.* 23 *E.* 1. *m.* 5. *Dor. Clauſ.* 13 *E.* 3. *pars* 2. *m.* 14. & *Pat.* 23 *E.* 1. *m.* 1. Sometimes the King, out of His Royal Power, hath been pleaſed to give diſcharges unto particular Men, to be diſcharged from this *Cuſtod' Marit';* this appeareth *Clauſ.* 23 *E.* 1. *m.* 5. *Dor.* Ports diſcharged, becauſe the Ships were in the Kings Service, *Clauſ.* 8 *R.* 2. *m.* 4. Diſcharge as to the Abbot of St. *Albons, Pat.* 12 *E.* 3. *pars* 2. *m.* 8. *Pat.* 12 *E.* 3. *pars* 1. *m.* 14. Diſcharges *de Cuſtod' Marit'.* Then the Power of puniſhing thoſe Men who ſhould neglect thoſe Commands hath been always in the King, and to be puniſhed by His Commiſſioners, or by His Writs, and that in a high manner. That there hath been Commands by Diſtreſs, by Impriſonment, upon ſeizures of Lands, Goods, and Forfeitures of all that they had; and this appeareth *Pat.* 48 *H.* 3. *m.* 5. *Dor. Cl.* 48 *H.* 3. *m.* 3. and a great number in the time of *E.* 2. and *E.* 3. The King hath ſo far medled in this Buſineſs, that though it hath been the Money of the Country, yet the King hath appointed the Pay-maſter. *Clauſ.* 48 *H.* 3. *m.* 2. In the Caſe of danger the King ſendeth forth a Writ *de veniendo ultra debitum;* ſo when a Service was due, as by the five Ports, to find Ships, yet in time of danger command laid upon them, *ultra debitum Servitium,* as appeareth *Rot. Sco.* 10 *E.* 3. *m.* 20. *Cl.* 16 *E.* 2. *m.* 13. So all Arrays for muſtering of Men between ſixteen and ſixty have been in all Ages, and by the Kings Command to be in, and continue in readineſs, ſo long as the King ſhall pleaſe, *Rot. Alm.* 12 *E.* 3. *pars* 2. *m.* C. *Dor.* So, my Lords, it doth appear by theſe Preſidents that have been cited, by theſe Records, and by theſe Book-Caſes, That the Kings of *England* in all Ages have given command, and made Ordi-

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Ordinances by themſelves, by their Council, by their Judges, by their Peers, and theſe Ordinances have been obeyed.

My Lords, I promiſed upon this Head to make it good, that in theſe times, and in theſe years, wherein there were Parliaments, that though the Parliaments did determine concerning the Land-Forces, and the going of the Kings Army into *Scotland*, that yet the Parliament ſitting, the King hath commanded the ſetting forth of Ships by His Writ; this was ever left unto the Royal Power. For the proof of this there was 24 *E.* 1. a Parliament, as appereth in the Printed Books; yet we find in that year, the King hath commanded the ſetting forth of Ships at the Charge of the Subject, *Pat.* 24 *E.* 1. *m.* 17. Command to take up 100 Ships; and in *P.* 24 *E.* 1. *ex parte Regis, Rem' Exchequer Rot.* 22. Command, *pro Cuſtod' Marit'*, 9 *E.* 2. Parliament holden at *Lincoln*; and yet in the ſame year Writs went out to provide Shipping, as appeareth by *Rot. Pat.* 9 *E.* 2. *pars* 2. *m.* 26. I find that there was a Parliament holden 12 *E.* 2. This appeareth in the Book of Statutes, *Rot. Sco.* 11. 12 *E.* 2. *m.* 8. The King recites certain Inrodes made upon the Men in *Northumberland, Et quod de Communi Concilio* held at *York, Ordinavimus*, &c. and Aſſigns the Earls of *Pembroke*, and Biſhop of *Norwich, ad requirend', Norfolke & Suffolke, juxta diſcretiones veſtras Subſidium facere per Naves*, &c. *per tempus* 3 *vel* 4 *Menſium.* At this time there was a Proviſion by Parliament for the Kings Service by Land, and for his Armies to meet him at *New-Caſtle*, and for two Reaſons, why *Navale Subſidium* ſhould be neceſſary: 1. To hinder the bringing of any Victuals into *Scotland*. 2. For the free entercourſe of Trade, ſo as you in this year, wherein a Parliament was holden, this *Navale Subſidium* was commanded by the Kings Writ without any Act of Parliament; though the Writ was for *Norfolk* and *Suffolk*, yet the like was for *Dorſet, Somerſet*, &c. It appeareth likewiſe 10, 11 *E.* 3. which were thoſe great years of ſending out of Writs, that then Parliaments were holden: and ſo it doth appear by the printed Book of Statutes; yet in that year of 10. *Clauſ.* 10 *E.* 3. *m.* 37. *Do.* a Writ directed to the Major and Bailiffs of *Briſtol*, with a Command, that all Ships of 40 Tun, *& ultra*, ſhould be ſeized, 10 *E.* 3. *m.* 21. *Do.* Command that the Ships ſhould be ſent forth for the preventing of danger; and that no Forreign Ships come in to aid the *Scots, Membr'* 21. *Dor.* ſame Roll, Command to the City of *London* to ſet forth Ships at their own Charge, *Sco.* 10 *E.* 3. *m.* 21. *Do.* Writs to the Sheriff of   to ſend Horſe-men and Foot-men to the County of *Southampton*. So there were Men drawn out of their own County, and the refuſers were called their Rebels, *Rot. ibidem m.* 21. *de Navibus pro defenſione Regni.*

My Lords, There was ſomething more obſervable in this year of *E.* 3. for ſome of the Writs that went out beareth *Teſte* 3 *Octob. Sco.* 10 *E.* 3. *m.* 7. and mentioneth a Parliament, but did not go out by any Ordinance of Parliament; and by the Royal Power, which is a ſtrong Argument, there needeth no Aid of Parliament for the King to command His Forces; 11 *E.* 3. was likewiſe a Parliament, as appeareth in the Printed Book of Statutes: Writ dated 10 *Jan.* 17 *E.* 3. *m.* 2. *Do. per ipſum Regem*; Ships are commanded *pro guerra ſuper Mare, Vaſc.* 10 *E.* 3. *m.* 6. *Do. Procla.* to ſeveral Counties,

ties, that all Ships be in a readineſs; *12th* year of *E.* 3. Parliament ſummoned at *Northampton*, *Cl.* 12 *E.* 3. *pars* 2. *m.* 1. ſame Roll, *pars* 3. *m.* 22. *Do.* and yet this ſame year the King commanded Shipping at the Charge of the Counties, as appeareth 12 *E.* 3. *pars* 1. *m.* 12. *Cl.* 12 *E.* 2. *pars* 3. *m.* 29. And in the *13th* year of *E.* 3. was likewiſe a Parliament holden; and that appeareth *Parl* 13 *E.* 3. *m.* 9. 12. Printed Statutes make no mention of a Parliament then.

My Lords, In this Record theſe things are obſervable, cited, and made uſe of by the Defendants Counſel, a ſtrong Record as any can be againſt them.

In that Parliament, the King He did pray the Advice of the Commons in Parliament, touching His Wars with *France*, and the guarding of the Sea-Coaſts: The Commons make anſwer, *Prient les Commons que ils ne Counſel doner al choſes de quel ne pas Conizance*, &c. They ſay further, and they grant, That the Maritime Towns ought to make the Guard upon the Sea without Wages taken, and the In-land Commons upon the Land. Two things that are obſervable in this Record: 1. When the King to deſcend ſo low as to pray the Advice of the Commons in Parliament, and Aſſiſtance, for the Guarding of the Sea: The Commons diſclaimed and ſaid, they have no Juriſdiction *&c.* And yet the Defendants Counſel did preſs, that now the King ſhould ask the Advice of the Commons in Parliament, a thing diſclaimed 13 year *E.* 3. to have any Juriſdiction. 2. By this Record the Maritime Parts ought to guard the Sea at their own Coſts; this though it be granted in their Petition, it was not granted by the King: For it appeareth in the ſame year, *Rot. Alm'* 13 *E.* 3. *m.* 13. *Do.* that King *Edward* in that year heard of ſome Preparation in *France*, commanded Ships for three Months, *Cl.* 13 *E.* 3. *pars* 1. *m.* 14. That in ſeveral Counties Men were diſtrained for payment of Wages for the Archers, and others that guarded the Sea-Coaſts. It appeareth by thoſe Records, that both the Guard of the Sea and Sea-Coaſts was done *juxta Ordinationem noſtram*, Order made by us and our Counſel, *Rot. Alm'* 13 *E.* 3. *m.* 15. *Do.* The King appointed the Arch-Biſhop of *York*, *Hugh de Peircy et al'* for that purpoſe, *&c.* So, my Lords, I have done with the ſecond Ground, that is, That the King is ſole Judge of this, without His Parliament.

That the Commons in Parliament have diſclaimed to have any Cognizance of it.

That in the ſame year where Parliaments were holden, the ſame years the ſame Writs have iſſued without Advice in Parliament.

The third thing that I did propoſe, was thoſe *Supreme Titles* which the Common Law of *England* giveth unto the King, which may inforce this. *Bra. lib.* 2. *Cap.* 24. ſaith, That the King is *Vicarius Dei*, His Power ſurely, as was agreed, is *Jure Divino*; God is the God of Hoſts, and the King is a Model of God himſelf, 40 *E.* 3. *fo.* 18. The King is the chief Guardian of the Common-Wealth: The Sheriff hath *poſſe Comitatus* under the King, the Kings Vicegerent in his County; this Power not only for the execution of Legal Proceſs, but for the Defence of the Realm, 12 *H.* 7. *fo.* 7. This delegate Power of the Sheriffs, is as well for De-

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The End of Mr. Attorney-Generals firſt day's Argument.

Mr. Attorney General his ſecond days Argument for the King in the Caſe of Ship-Money, Dec. 1637.

May it pleaſe your Lordſhips to remember I ſhewed you by Charters Aids, and by a great number of Preſidents, that this Regal Power was in the King of *England* before the Conqueſt; and that though ſome were exempted from the ſetting forth of Ships, by Grant unto ſome particular Men, or ſome particular Churches; yet theſe three fundamental Services of Expedition, repairing Caſtles, and making of Bridges, *&c.* were always excepted: Then I ſhewed by a great number of Preſidents, that not only the Principals, but all Acceſſories that concern the Defence of the Realm, both by Sea and Land, have been always commanded by the Kings; the fortifying of Towns and Caſtles, and the Murage of Towns, the appointment of Admirals of the Fleet, and thoſe that ſhould be Guardians by Sea and Land, the Imbarging of Ships, and Arrayes of Men, erection of Beacons, diſcharging of others upon juſt cauſe, by puniſhing of thoſe that were Rebels; and all this was done by the Kings Command, *per ipſum Regem aut per Regem & Concilium,* without any Aid in Parliament. Likewiſe I have made it appear unto your Lordſhips, That the King is the *Sole Judge* of the Defence, that the King is not to be miſtruſted in the execution of His Office as King, nor your Lordſhips as Judges are to be miſtruſted.

I have now ſhewn out of the Preſidents, That in thoſe years, wherein there have been Parliaments, and ſometimes ſitting, the Parliament Writs have iſſued *per ipſum Regem, aut per Regem & Concilium.* I ſhall now proceed to make good the other Particulars which I have opened unto your Lordſhips. 1. That theſe Preſidents which have been ſhewed, and which I ſhall ſhew unto your Lordſhips, that they have not been grounded upon any particular Covenant, Charter, Cuſtom, but upon the Law of the Land, and upon ſuch Reaſons as are univerſal, and binds all the Kings Subjects, as well Clergy as Laity. For this I ſhall remember *Cl.* 48 *H.* 3. *m.* 3. the Writ doth recite, *Quod tam Milites & Liberi tenentes & omnes alij*, &c. *ad defenſionem Regni teneantur*, *Cl.* 9 *E.* 3. *m.* 11. *pro defenſione Regni omnes teneantur*, *Sco.* 10 *E.* 3. *m.* 12. *Quia quod omnes tangit per omnes ſupportari debet.* And the ſame Roll, *m.* 20. *Do. Ex ligeantia ad defenſionem contra hoſtes Aggreſſus Inimicos manus apponere*, *Malm.* 12. *E.* 3 *m. Do. omnes & ſinguli tenentur, & ſe & ſua exponere*, ſame Roll *m.* 21. *Do. omnes & ſinguli ad defenſionem Regni ſunt aſtricti.* And I think every Man will acknowledge himſelf to be bound out of his Allegiance, *Malm.* 13 *E.* 3. *m.* 13. *Do. ex ligeantia ad defenſionem Regni, & veſtrum & veſtrorum*, ſame Roll *m.* 17. and there be ſeveral Writs unto all the Biſhops of *England*, *quod invenerint homines ad Arma pro defenſione*; Frankalmaine Tenure was no Plea againſt this Service, *Rot. Franc.* 46 *E.* 3. *m.* 34. There was a Writ directed to the Biſhop of *Canterbury* for the Arming and Arraying of all Eccleſiaſtical Perſons within his Province; the like to the Biſhop of *York* for the Arming and Arraying of all Eccleſiaſtical Perſons within his Province; the like to the Biſhop of *Durham* in the ſame Roll; ſo it extends to all the Kings Subjects, and to the Clergy as well as to the Laity: Nay, it doth appear, that theſe Towns, and theſe Ports, that were obliged to do particular Service; that yet in caſe of an extraordinary Defence, that there the Writs went out not only to perform the ordinary Service, but Services *ultra debita*. The Cinque-Ports, by the Charter *E.* 1. was to ſet forth 52 Ships at their own Charge for 15 days; yet we find by divers Writs, and in ſeveral Kings Times, that the five Ports have been required to do further Service, Arreſts have been made of their Ships *ultra Servitia debita*, *Sco.* 10 *E.* 3. *m.* 23. *Do.* 28. *Do.* There was a Command, That all their Ships of 40 Tun ſhould be arreſted for the Kings Service; and ſo likewiſe, ſame Roll *M.* 22. That all Ships of the five Ports, *tam majores quam minores*, ſhould be arreſted, *Malm.* 13 *E.* 3. *m.* 13. *Omnes Naves qui tranſire poterint* arreſted to the five Ports; ſo then for the Councel on the other ſide, to tell us of particular Rolls, that theſe and theſe Towns were obliged to do theſe Services; this, under favour, is no VVarrant, for though they be obliged to do theſe Services; yet upon the occaſions to take all their Ships *ultra Servitia debita*, *Cl.* 16 *E.* 3. *m.* 13. *Do.* The King writeth unto divers Earls, Barons, and others, in this manner, *Quod ſint tam citius*, &c. *quam poterint parati*, at ſuch a place beyond your Service, with Horſe and Arms, and come to our Town of *New-Caſtle* upon *Tyne*; ſo as the Writ was directed to all the Lords Spiritual and Temporal, and all the Kings Subjects, but not only with their due Service, but beyond their Service, to be at *New-Caſtle*; ſo as your Lordſhips ſee the Motives, the Grounds, and the Reaſons of theſe Writs are univerſal, they concern not particular Port and Subject, but all the Kings Subjects, and they are generally *ex ligeantia ſua debita*; ſo as that is the firſt thing I would obſerve unto your Lordſhips, That theſe Writs and Preſidents are grounded upon the Law of the Land, and not upon particular Truſt.

An. 1637. The ſecond is this, That all theſe Writs have iſſued by the Kings Mandate, either by the King, or by the King and His Council, without Advice in Parliament, of which I have made a Collection, which is better for me to attend your Lordſhips withal, than to cite them, becauſe there are above 500; wherein I have diſtinguiſhed what hath been awarded *per Regem*, and what *per Regem & Concilium*, and where the advice of particular Merchants and Portſ-men were required, *Sco.* 11 *E.* 3. *m.* 2. *Do.* 19 *E.* 3. *pars* 1. *m.* 26. *Do.* And in theſe the advice of particular Men were called to aſſiſt the King and His Council. Now, my Lords, if before the time of *William*, and ſince the time of *William* the firſt, for many hundred years together, that this hath been done, ſhall not theſe Preſidents make a Law-Rule of our Books? that Preſidents that are not againſt the Law, nor contrary to the Rules and Reaſons of the Law, they make a Law; that appeareth by 4 E. 4. *fo.* 43. The Chancellor ſent forth a Writ of Error, the Judges take exception both to the matter and to the manner, ſaith the Book, becauſe it hath been always uſed; for the Preſidents make a Law, though the Writ were contrary to Law and Reaſon, 33 *H.* 6. *fo.* 20. An abſurd Return made by Sheriffs, yet becauſe Preſidents to warrant it, a good Return, 20 *R.* 2. *fo.* 7. Where a Duty was to be paid to a Corporation of Major and Commonalty, the Duty being to be paid to the Body, and an Acquittance to be had from them; but becauſe it hath been uſed, the Major alone to make the Acquittance, a good Acquittance, 2 *Rep. Lanies* Caſe. The King ſhall not part with his Intereſt without the Great Seal: But yet a Leaſe for years, under the Great Seal of the *Exchequer*, good by Cuſtom, 4 *Rep.* 9. That the Preſidents of a Court are good againſt the expreſs words of a Statute: Having ſo many Preſidents, I will not trouble you any longer, though I have reſerved a ſpecial place for the anſwering of Objections; yet to ſuch Objections as fall materially in the way I ſhall give an Anſwer, though reſerve the Anſwer of the main Objection unto the fifth place. It hath been ſaid by Mr. *Holborne*, That here hath been a diſcontinuance of time; and that ſince the time of 50 *E* 3. none of theſe Writs have iſſued: Shall diſcontinuance of time take away the Kings Right? If there have been no uſe within the time of memory, yet if this have been an inherent Right in the Crown of *England*, ſhall the Crown loſe it by diſcontinuance of time againſt the Rules of Law? 10 *H.* 4. *fo.* 6. Where the King is a Founder of a Biſhop or Abbot, and is by common Right to have a Corody, though not uſed, that the King hath not demanded it in time of memory, yet the King ſhall not loſe it, *N. B.* 5. Writ of Right brought by the King, wherein muſt alledge Seiſin, will you bind the King to alledge a Seiſin in Him and His Progenitors? For if once the King had a Seiſin, protract of time ſhall not diſcontinue it, 22 *H.* 7. *fo.* 20. The Stat. of *Mortmaine* confineth the Lord to enter within a year and a day; but it ſhall not bind the King, for He may do it at any time, 35 *H.* 6. *fo.* 26. If a Villain do alien the Land, it bindeth not the King, *Plenartie* 6 Month no Plea againſt the King, 6 *Rep.* 20. No diſcontinuance of time if the King hath a Right, 7 *E.* 4. 30. If an Alien and another Man purchaſe Lands together, and the Alien die, the King ſhall not be prevented by Survivorſhip, and in Perſonal Goods you ſhall raiſe no preſcription againſt the King, 35 *H. 6. fo.* 27. there is no Man can pretend a Title to the Kings Goods, for Waifs, Strays or Wrecks, for no preſcription can invade the Kings Profit, but then they ſay, that the Preſidents are not in all times, for we have not ſhewn, nor cannot ſhew, that in all times theſe Writs have iſſued. A ſtrange objection in all times. My Lords, It is a caſual Service. In all times, God be thanked, not that occaſion or neceſſity of this Defence: VVill you have us ſhew Preſidents for a Caſual Service? 4 *Rep.* 10. If a Man hold to do Service to his Lord, to go with him into the War of the King, this is out of the Stat. of Limitation; for it may happen not once in 200 or 300 years; therefore the Law doth not require you ſhould have a Seiſin for this, for it is caſual; that is the reaſon that Homage and Fealty and caſual Services, they are out of that Statute of Limitations; ſo as now by the ſame reaſon, that they would tie us to Preſidents, where there was no occaſion; by the ſame reaſon the Tenants are to do Homage, or go into Wars, when there was no occaſion; but beſides, he is much miſtaken, for theſe Preſidents did not end with *E.* 3. 7 *R.* 2. *m.* 18. 13 *H.* 6. *m.* 10. 14 *pars* 1. *m.* 14. a great number of Ships commanded them in the Kings Service; but it hath been ſaid, That the People have always petitioned againſt it, and there hath been a decrying by the People; they have petitioned in Parliament, and theſe things good by Cuſtom, muſt gather ſtrength by a conſent; and that further, when Petitions have been preferred, the King hath not denied the Petition expreſly.

My Lords, I ſhall ſhew, when I come to a particular Anſwer to theſe Records and Petitions, that they have mentioned, That notwithſtanding theſe Petitions, this Service hath been always continued; and for the Anſwer that he ſpeaketh of, that they have not been denied: Theſe are the words, *Le Roy adviſera*; we may know whether this be an expreſs denial or no; ſo though the King take time to adviſe of the Parliament, of His Commons, this is no Argument, but that it is a *mannerly kind of denial*; beſides, in the very years of 13 *E.* 3. the Writs for the Shipping Buſineſs went out by the Royal Power for the ſame year; then it hath been ſaid, that we can make no Preſidents of this; for though Writs have gone out, yet it doth not appear, that theſe Writs have been put in practice, nor any execution of it; but the Services have been done, as appeareth by the Monuments of Times; then it doth appear by other Records, that the Wages of Mariners were paid by the Country theſe very years, *Cl.* 20 *E.* 2. *m.* 6, 7. It doth appear, that ſome particular Men that had particular diſcharges, either becauſe they were in the Kings Service, or in *Gaſcoigne*, or lived in the Sea-Coaſts, that they pleaded their diſcharges, and had the ſame for that reaſon, 23 *E.* 1. *m.* 14. So as, my Lords, upon this ſecond Ground, that theſe Writs have gone forth thus conſtantly in ſeveral Ages, that there being ſuch a number of Preſidents, that the diſcontinuances have been even when there was no occaſion: That the Preſidents of the Courts of Juſtice make a Law, and diſcontinuance cannot take away the Kings Title. This is the ſecond that I do inſiſt upon, and that theſe Preſidents make a Law.

The

An. 1637.

The third thing I ſhall obſerve upon theſe Preſidents is this, that theſe Writs have gone forth, not only in Caſes of an actual War, or in caſes of an Invaſion, when the Fleet hath been upon the Seas, but by way of preparation before-hand, when the Enemy meant to come, and in contingent Caſes when the King might conceive any danger might enſue, but in theſe Caſes Writs have iſſued, that will appear, *Cl.* 48. *H.* 3. *m.* 2. the Writs are here in Court, *cum neceſſe ſit ad defenſionem Regni eſſe promptum, &c. Cl.* 23. *E.* 1. *M.* 5. *dorſ.* there was ſeveral writs directed unto divers Earls, Biſhops and others *de Cuſtod. Marit.* the words are theſe, *quia volumus quod partes Marit. in Com. Eſſex, &c. contra Inimicos diligenter cuſtodiend. partes illas ſi venire contingent*, 24 *E.* 3. Remembrance in the Exchequer upon information, that there was 1000 Men in *Flanders*, and preparation to come unto *Yarmouth* to burn the Town, Writs ſent forth by the Treaſurer and Barons *ex officio* to be in readineſs, in cauſe there was Invaſion, *Pat.* 9. *E.* 2. *pars* 2. *M.* 26. Writs directed to all the Port Towns between *Southampton* and *Thames*, to ſet forth Ships at their own charge for the better defence of the Kingdom, and againſt others that commit depredations upon the Sea, as well to our men of this Kingdom, as to others coming to our Kingdom, *Sco.* 11. 12 *E.* 2. *M.* 18. the King by ſeveral Writs directed to the ſeveral Commiſſioners in ſeveral Counties, reciting the proviſion made for his Army in Land at the laſt Parliament, and ſaith, *nos conſiderantes ad expeditionem præd. tam ad impediend. Scotos quam pro Cuſtod. Maris, &c.* And ſo commandeth for that purpoſe, that Ships ſhould be ſent forth out of ſeveral Counties for theſe two Cauſes, The one to hinder Victuals going into *Scotland*, the other for free entercourſe of Trade, that appeareth in the 10*th* year of *E.* 3. that the Ships of *France* were not upon our Sea-Coaſts, but were in *Britain* and in *France*, and yet the King upon relation that they have an intention to invade the *Realm*, did ſend forth for the providing of Ships into moſt parts of the Realm, this was only upon information, *Sco.* 10. *E.* 3. *M.* 30. *ut audivimus M.* 13. *ut intelligimus, M.* 16. 22. *quòd auditum, M.* 18. *do.* 12. *do.* 5. *do. in portibus tranſmarinis parat.* ſo by the Records this preparation of Ships was only upon information, *Fra.* 26. *E.* 3. *M.* 5. *quia vulgaris opinio noſtrum Regnum Angl. invadere*, therefore commandeth Shipping by Sea, and Forces by Land, *Fra.* 10. *R.* 2. *M.* 23, 24. *quia cert. Rumores quod Francia infra breve tempus hoc Regnum invadere*, and for the reſt commandeth the cuſtody of the Sea and the Sea-Coaſts, ſo as it doth appear by theſe Records, that upon an Information or Conjecture of the King, that he may ſend forth theſe Writs, and command His Subjects to be in readineſs in caſe that danger might happen, better ſo than to receive a blow, and then to make preparation for defence, we ſhould buy that with repentance, *prudentiſſimæ ratio qui timor Belli, &c. præparavit*, and ſurely when the King ſeeth theſe preparations abroad, the great Armies in adjacent Countries, great reaſon we ſhould be in preparation; this is not only conſonant to Preſidents, Wiſdom of Time, Policy of State, but to the reaſon of our Common-Law. If a man be in fear that another man lyeth in wait for him to do him a miſchief, ſhall he ſtay ſtill he receive a wound? 17. *E.* 4. 4. in this Caſe he may have a Writ to bind him to the Peace, 13 *H.* 7. *fol.* 17. if a man have a warranty for his Land, ſhall he ſtay till he be impleaded? No, a *Warantia Charta* lyeth till he be impleaded. If Lord and Tenant in antient demeſn, and the Lord will require that other ſervices of his Tenant than he ought to perform, ſhall the Tenant ſtay till there be a Diſtreſs taken, nay, he ſhall have his *monſtraverunt*, *F. N.* 40 *E.* 3. *fol.* 45, 46. and this only upon a verbal demand of ſervices, ſhall then the Common-Law of *England* ſecure the Subject not to ſtay till a preſent danger, but ſhall have his *war' Charta monſtraver'* before Diſtreſs taken, and ſhall not the Common-Law provide for the King, that he in his expectation of danger make his preparation, for ſurely theſe Preſidents are according to reaſon of Law.

The next thing that I did obſerve out of theſe Preſidents was, that in theſe very years where there have been aids granted to the Crown, *pro defenſione Regni*, and in the very year theſe Writs have iſſued out of the Royal Power, *Cl.* 48 *H.* 3. *m.* 2. 3. *dorſ.* there was then a tenth given by the Clergy *pro defenſione Regni*, and yet in that year he did command the defence of the Realm both by Sea and Land, and that appeareth *Pat.* 48. *H.* 3. *m. c. dorſ. Cl.* 48. *H.* 3. *m.* 30. in the 22 *E.* 1. the King had given unto him in Parliament *pro ſubſidio guerræ* a tenth of all moveable Goods which was to be collected in the 23*d* year, as appeareth *Pat.* 22. *E.* 1. *m.* 2.

My Lords, This very year wherein this was paid, he commanded a great number of Shipping for the defence of the Coaſts, and that appeareth *Pat.* 23. *E.* 1. *m.* 6. Writs were directed unto divers Sheriffs of divers Counties, *Suſſex*, *Southamton*, *Dorſet*, &c. commanding them to be aiding and aſſiſting to *William Thornton* in the taking of all the Ships of thoſe Counties, *Pat.* 23. *E.* 1. *m.* 7. *Commiſſion. Radulphus de Salvica ad providendum de Navibus, ita quod fuit quandocunque mandamus*, ſo to be in readineſs with all Ships in thoſe parts that were of 40 Tunn, *m.* 5. ſame Roll Writs directed to moſt of the Sheriffs of *England* to be aſſiſting to *John de Barwick* to the chuſing and ſending forth Archers *ad proficiſcendum in Fleta noſtra*, ſo as they were not only brought out of their own Counties, but out of all the Counties in *England ad proficiſcendum.* My Lords, This 23*d* year wherein the grant was of the tenth of all the moveables, *Pat.* 2. *E.* 1. *m.* 7. the King writeth to all the Archbiſhops, Earls and others, reciting that he hath committed the Cuſtody of the Sea to *Will. de Stocks, ita quod idem Will. omnes, &c.* naming the Archbiſhops, Biſhops, Earls, *&c. compellere, &c. prout neceſſe fuer.* ſo as you ſee the greateſt Subject is not exempted from theſe Commands, but ſhould be *auxiliantes, reſpondentes & intendentes*, *Cl.* 23. *E.* 1. *m.* 5. *dorſ.* the King commanded the Biſhop of *London* and *Norwich* for the ſafeguard of the Sea-coaſts, *Pat.* 23. *E.* 1. *m.* 1. A Command unto all Archbiſhops, Abbots, Earls, Barons, Knights, and others commanding them, to be aiding unto *Adam de S. ita quod idem Adam compellere poſſet quoties neceſſe, &c.* ſo *Cl.* 23. *E.* 1. *m.* 5. *dorſ.* the like Command; ſo as, my Lords, in thoſe times which were 23. *E.* 1. when there was an aid granted by Parliament, it doth appear theſe great defences both by Sea and Land were commanded.

My Lords, 10 *E.* 3. in a Parliament holden at *Notingham*, there was a fifteenth granted to the King for three years, and ſo it was recited

An. 1637. recited in the Record, and appeareth likewiſe, *Pat.* 12. *E.* 3. *m.* 2. *pars* 3. *Cl.* 12. *E.* 3. *m.* 28. *pars* 3. it appeareth that a tenth and fifteenth granted to the King in Parliament, and this was *tam pro defenſione quam pro arduis negotiis*, 12. *E.* 3. the Prelates and Lords, and Commons, at a Parliament holden at *Weſtminſter* gave the King 10000 *Sacks of Wooll*, ſaid to be given *pro defenſione Regni*, as appears *Rot. Alm.* 12 *E.* 3. *pars* 1. In the ſame year there was granted likewiſe *pro defenſione Regni medietat. Lanar.* the moity of all their Woolls. *m.* 31, 32. *dorſ.* 2.

In the ſame year of 12. *E.* 3. the Clergy, they gave the King in Parliament *medietat. Lanar. uſque viginti mille Saccar.* as appeareth *Cl. R.* 12. *E.* 3. *pars* 3. *m.* 13.

Cl. 12 *E.* 3. *pars* 2. *m.* 1. *dorſ.* and in this 12 year of *E.* 3. the King collected a tenth and fifteenth that was granted unto him by the Laiety in Parliament, as appeareth *Cl.* 12 *E.* 3. *pars* 3. *m.* 30. 1. & 28.

And beſides all this the Clergy gave the King a tenth *Cl.* 12 *E.* 3. *pars* 3. *m.* 30. 1. theſe I cite more particularly becauſe no memory of them in the Printed Statutes.

Were all theſe Aids granted 10, 11, 12 *E.* 3. *pro defenſione Regni*, and ſhall the King in theſe very years ſend forth Writs for the defence of the Sea and the Kingdom? Now, my Lords, in this 12*th* year wherein all theſe great aids were granted *Rot. m.* 12 *E.* 3. 1 *pars m.* 12. that *Walter de M.* was appointed Admiral of the Fleet towards the *North*, and appointed Commiſſioners *ad aſſidendum Villas bonis & Catallis ad contribuendum, &c.* and Commanded all Sheriffs and Officers to be aſſiſting, ſo as by this Record it doth appear that in the 12*th* year Ships and Forces were commanded, *Cl.* 12 *E.* 3. *pars* 1. *m.* 17. *dorſ.* Commanded by the King, that the men of *Surry* and *Suſſex* ſhould have their Goods ſeized, and their Perſons impriſoned if they refuſed to contribute towards the charge for Shipping. *Alm.* 12 *E.* 3. *pars* 1. *m.* 2. a Commiſſion to *William de B.* and others, *ad aſſidendum Omnes homines jnxta ſtatutum, &c.* and to ſeize their Goods and Chattels to contribute for the wages of Mariners for the Ships, ſo as your Lordſhips ſee by that Record, though there be Aids, Tenths, Subſidies and Fifteenths granted by the Clergy and Laiety, yet in that very ſame year if any extraordinary occaſion, though Ships not upon the Sea, the King hath commanded the defence of the Sea and Land at the charge of the Country; I have done with the fourth particular.

The fifth particular is this Aid, and theſe Contributions, they have not been required from the Maritime Towns, but from the Inland Counties *per totam Angliam*; and this materially is to be inſiſted upon, becauſe we are more in an Inland County: the County of *Bucks*, my Lords, this was done before the conqueſt, your Lordſhips have heard, for *Alfred* the firſt Monarch 827. *juſſit omnibus, &c. per totam Angl.*

Arthurus Minuenſis Aſſerminwventis fol. 9. *Wigor. Florenz Feb.* 316. *Huntington* 354. that King *Elthred* did the like 1008 *per totam Angl.* every 310 Hides to find one Ship. *Nat.* of *Weſt.* 387. *Huntingdon* 365. about 30 year of King *Ethelred* was that Ships ſhould be prepared againſt *Eaſter*; and thoſe Laws which are remembred in *Lambert* which were before the Conqueſt 10. *Cap.*

fol.

13 *Caroli.*

fol. 108. *quod, &c.* —— *&c.* So it was general and univerſal throughout the Realm, concurring with theſe antient Preſidents and Councils ſince the time of *Will.* the firſt, *Cl.* 48 *H.* 3. *m.* 2. For where a Record is to be applied unto ſeveral purpoſes, I muſt mention the Record: again it appeareth by the Record of *Bedfordſhire*, which is an Inland County, was charged with the guard of the Sea-Coaſts, and paid for Wages, ſame Roll *m.* 3. in *bl.* 20. *dorſ.* *Rutland*, *Oxfordſhire* and *Dorſetſhire*, Inland Counties, charged for the ſame ſervices, *Pat.* 48. *H.* 3. *m.* 7. *Cambridge* and *Huntingtonſhire* charged for the like ſervice, and that they ſhould do *prout Concilium noſtrum ordinarum, &c.* 24 *E.* 1. Kings Remembrancer ſide *Rot.* 77, 78, 79. title *de* —— *pro Cuſtodienda Maris*, and Writs went out for Ships into divers Counties, and amongſt others to *Buck-ſhire*, *Pat.* 26. *E.* 4. *m.* 21. when there was a complaint that the Subject did ſuffer upon undue levies, the Commiſſioners that are directed for enquiry, directed to all the Counties of *England*, as well Inland as Maritime: It proveth this Cuſtody of the Sea was as well by the Inland Counties, as by the Maritime, 23 *E.* 1. *Pat. m.* 5. that men to furniſh a Fleet were drawn and commanded from the moſt parts of the Kingdom, *Sco.* 10 *E.* 3. *m.* 14. Inland Counties charged with Shipping for the defence of the Kingdom, as *Cambridge*, *Huntington*, *Nottingham*, *Darby*, *Cl.* 13 *E.* 3. *pars* 3. *m.* 14. *dorſ.* And there *Oxfordſhire* is charged with *Cuſtod. Marit. Sco.* 12 *E.* 3. *dorſ.* *de Bedfordſhire*, *Buckinghamſhire* (your County) and *Darbyſhire* there charged with the ſame defence, *Cl.* 1. *R.* 2. *M.* 18. there *Cambridge* and *Huntington* were to provide a Barge at their own charge, and yet no ſeafaring men there, and like Writs were directed to *Nottingham* and *Darby*, though they had none, yet they had money and means to provide them.

Fra. 7. *R.* 2. *m.* 18. The King ſends His Writs into moſt Counties of *England*, as well Inland as Maritime, reciting that the King of *France* was gone with an Army into *Flanders*, that *Callice* was in danger, and commandeth that all Knights, Eſquires and Archers, and every of them according to their Eſtate and Faculty be ſufficiently arrayed and armed, and come to the Port of *Sandwich ad proficiſcendum, &c.*

My Lords, In this Record there was a mention of *Buckingham*, *Bedford*, *Huntington Cambridge*, *Nottingham*, *Darby*, *Exeter*, *Rutland*, *Northampton*, *Bucks* and *Berks*, all theſe Inland Counties; the words of the Writ are, *quod omnes teneantur pro defenſione Regni*, *Cl.* 9. *E.* 3. *m.* 10, *vel* 20. *quod, &c.* all and every of our Kingdom out of their Allegiance to be ready to defend the Realm, 13 *E.* 3. *dorſ.* a great number of others, by all which it doth appear, 1. That the ſervice was commanded from thoſe Inland Counties. 2. That the ſame reaſons which are given extend to bind the Inland Counties as Maritime Counties.

Pat. 23 *E.* 1. *m.* 6. for the taking of Ships in the County of *Suſſex*, *Devon*, *Middleſex* and other Counties, if ſo be the Maritime Counties be in danger, ſurely the Inland Counties cannot be in ſafety; we are in an Inland County, and if an entry upon any part, it concerns the ſafety of us all.

And by the rule of the Law, every one that is to receive a benefit, is to give a Contribution, as the Caſe of 16 *H.* 7. *fol.* 13.

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If 4, or 5. Cognizors in a Recognizance, all ſhall have Contribution one againſt another 46 E. 3. Parceners upon whom a warranty deſcendeth, they ſhall be equally charged.

If a man bind himſelf and his Heirs in an Obligation, having Lands, part by his Father and part by his Mother, and deſcend to ſeveral Heirs both equally charged, as it is the third *Rep.* 13. *Harberts* Caſe, ſo I go upon theſe reaſons, that it is conſtant to Reaſon and the Law, beſides theſe Preſidents, that where a danger to all, and receiving of benefit by all, all be equally charged.

My Lords, To illuſtrate by further reaſons, that though the Inland Counties and Maritime Counties be charged, I find that the Ports by the Charter of *E.* 1. were to find 57 Ships. I find that when the neceſſity of the ſervice did require it, then all their Ships were ſeized into the Kings Service, I find likewiſe that when there hath been a diſability in the Port to perform the ſervice as now they are, for then the main part of the Trade was in the Port Towns, but now it is gone from thence and come to *London*, and few Ports have the Trade, but *London, Newcaſtle, Briſtol, Hull*; and ſhall it not now be required by the Inland Counties ſince a diſability in the Ports, *Fra.* 21 *E.* 1. *m.* 23. I find there that *Plimouth* and ſome of the Port Towns did bear more than *London*; for *Plimouth* found four Ships, *Dartmouth* ſix, *Briſtol* four, *Newcaſtle* three, *Norwich* and *Yarmouth* four, *London* two, *Hartlepool* two, *Sandwich* two, *Dover* two, *Rye* two, *Shoram* and *Arrundel* and other places found but one; it appeareth, *Alm.* 13. *E.* 3. *m.* 13. *dorſ.* that *Yarmouth* furniſhed at their own charges four Ships, *Kingſton* two, *Boſton* two, *Lynn* two, *Harwich* two, *Ipſwich* two. My Lords, Are theſe Ports able to furniſh the King with ſo many Ships in theſe days to do theſe ſervices: the wealth of one Portſman in thoſe days was worth the whole Town as it is now, admit the Maritime Town were bound unto it, yet of a failing of the ability that they cannot do it, ſhall it not elſewhere be required, that is agreeable to the Rules of the Law; before Commiſſions for Sewers where particular men are bound to defend the Sea, yet before any Statute in Caſe that the man was not able, the ſervice was required from the County, for by it they might have either gain or loſs, this appeareth by the Rule of the Common Law before the Statute Regiſter 123 *quod diſtringat omnes, &c.* when one man was to maintain the Bank of the Sea, if not able, the reſt that have benefit by it were to be diſtrained for it, 5 *Rep. fol.* 99. 10 *Rep.* 140, 141. Caſe of the Iſle of *Ely*, agreeable that all men who have *ſalvationem & damnum* ſhall contribute.

To this purpoſe are thoſe two Records remembred by Mr. *Sollicitor*, *Pl.* 7. *H.* 4. *No.* 18. that where there was a Subſidie granted to the King for the defence of the Realm, was aſſigned to certain Merchants, yet with a *ſalvo* unleſs a Royal Power came *fr.* 6. *R.* 2. *m.* 8. certain Merchants had the cuſtody of the Sea, except *Regal. poteſtatem*, ſo the concluſion is, if an ordinary defence there may be no cauſe to go into the Inland Counties; but if a Royal Power or extraordinary danger, though not eminent, the King may require an extraordinary Contribution *per totam Angl'*; but this hath been objected againſt, and ſome Records have been vouched; that is (ſay they) we will ſhew you many Preſidents, wherein the *Navale Subſidium* hath been required from Inland-Towns, and they have been diſcharged thereof, as *Pat.* 2. *R.* 2. *pars* 2. *M.* 42. *Dor.* the Town of *Beverley* Petition, becauſe they were to contribute, being an In-land Town, towards the finding of a Ship for the Town of *Hull*, and was diſcharged thereof. This Truth, but not the whole Truth; for the Town of *Beverly* was diſcharged by reaſon of a Charter of Exemption granted unto them *in honorem Sti. Johannis Beverley*; the Kings Confeſſor upon that Charter; were diſcharged: They have objected likewiſe for the Town of *Bodman*: They were diſcharged *a Cuſtod' Maris* an In-land Town in *Cornwel*; for this, *Cl.* 13 *E.* 3. *pars* 2. *M.* 14. was vouched for it, that the Town was diſcharged of this Contribution; for Anſwer unto that it will appear, that one *Truſſel* was then Admiral of the Fleet, and was by his Commiſſion to be furniſhed from the Ports at their own Charges for three Months.

My Lords, this appeareth *Cl.* 13 *E.* 3. *pars* 1. *M.* 35. and ſo that Town and In-land was to be diſcharged.

My Lords, likewiſe there were other diſcharges upon that Reaſon, as *Norwich* was diſcharged for finding of Men, for making of Ships, becauſe the Admirals Commiſſion did not warrant it, *Sco.* 10 *E.* 3. *M.* 15. for it only extended to the Ports; but yet *Norwich* was charged to find Ships, *Cl.* 13 *E.* 3. *pars* 1. *m.* 14. So *Colcheſter* was diſcharged from finding of a Ship; but becauſe they were not within the words of the VVrit, as appeareth *Cl.* 13 *E.* 3. *pars* 1. *m.* So as to tell your Lordſhips a Story of a great number of Land-Towns diſcharged *de Cuſtod' Marit'*, and not to give your Lordſhips the reaſon, it's nothing to the purpoſe.

So, my Lords, having verified this fifth Point by theſe Preſidents, and juſtified by theſe Reaſons, and anſwered theſe Objections, I ſhall now come unto the ſixth matter upon this Record.

And that is, that though no cauſe be declared in the VVrit, no danger manifeſt, nor againſt what Enemy; that yet the Kings VVrit hath commanded Shipping both for Defence of Sea and Land; and, in the Kings VViſdom, the danger hath been reſerved in His Breaſt, and not communicated to His People by His VVrits.

1. I find that ancient Preſidents have been ſo, that it hath been reſerved unto the King Himſelf, and thoſe whom He did depute; that appears *Cl.* 14. *Jo. m.* 2. The King directed His VVrits to *Harbert*, with a *Mandamus* to make ready all Ships for our Service when we ſhall command; not a word of a Cauſe declared, or an Enemy proclaimed; ſame Roll *m.* 6. The King by VVrit directed unto other Parts, cauſeth all Ships that could carry ſix Horſes or more to be ſent unto *Portſmouth*; and the like VVrits were directed unto other Parts, 1 *Pat.* 15. *Jo. m.* 4. The King appointed a Guardian upon the Sea-Coaſts, and commandeth all Men that they ſhould be *Intendentes*, and other VVrits in the ſame Roll directed into many Counties with a *Mandamus*, 17 *Jo. Cl. m.* 7. *Do.* VVrits for the taking of Ships, and bringing them into *Thames* mouth, without ſhewing any cauſe. All this was done in the time of King *John*.

In the time of *H.* 3. *Pat.* 13. *H.* 3. *m.* 5. a Writ commanding the Sheriffs of *Kent* and *Suſſex* to arreſt all Ships in thoſe Counties to be

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be at *Portſmouth* to be ready to go in that Service we ſhall command: And it appeareth in the ſame Roll, that theſe Ships were able but to bear ſix Horſes; ſo in the *Cl. Roll* 14 *E.* 3. *m.* 13. To Our Bailiffs of *Portſmouth*, and keeper of Our Navy, to make ready one good Ship, and be ready to go in the Service of the ſame King, whither, and where He ſhall command it, *Cl.* 23 *E.* 1. *m.* 5. *Do.* The King declares, That He will have the Sea-Coaſts in *Eſſex* guarded againſt Enemies; and there commandeth them to be obedient to ſuch a one who had the Cuſtody, *Pat.* 23 *E.* 1. *m.* 2. The King writeth unto all Arch-Biſhops, Biſhops, Sheriffs, Knights, and others, to be aſſiſting unto who had the Cuſtody of the Sea.

10 *E.* 3. *m.* 37. The King commandeth all Ships to be arreſted, and Men and Mariners to be ſent unto the Admiral of the *Fleet, ad proficiſcend'*, &c. ſame Roll, *m.* 5. *Do.* A matter fit for the Counſel, and not for the People to know; ſame Roll 2c. that ſhould do, *prout vobis*, &c. The King to give no Account to His Subjects of thoſe things, 24 *E.* 1. *m.* 19. The King having commanded *O. S.* to take up 100 Ships fit for His Service, commandeth the Sheriff of *Northumberland* and others to be aſſiſting; ſame Roll. *m.* 17. Command to the ſame effect for all Ships that ſhould be taken between *Lynne* and *Barwick*; it was likewiſe in the time of *E.* 2, 9 *E.* 2. *Pat. pars* 2. 26 Ships taken up at the Charge of the Inhabitants to defend the Sea againſt Malefactors, *Cl.* 12 *E.* 3. *m.* 11. *Do.* a VVrit directed to the Major and Sheriff of *Sandwich*, to make ready all Ships within their Ports of 40 Tun *Ha.* &c. that they be ready within three days warning to go, as we ſhall more fully declare, the Service that was to be done; ſo it appeareth by other VVrits to other Towns, in the ſame Roll, 17 *E.* 2. *m.* 11. *Do. Pat.* 14 *H.* 6. *pars* 1. *m.* 14. *Rex pro quibuſdam arduis Cauſis*, &c. doth aſſign *John Hexam* to take up all Barges of 10 Men and upwards; ſo in all theſe times of King *John*, *H.* 3. *E.* 1. *E.* 2. *E.* 3. and *H.* 6. Writs have gone out generally, that the Service hath been concealed, and for inſtruction referred unto the Council, ſometimes to the Guardian of the Fleet.

It ſtandeth with reaſon, for reſolutions of War are not to be communicated; His Majeſty hath a ſeparated Council of VVar from the Body of the Privy-Council.

Now, my Lords, for the Objection that hath been made againſt the firſt VVrit 4. *Aug.* 11 *Car.* that is, the King hath not declared cauſe for the iſſuing of thoſe VVrits; the King hath not communicated it to *J. D.* and *J. M.* what the imployments muſt be; he muſt ſatisfie the Counſel at Bar, which he ought not to communicate to His Privy-Council, but is reſerved for the Council of VVar: This is a VVrit to command obedience from His Subjects, and upon ſuch Reaſons as may ſatisfie any reaſonable Man; and if fewer Reaſons, it had been the better agreeable to all former VVrits: For the next matter out of the Preſidents, which is, that during the times of Parliament, that theſe VVrits have iſſued, I have made that good upon my former Head.

The laſt thing I obſerved upon the Preſidents is, that there was no cauſe, nor Particular in this VVrit of 4. but was warranted by many Preſidents; and in this the King doth *jubere per Legem.*

Firſt, for the direction, as in the VVrit, ſometimes upon one, or *Probis Hominibus* of ſuch a County, ſometimes the direction to Commiſſioners, ſometimes one way, ſometimes another way; and of this of the Preſidents themſelves, when your Lordſhips come to ſee them, I ſhall ſpeak, they would have the King to deſcend ſo low as to give them a Reaſon why he did it; ſome Reaſons are expreſſed in the VVrit, as, *Quia periculum eminens, quia pro defenſione Regni, Tuitione Maris, ſecuritate Subditorum, ſalva conductione Navium*, &c.

My Lords, All theſe are expreſſed in the Records, 9 *E.* 3. *M.* 12. *Sco.* 10 *E.* 3. *M.* 20. *Malm.* 12 *E.* 3. *M.* 1. 12. *Malm.* 13 *E.* 3. *M.* 13. I find in theſe Writs the ſame matter, power of Aſſeſſment, ſame Services by diſtreſs, and by Impriſonment; nay, ſeizure of Lands and Tenements, Goods and Chattels that are expreſſed in the former Writ; and that it was of the charge of the County, both Inland and Maritime: This appeareth *Rot. Sco.* 8 *E.* 3. *M.* 9. 4. *de Navigio providendo pro Cuſtodia Maris*; many of theſe, *Sco.* 10 *E.* 3. That the VVages of the Men that went into the Ships, and guarded the Coaſts, were at the Charge of the County; this appeareth 10 *E.* 3. *M.* 2. *Do.* 60. Men appointed and ſent to *Portſmouth*, and they refuſed to go without VVages; but a Command came from the King, and commanded the Counties to pay them VVages, 10 *E.* 3. *M.* 21. *Do.* and His Predeceſſors not bound to bear any Charge, though *pro defenſione*, *Alm.* 12 *E.* 3. *pars* 1. Thoſe of *Lynne*, who refuſed to contribute towards the Charge, were aſſeſſed by Commiſſioners, *juxta quantitatem*, and were compelled to contribute; ſo in the Cloſe Roll, 12 *E.* 3. *M.* 8. the like *pro Cuſtod' Marit'*. I might be infinite in theſe Particulars; but I will not tire your Lordſhips. Here they have made ſome Objections, though to anſwer the main Objection I am not yet come.

Obj. They ſay, this Power of aſſeſſing the People for Sums uncertain, theſe ought not to be, no more than Eſcuage uncertain, and muſt be aſſeſſed in Parliament; and this Aſſeſſment for Defence ought not to be by Commiſſion, not for the Kings VVrit.

Firſt, for the Authority, which is *Littleton*, he ſaith *fo.* 20. *Que communment ditq; Eſcuage ſerra aſſeſe per Parliament.* I do not find by the Regiſter where theſe VVrits are, neither do I find them provided upon any Act of Parliament; but what if it be by Parliament, a Service that is to be done by the Tenant to his Lord, what if this be ſo, that it muſt be aſſeſſed in Parliament? your Lordſhips know, that the Tenant muſt do according to his original Duty of them he holds: And if this be ſo, that the Lords ſhall not aſſeſs them in Parliament, is that an Argument from a Tenant to a Lord to this Caſe? This is a Service commanded not by Tenure, but by a King from His Subjects; this is ſuitable to the reaſon of Law in other Caſes for theſe ancient ties which the King doth require for the making of His eldeſt Son a Knight, or *pur file marrier*: Are theſe certain at the Common Law? Muſt there be an Act of Parliament to aſſeſs thoſe Aids? the Books are otherwiſe; but the King at the Common Law might require an Aid uncertain, and might Seſs it as He pleaſeth. *Glanvil lib.* 9. *Cap.* 8. *Brit. fo.* 57. *Cap.* 27. *Bract. lib.* 4. *Cap.* 16. ſo as at the Common Law they were uncertain, 11 *Rep.* 68. *D.* It is ſaid there, the Stat. of *Weſtm.* 1. *Cap.* 15. which putteth reaſonable Aid in certain, doth not bind the King a *Fortiori*; we muſt not tie Him to a certainty, for the Defence of the Realm. No Man can tell what the Preparation muſt be, or the Charge thereof; if they can ſhew an Act of Parliament that limits the King for Defence of the Realm, they can ſay ſomething.

But they ſay the Sheriff is no Officer, nor ſworn to execute the Writs: This is as wide as the other; for, my Lords, the Sheriff is ſworn to execute all Writs that ſhall be delivered to him for the Kings Service; and ſurely this Writ, if it come unto him, he muſt at his peril execute it.

Firſt, the direction of thoſe Writs have been many times as well to the Sheriff, as to the Commiſſioners, *Sco.* 10 *E.* 3. *M.* 13. *Cl.* 15. *E.* 3. *M.* 17. The King commanded the Sheriffs of ſeveral Counties to furniſh Men with Arms, Victuals, and neceſſary Proviſion both for Sea and Land, 23 *E.* 1. *M.* 5. *Do.* 24 *E.* 1. *Rot.* 79. *ex parte Regis.* The Lands of the Sheriffs and other Officers were extended becauſe of their negligence in doing of their duty in theſe Writs, 25 *E.* 1. *ex parte Regis.* A Commiſſion went out to enquire of the execution of the Officers in the duty of their Places.

Beſides theſe Writs at the Common Law, he is ſeconded by the Authority of the Common Law, *Regiſter* 122, or 127.

That Writs went generally unto the Sheriffs, for that in all Times and Ages it hath ever been in theſe Caſes, where no cer- tainty left to the diſcretion of the Sheriff and Commiſſioners.

My Lords, For the manner of levying by diſtrictions, and by Impriſonment of thoſe that do refuſe, it hath been ſo in all the Preſidents that have been vouched both by diſtreſs and impriſonment: for the Diſtreſs, if the King make a Corporation, and give them Power to make Ordinances for the Common-Wealth, and they make an Order, that they ſhall not pay the ſame, they ſhall be diſtrained. And is not this adjudged a good Ordinance, 5 *Rep.* 64. *Clarks* Caſe, *T.* 7 *H.* 7. *Rot.* 3. There is a Benevolence granted to *E.* 4. for his Voyage into *France*; one *T. R.* did deny payment, and he was diſtrained for his proportion.

They except to the penalty of the Writ, the penalty of former Writs have gone higher *inter Co'ia* in the *Exchequer*. There was a *Mandamus* to aſſeſs thoſe imployed in the proviſion for Shipping; and this *Mandamus* was, *Sicut nos & honorem & ſalvationem Regni diligitis.* In that Roll that is ſo often remembred, *Sco.* 10 *E.* 3. *M.* 1. *Do. quod*, &c. Their Lands, Goods and Chattels remain ſeiſed into our Hands, and *M.* 2. under pain of forfeiture of Life, 11 *E.* 3. *M.* 2. To caſt thoſe into Priſon that did refuſe, *Cl.* 12 *E.* 3. *M.* 18. *Do.* Writs directed unto *Henry Huſſey* and others, to puniſh thoſe who refuſed to contribute, and to impriſon them, and ſeize their Lands and Goods into the Kings Hands, *Cl.* 13 *E.* 3. *pars* 1. *M.* 36. *Do.* To ſeize into their Hands the Lands and Tenements of the Refuſals, *Rot. Fran.* 21 *E.* 3. *pars* 1. *M.* 11. The King commandeth Ships under pain of Life, and all his Eſtate to forfeit, *Fra.* 10 *R.* 2. *M.* 23. *ſuper* and to impriſon thoſe that contrary under forfei-

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tire of all they had; ſo as your Lordſhips ſee plainly, Mr. *Holborne* his Conceit was very far miſtaken.

My Lords, in the next place they have inſiſted of the diſtance of time, they ſay there was ſeven Months between the *Teſt* of the Writ, and time of Randezvous, that the King might have called a Parliament, and there might have been an Aid granted, and the Service performed in a Parliamentary way; but they may remember the 40 days between the Return and *Teſt* of the Writ, the time ſpent in preferring a Speaker, the ſolemnity uſed before they begin, their grand Committees, their reading of a Bill thrice, their debate about it, the paſſing of both Houſes before it be granted. After all this be done, and the Parliament ended, a time for the levying of the Money muſt be had; and when it is levyed, time for the Return of it; when it is returned, time for the expending of the Money. And the Preparations will go ſlowly on till the Money be returned, 48 *H.* 3. *M.* 4. *Do.* There was a Command for guarding the Sea-Coaſts, *Cl.* 23 *E.* 1. *M.* 5. *Do.*

That the Ports of *Yarmouth* commanded to find Ships for a certain time, *Scot.* 11, 12, 13 *E.* 3. they are put down in that Roll 8. That there was a Command *Navale ſubſidium* for three or four Months.

So as, my Lords, both for the time of preparation, and for the time of the continuance it hath ever been reſerved unto the wiſdom of the King.

My Lords, for the *Spaniſh* Invaſion, that hath been ſo late in our memory, I find by the Books that are kept in the Council-Chamber, that the Preparations were in *October Anno* 87. againſt the coming of the *Spaniſh* Fleet in 88. which did not ſet forth till *June.* I find no Parliaments called that year: And by the Letters and Orders from the Council-Board, thoſe Ships and Defence that were made, was *at ſumptu* of the Subject: So as, my Lords, by this that hath been ſaid it doth appear unto your Lordſhips, that there was not any Clauſe in this Writ, either for the Direction, Motives, Mandates and Penalties; but are warranted by former Preſidents, that I have collected and reduced unto theſe ſeveral Heads. I ſhall now remember unto your Lordſhips divers things; and in the firſt place obſerve, that *William* 1. came not to abrogate any former Law, but was ſworn to obſerve *Antiquas Leges Anglicanas:* That appeareth in *Lambert* 125. So every Man, by this Law, which was but a confirmation, muſt provide *pro viribus & facultatibus.*

I find in the Grant, that *William* the firſt made unto his Abby of *B.* of his own Foundation, a Charter to be free from *Danegeldis & omnibus auxiliis*: If they had not been freed, they had been ſubject. I find *Pat.* 7. *Jo. M.* 3. The King authorized *Walter Scot*, and others, that *omnes Naves, &c.* which could carry ſix Horſes, which they ſhould find, to arreſt and command all to aſſiſt as they love us and our Peace in our Realm, 14 *Jo. M.* 6. As your Lordſhips have heard all the Ships were arreſted that could carry ſix Horſes, and to be at *Portſmouth M.* 2. all the Ships of the Ports were to go in this Service, without expreſſing for what Particulars, *Cl.* 12. *Jo.* 7. *Do.* commandeth all the Ships to be brought to the *Thames* mouth: So here was not a laying down the continuance of it.

So

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So *H.* 3. time, *Cl.* 14 *H.* 3. *m.* 12. *Do.* All Ships taken that could carry 16 Horſes, *Cl.* 15 *H.* 3. *M.* 17. *Do.* Command for the furniſhing of Armed Men with Victuals, and other Proviſion for 40 days; and there was the like Command to the Sheriffs in ſeveral Counties, *Cl.* 26. *H.* 3. The King commandeth the Men of *Yarmouth* to have their Ships ready with Men and Arms: The ſame Roll to find 10 Ships to go to *Piccardy*, *Pat.* 48. *H.* 3. *M.* 3. *Do.* Writs to the ſeveral Port-Towns, that no Ships ſhould go beyond Sea, but all to ſtay at home. Thoſe who returned from guarding the Sea-Coaſts were puniſhed by Impriſonment, ſeizure of Goods and Chattels, *M.* 4. ſame Roll *Do.* Proviſion to be made till further uſe be had; ſo it was not confined unto time, but unto occaſion, as need ſhould require. And there be divers others in the time of *H.* 3. upon other occaſions, which I have remembred in that time of *E.* 1. All the Port-Towns were appointed by the King and His Council, how many Ships every one ſhould ſet forth, *Vaſc.* 22 *E.* 1. *M.* 11. *Do.* *N.* 6 The King of *England* in that Writ doth ſtile Himſelf *Superior Dominus Regni Scotiæ*, &c. and ſendeth His Writs to the King of *Scotland*, to let him know the King of *France* had taken part of *Gaſcoigne*, an Inheritance of the Crown of *England*, that he ſhould, *in Fide & Homagio*, be at *London* with Horſe and Arms, *&c.* This Writ is very obſervable, the King of *England* is *Superior Dominus*, a part of *Gaſcoigne* then loſt: The King of *Scotland* was required by this Writ, as well as requeſted, to give him Aid, for the Recovery of thoſe Grounds taken from him in *Gaſcoigne*.

My Lords, This Power is not confined only to *England*, but it reacheth (as great Lord) into *Scotland*, alſo into *Ireland*, *Vaſc.* 22 *E.* 1. *N.* 5. *Dor.* The King by His Writs commandeth divers Earls and others of *England* and *Ireland* to do the like, to ſend Men to *London* with Horſe and Arms; the ſame *Rot. Vaſc. M.* 13. *Dor.* All that claim to be of the liberty of the Ports, were commanded *Pat.* 23 *E.* 1. *M.* 1. 5. 7. All Ships of 40 Tun were to be furniſhed and provided for the Kings Service, *Cl.* 23 *E.* 1. *M.* 5. every Man is compelled to contribute; ſame Roll *M.* 40. that did not inhabit in the Maritime Towns; yet if they had Land there, they muſt contribute; reſident or not reſident within or without their liberty, all muſt contribute.

My Lords, in that VVrit which is *Cl.* 23 *E.* 1. *M.* 5. *Dor.* I will obſerve theſe things: 1. A Command unto all Biſhops, Abbots, Lords Spiritual and Temporal, *Quod ſint intendentes reſpondentes ad Cuſtodiam Maris.* 2. In contingent Cauſes. Thirdly, VVrit ſaith, *Quod omnes ad Arma*, &c. *Secundum Statum*, &c. *Ad transferendum* [illegible] *nobis.* And poſſeſſion of Goods and Lands to be taken for the Cuſtody of the Sea, as in times they were accuſtomed; ſo it is to be done in this manner, as in times paſt.

Fifth place, the VVrit was directed to ſeveral Sheriffs *per Corpora, Bona & Terras* to diſtrain. Next 24 *E.* 1. *M.* 15. the King commanded the Arch-Biſhops, Biſhops, Barons, all the Commonalty, to defend the Maritime Parts, *Cl.* 24 *E.* 1. *M.* 19. *pro Cuſtodia Maris*. There was another of *Simon* [illegible] which I remembred before. 24 *E.* 1. *Rot.* 76. Another of the like *Rem' Regis.* *Cl.* 15 *E.* 1. *M.* 26. *Do.* The King moderateth the Expences of the Country, when [illegible] to be re[illegible] Roll, [illegible] Power [illegible] Scots [illegible] E. [illegible] to [illegible] forth S[illegible] fo[illegible] Pat. 10. E. [illegible] to array [illegible] Lands [illegible] Claus. [illegible] 2. [illegible] ployed, Cl. 2[illegible] ford; the were [illegible]

[illegible] Wa[illegible] as app[illegible] m. 2[illegible] of the Sea [illegible] ding [illegible] all Ships [illegible] Realm, and have a Power to [illegible] the Sheriffs to raise *Poſſe Comitatus* to [illegible] 26 *E.* 3. *Pat. pars* 1. *m.* 7. The King, [illegible] ties, commanded, That all Men be[illegible] dineſs [illegible] the *Sea.*

Franc. [illegible] 31. Command[illegible] ters to aſſiſt *Andrew de Gulpho* in the [illegible] ping, and to bring them to *Portſmouth* [illegible] your Lordſhips ſee that the Inlands [illegible] ed for Shipping. *Pat.* 28 *E.* 3. *m.* [illegible] The King [illegible] to arreſt all Ships of 20 [illegible] upwards, [illegible] to *Southam*[illegible] rected [illegible] di- of Men [illegible] arraying commanding [illegible] divers Writs, [illegible] ſhould [illegible] to [illegible] the Ene- [illegible] Proclamation, That all, having Lands upon the Sea-Coaſts, ſhould repair thither

with

Mr. Attorney General his third days Argument.

May it pleaſe your Lordſhips,

THe Matters I did propoſe to inſiſt upon this day, was the anſwering of the Objections, I ſhall uſe no Preamble, no Repetition to induce what I have to ſay: But in the anſwering of the Objections I ſhall firſt give anſwer to the ſeveral Acts of Parliament inſiſted upon, then unto the ſeveral Records and Reaſons that have been urged; and in the laſt place I ſhall anſwer the Exceptions that have been taken unto the Writ 4 *Auguſti,Mittimus*, and form of Proceedings.

The firſt Act that they have inſiſted upon,is that of *William* 1. Call it what you will, an Act or a Charter: The words of it are verbatim in *Matthew Paris. Volumus & concedimus quod omnes liberi homines ſint quieti ab omni Pallagio,* &c. Surely this Act of Parliament or Charter, it doth no way trench upon this Royal Power: For, as in the beginning of my Argument I opened unto your Lordſhips, that this Power was inherent in the Kings of *England* before the Conqueſt; here is only a Conceſſion, that they ſhall be free *ab omni injuſta exactione*; now this is no unjuſt exaction, for it is of common Right; and then the other part of this Law doth explain it, for it ſaith, That *ſumus fratres Conjurati,* &c. ſo far as the Defence of the Realm: By the ſame Law they would urge to take away this Power, by the ſame Law it is reſerved.

Next place they inſiſted upon, was the Charter 10 *Jo.* or on *Magna Charta*, as they call it, which indeed is mentioned in *Matthew Paris*, and may be under the Great Seal: The words of that are thus. *Nullum ſcutagium vel auxilium, niſi per Commune Concilium militem faciend', & maritand' fil'*, &c. This Charter it is, as was acknowledged by themſelves, granted at *Rumny-meade*, when the Banners were diſplayed, wheu there was War or Rebellion, between the Barons, Commonalty, and the King. It was not aſſented unto the King ſitting in Parliament; for Parliaments are not called with Arms, and in the Field: It was in truth an inforced Act from a diſtreſſed King; ſhall this bind the Crown? I ſhall remember the Acts of Parliament made 15 *E.* 3. and there only were things that were in Parliament enacted derogatory to the Crown, as this is, that no Peer ſhould be queſtioned but in Parliament, that no great Officer be removed but in Parliament, that no Clergy-man ſhall come before Temporal Judges; theſe were things that were much derogatory to the Prerogative of the King.

15 *E.* 3. That King the ſame year, when he was better adviſed, did make a Charter, which is in Print, for the re-calling of this prejudicial Act of Parliament ſtill in force.

It appeareth by the Parliament Rolls, and Printed Books, where the King declareth, it was drawn from Him with an unwilling mind, and was prejudicial to the Prerogative of His Crown; and therefore by that Charter it was repealed.

But, my Lords, this Charter 17 *Jo.* if this ſhould be in force, why hath there been no confirmation of it in ſo many Parliaments ſince?

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ſince? The Statutes of *Magna Charta*, 9 *H.* 3. hath been confirmed 31 times, why no confirmation of the Charter 17 *Jo.* and why have we not heard of it ſince that time? Reaſon for it, becauſe it trencheth too high on the Prerogative of the King and Crown. But take the words as they are; what be they? *Nullum ſcutagium niſi per Commune Concilium Regni noſtri.* If it were an Act, doth this extend to take away any thing of common Right unto the Crown? And that hath been the Expoſition of my Lords the Judges of Acts of Parliament, That Aids due of common Right are not taken away by general words of *Commune*, &c. And therefore theſe Aids due of common Right, as this is, are no way taken away; beſides, for the Statute of *Magna Charta*, it is made, 9 *H.* 3. *Cap.* 29. *Nullus liber homo capietur, aut impriſonetur, niſi per Legem*, &c.

The general words of this Act of Parliament doth no way impeach the Royal Power; for this Royal Power it is *Lex Terræ*; beſides in theſe Preſidents, 14 *H.* 3. 15 *H.* 3. 26 *H.* 3. 48 *H.* 3. and all the ſucceeding Kings remembred in all them, that theſe Writs went out to provide Shipping at the Charge of the Inhabitants: So ſurely, if they had been taken away by *Magna Charta*, the Writs after *Magna Charta* would not have uſed it.

Obj. But then there hath been objected the Statute *de Tallagio non concedendo*; if it be 25 *E.* 1. as it is printed, or 34 *E.* 1. or, as the Petition of Right doth recite it, *Temps E.* 1. Be it when they will; I ſay, under favour, there is nothing in that Act doth take away this Power: The words are thus. *Nullum Tallagium vel auxilium, ſine voluntate Epiſcoporum, Baronum, Burgenſium*, &c. Mr. Solicitor, in his Argument upon probable Grounds, did make queſtion, whether this was an Act of Parliament, yea or no?

1. In reſpect it was not inrolled among other Acts of that time.
2. Becauſe the Penning of it may rather ſeem to be an Abſtract.
3. Becauſe when the other Acts of thoſe times were ſent over to *E.* 1. to be Sealed and Confirmed, no ſuch Act was ſent over.

My Lords, I will not lay hold on this; but will admit with them, that as it is recited in the Petition of Right to be an Act of Parliament, ſo I will admit, (yet to wave nothing that hath been ſaid) but by way of Admittance I give this Anſwer.

Anſ. 1. That it taketh away no Aids that are due by the Aids of the Realm; yet the words are general, *Nullum ſcutagium vel auxilium, niſi aſſenſu Parliamenti*, &c. Here is not in this Act of Parliament ſo much as an exemption of an Aid to Knight the Kings Son, or to marry the Kings Daughter; Yet in this the Law is reſolved, that theſe Aids are not taken away. And ſo it is declared, 25 *E.* 1. *Ca.* 11. which doth reduce theſe Aids unto certainty, ſo as your general words of *Nullum auxilium* will not do it. If this be an Aid due by the Law of the Land, then I ſay this is not properly an Aid; but a Contribution of King and People for the Defence of the Realm: It is *ad proficiſcend' cum Navibus Noſtris*; then I ſay, that this Power is *inter Jura Summæ Majeſtatis*, one of the higheſt Prerogatives of the King, and ſhall never be taken away by the King, 12 *H.* 7. Stat. *quia emptores terrarum* doth not extend unto the King to take away his Tenure; If you will have ſuch an high Prerogative taken away, you muſt ſhew it in the Acts of Parliament. Nay, my Lords, I ſay that in the time of *E.* 1. this Royal Power is expreſly reſerved by Act of Parliament unto the Crown, and therefore in after times never intended to be taken away.

(1.) I ſhall inforce it out of the Statute of 25 *E.* 1. *cap.* 5, 6. That doth recite that Aids and Taxes which have been given unto us before time towards our Wars and other Buſineſſes of our own grant and good will, howſoever they were made might turn to a Bondage, *&c.* We have granted that we ſhall not draw theſe Taxes into a Cuſtom, *&c.* and do grant that for no Buſineſs henceforth we ſhall take ſuch manner of Aids, but by a common conſent of the Realm, *&c.* ſaving the antient Aids due and accuſtomed. This Aid is not taken to be an Aid, for this was never given unto the Kings of *England*, but taken by Royal Power, the Statute of 25 —— ſpeaketh of ſuch Aids as have been given, and excepteth ſuch Aids as have been due and accuſtomed, and by the Preſidents ſhown it appeareth thoſe have been due and accuſtomed. It hath been deſired *fide & Ligeantia* and with a *Mandamus*, 2 *E.* 1. *cap.* 1. This Statute doth confirm the great Charter, and the Charter of the Forreſts. But in the end of it in the Parliament Roll, that notwithſtanding all theſe things before mentioned, both the King and His Council, and all they preſent at the making of this Ordinance, will intend the prerogative of His Crown be ſaved unto him.

A further Anſwer to the Statute *de Tallagio non concedendo*, the practice that hath been ſince the time of *E.* 1. in the time of *E.* 2. *E.* 3. *R.* 2. and the practice ſince doth ſhew plainly that it was never intended by the Statute to take away this Royal Power. But then a thing materially objected, if the Records had warranted what had been ſaid, and that was *Rot. Parl.* 29. *E.* 1. and there it was ſaid that though there be a ſaving 25 *E.* 1. 28 *E.* 1. yet here is no ſaving in this Act, ſo then Act of 29 *E.* 1. all was loſt.

My Lords, In this, I ſay, there is *nul tiel Record*, and therefore I ſhall deſire that this which they call an Act, 29 *E.* 1. I may attend your Lordſhips, which by the Record it doth appear that it is only a Record of the perambulation of the Forreſt, and no repealing of any former Law, neither is any thing enacted by that Law derogatory to the Crown.

Next Statute objected, 1 *E.* 3. *cap.* 5. words are, that no man ſhall be charged to arm himſelf otherwiſe than in the time of the Kings Progenitors, and that none be compelled to go out of his Shire, but where neceſſity requireth, and ſodain coming of ſtrange Enemies within the Realm. So this Statute is relative to what hath been formerly done, and what hath been formerly done appeareth by the Records of King *John*, *E.* 1. that the Subjects were to ſet forth Ships for their defence, at their own charge, then thoſe Writs went out in *E.* 3. time, as hath been ſhewed. And then this Statute alloweth in two caſes, one where neceſſity requireth, the other upon the ſodain coming of ſtrange Enemies; and this Writ requireth no other, but where neceſſity is in the Kings judgement.

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Obj. Next Statute of 1 *E.* 3. *cap.* 7. was objected where men of Armes were conveyed into *Scotland* and *Gaſcoign* without wages; the King ſaith it ſhall be done ſo no more: the Statute mentioneth *Scotland* and *Gaſcoign*, foreign wars, and ſo foreign to this buſineſs; for though *Scotland* was ſubject to the dominion of *England*, yet it was adjudged a divided Kingdom. 8 *R.* 2. continual claim *Com.* 376. That a Fine ſhall be paid by a Stranger, becauſe he was in *Scotland* at the time of the Fine levied. *Bract.* 436. an Abjuration into *Scotland* is good, 6 *R.* 2. protection 46. that *Scotland* is out of the Realm. Therefore this Statute that ſpeaketh of *Gaſcoign* and *Scotland*, ſpeaketh of foreign Wars, not of Defence.

Next 10 *E.* 3. *cap.* 7. Men of Armes, Hoblers and Archers ſhall be at the Kings wages. This Statute likewiſe ſpeaketh of going out of *England*; but he that is upon defence of the Kings Seas, he is not out of *England*, for that 6 *R.* 2. protection 40. The ſending of Ships for the defence of the Coaſts is no going out of *England*.

Obj. Next Statute 15 *E.* 3. *cap.* 8. no man ſhall be conſtrained to find men of Armes, Hoblers or Archers, otherwiſe than thoſe who hold of ſuch ſervices without Common Conſent. My Lords, This Statute of 25. doth not take away any former Laws, in that Statute of 4 *H.* 4. *cap.* 13. theſe three former Statutes of 1 *E.* 3. 18 *E.* 3. 25 *E.* 3. are recited in the Statute of 4 *H.* 4. and enacted they ſhall be firmly holden and kept in all points. So if theſe Statutes muſt be kept firmly in all points, then the Statute of 25 *E.* 3. doth not repeal any of theſe: Now that of 1 *E.* 3. *cap.* 5. reſerveth a power unto the Crown, where neceſſity requireth, and when ſodain Enemies come. 26 *E.* 3. thoſe Ships were ſent forth, and commanded for the defence of the Realm at the charge of the Subjects, *Rot. Fran.* 26 *E.* 3. *m.* 4, 5. *Fran.* 28. *E.* 3. *m.* 6. ſo as clearly there is no part of this Power impeached by this Statute of 25.

Then they have objected Parliament Roll, 2 *R.* 2. *No.* 3. Earles and Barons and other Sages of the Realm declared the great miſchief by Sea and Land, and therefore declared they could not remedy this miſchief but by charging of the Commons, which cannot be done without Parliament.

This is no Act of Parliament, it is but a Parly or Diſcourſe and Communication between the Lords and Commons. It was in 2 *R.* 2. in the nonage of a young Prince, who did not aſſent, for there was no Royal aſſent unto it, ſo no proof in this Caſe.

Next Record 9 *R.* 2. *parl. no.* 10. there was a tenth and a half and fifteenth and half granted to the King, upon condition contained in the Schedule, which is that the King ſhould aſſent that the Officer ſhould be named in Parliament, and Servants be appointed for diſpence of the money.

If the King will accept the Subſidies and Aids upon condition, doth this take away the Royal Power? there is no more done in this than was in the Parliament 21 *Jo.* for there the Officers and Treaſurers were appointed by the Houſes of Parliament. But then further it doth appear, that this was granted *pro viagio Johannis Regis de Caſteel, &c.* ſo that it was not granted for the Cuſtody of the Sea, but for this voyage. Next place they inſiſted upon the [illegible] great and urgent occa[illegible] My Lords! This [illegible] upon the subjects, [illegible] them [illegible]

[illegible] and Po[illegible] to the [illegible] Passages, which have been [illegible] Grants [illegible] your Lordships [illegible] was [illegible] is [illegible] charge, it is to know the [illegible] Subjects levied [illegible] upon [illegible] Money [illegible] done [illegible] any [illegible]

My Lords, In the next place they insisted upon the [illegible] by S[illegible] [illegible] away the [illegible] and [illegible] Objections [illegible]

The next place for [illegible] scandalous Objections [illegible] been [illegible] Mr. H[illegible] 25 E. [illegible] Acts before H[illegible] they [illegible]

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[illegible] the Acts of Parliament made [illegible] that [illegible] made void by any clauſes added by the [illegible] added [illegible] a great [illegible] Record, and that [illegible] to make any ſuch alteration againſt Records ought not to be [illegible].

[illegible] the [illegible] in *Magna Charta*, which is for the liberty of the Subject. [illegible]

Next place they have [illegible] the Parliament Rolls 33 E. 1. [illegible] Petition made to the King to [illegible] of the money [illegible] the Treaſure [illegible] give ſatisfaction [illegible] and [illegible] theſe moneys for which [illegible] given for ſatisfaction [illegible]

[illegible] 33 *E.* 1. *fol.* [illegible] *Rex* [illegible] *ſatisfaction* [illegible] *potent*, [illegible] is for monies taken [illegible] the Kings uſe, therefore [illegible] ſhould be given.

[illegible] *Parl.* 8 *E.* 3. *n.* 8. [illegible] did Petition to have ſatisfaction of [illegible] taken by the King out of the Treaſury. [illegible] this Record was touched two days ago [illegible] upon the reading it will appear to be upon another [illegible] *Soit ſe Roy, &c.* but there was cauſe and reaſon why [illegible] ſhould [illegible] ſatisfaction.

[illegible] Record, *Parl.* [illegible] and [illegible] highly magnified by them; that there were [illegible] Commiſſions went out to inquire of [illegible] of Woods, and other particulars, *de* [illegible] *Mari*, and in this it was affirmed by all the Kings Council [illegible] their [illegible] Clauſes [illegible] out of the Writs [illegible] concern [illegible] Chattels [illegible]. *This* Commiſſion [illegible] to this purpoſe, [illegible] Commiſſions daily come; there are Taxes laid upon men heavier than they ought to [illegible] [illegible] to inquire of Grievances [illegible] taken ſhall be reformed; But [illegible] to impeach his Royal Power. And my Lords, for the [illegible] in the Writs [illegible] Refuſal [illegible] Goods, [illegible] Commands [illegible] Com[illegible]

[illegible] Objection, that the Kings of *England* [illegible] always [illegible] defence of the Realm, [illegible] the Aides and Subſidies [illegible] granted by [illegible]

[illegible] this Realm [illegible] it ſhall [illegible] and [illegible] Power erect Courts of Juſtice.

[illegible] Wards was [illegible]

[illegible] were compelled [illegible]

Ans. You shall see [illegible] and so [illegible] *De exoneratione Regis* [illegible] [illegible] was a desire of a [illegible]

[illegible] Surely this [illegible]

[illegible] for other [illegible] and [illegible] which was the defence of the Realm [illegible]

[illegible] Chief Justice 7 E. 4. [illegible] that the King [illegible] of [illegible] the Law.

[illegible] only for ordinary [illegible]

Obj. Then they [illegible] the Office of [illegible] the Byer and Seller, and [illegible] of 13 E. 4. declares to be a void Office [illegible] Judgement was given 13 E. 4. [illegible] that therefore there should be no new Office [illegible] with a Fees void in Law.

Sol. For Answer unto this, (1.) [illegible] was this; it appeareth [illegible] Linnen Cloth was [illegible] that no other man [illegible] a void Patent. Therefore [illegible] the Office was void, [illegible] 13 E. 4. fol. 9. The Office [illegible] 17 E. 4. fol. [illegible] no Fee, [illegible] but it is said because it [illegible] may hold [illegible] of the King [illegible]

[illegible] it taketh down [illegible] good, and upon such [illegible]

[illegible]

See the Record in the Tower.

13 Carol.

rer and under Treaſurer that looketh into the ſecrets [illegible] of his Eſtate, and they know well whether his ordinary or extraordinary Revenue do anſwer more than his Annual expence. The ſtory of *Actæon* might deter men from looking into the ſecrets of Princes.

For his Tenures, that Knight-ſervice tenure was originally inſtituted for the Service of *Scotland* and *Wales*, 19 *R.* 2. *Fitz. Gar.* 165. and old Tenures *fol.* 19. thoſe Called Tunnage and Poundage, when they were given it was meerly for the great charge of this great defence.

And beſides thoſe Acts of Tunnage and Poundage only concerned the ordinary defence, the ſending forth of the 75. Ships out of the five *Ports*. It was but for 15. days at their own Charges, and for your profit of the Sea of Sturgeon and Whales, a proper defence for a King. And for the ſervice of the Ports, you may remember by the Records ſhewn, they were Commanded [illegible]; but then they have granted the Caſe, and I think but one, that the King may obtain a Toll in a Fair or Market, or grant Pontage or the like, becauſe there is an *ad quod damnum*, and therefore ſhall be an inquiry *ſi Patria gravaretur*. The King may grant a Fair without an *ad quod damnum*, if in his Judgement, *&c.*

Rot. Sco. 1 *E.* 3. *m.* 8. Writ directed to the Treaſurer, to pay for the ſhipping at *Yarmouth*. My Lords, it doth appear particularly in the Records, that *E.* 3. was Admiral, and going into *Scotland*, ſo the defence was for a foreign War.

It hath been mightily inſiſted upon, that here needeth no Command to furniſh Ships by the Kings Writs; every man by the inſtinct of nature will do it, where is neceſſity of Royal Power or Command needs; ſurely this Argument is made by the People, or to pleaſe the People; what will the Conſequence of it be, but the introducing of a Democratical Government when man ſhall be his own defender. The God of Hoſts choſe Captains and Leaders to go before his People, and commanded them; but to give the People this liberty, that every man ſhall do as he pleaſe, and make a defence by inſtinct of nature, is a ſtrange Poſition — But it hath been ſaid in theſe Caſes, it is better to ſuſtain a miſchief than an Inconvenience; by this Inconvenience every mans property is taken away from him as often as the King pleaſeth, and what proportion he pleaſeth: This though a Maxime in Law, yet it goeth unto particulars; but the loſs of a Kingdom is both Liberty and Eſtate; this is not to be reckoned amongſt the miſchiefs, for this miſchief deſtroyeth both Head and Members, therefore I do marvel to hear the Rule of Mr. *Holborn* ſuffer a Miſchief, rather than an Inconvenience.

Next Objection, *Parl.* 2 *H.* 4. *nu.* 22. *pur faire Barges*. This was the Petition of the Commons, that the Commiſſions granted to Cities, Boroughs and Towns for building of Barges ſhould be repealed; the Kings Anſwer for the preſent they ſhould be repealed, but for the future for caſe of neceſſity he would adviſe with the Lords: It doth not appear that theſe were granted for the building of any Ships for the defence of the Realm.

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These are the Objections that have been made out of the Acts of Parliament, out of the Records and Reasons they have insisted upon; now I come to the Exception and Objection against the Writs and Proceedings in this manner.

1. They say there was no sufficient danger represented by the Writ 4 Aug. They say the Scire facias by a *Mittimus* doth come too late, and that the words of this *Mittimus* are not a good affirmative, *quia salus*, &c. and it doth not appear there was any danger 4 *Aug.* 11. For this I have given it an Answer, that it was not necessary to represent the danger in the Writ. The King he hath secret intelligence, he hath his Spies abroad, His Ambassadors beyond Sea, he knoweth the danger we know not, nay, that which is not fit to be discovered; and those dangers by proportion perhaps diverted another way. It is not fit by a publick Writ to reveal the danger.

Prout in le Brief.

But my Lords, for the satisfaction of His People he hath expressed sufficient cause enough in the Writ, *Quia salus Regni periclitatur*, &c. they say there was no danger represented at that time when the Writ went out; that is mistaken, for the Writ of *Mittimus* doth recite 4 *Aug.* and saith *quod quidem periculum Regni*, &c. Which sheweth the danger was the cause of the issuing of those Writs; then they except this same word *salus*, it is a Physical word signifieth health, and you must have no Metaphors in Writs; surely the Gramarians can tell that *salus* is taken *pro incolumitate*, as for health, for safety; Metaphors are usual in Writs; I dare be bold to speak there are more Metaphors in the Register, than in any Book. *Register* [illegible]

Then they have left no stone unturned in this Case. Now, they say the Kings Testimony by His Writ is not sufficient; for that under favour it is *Teste meipso*, without exception we are bound to give credit unto it. [illegible] *Eliz. fol.* 10[illegible] *Nota, si Rex*, the King affirms *I. S.* will go beyond sea, saith the Book, this averment of the King in His Writ, it is not Traversable, you shall not aver against it. The Case remembred by Mr. *Solicitor*, which was mistaken by Mr. *Holborn* in the Answer *Hill.* 20 *E.* 3. *Coram Rege Rot.* 14. he said these words vouched in the Record, was but the saying of the Kings Council, and not the opinion of the Court; clear otherways, for it was the saying of the Judges, and then agreed *quod Dominus Rex est superlativus Recordum & potentius*; will your Lordships give credit to the Certificate of the Marshal of the Kings Host,

To the Certificate of the Captain of a Company all the men be in the Kings service, [illegible] *Hen.* [illegible] to the Certificate of a Bishop in case of Bastardy, to the certificate of a Major and Aldermen by the Recorder, [illegible] 30. 22 *Ed.* 3 [illegible] 16. and will you not admit of the Certificate of the King by his *Mittimus*?

Next exception was taken to the *Scir' Fac'* that this *Scir' Fac'* ought not to go forth upon this, as a Duty for the King.

1. The Writ [illegible] doth direct the form of levying, which is by distress or imprisonment of those that are Rebels.

2. It is no Duty to the King, and therefore ought not to be levied by *Scir' Fac'*.

My

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My Lords for this, this Duty is a Duty to the Common-Wealth; it is pro defensione Regni Thesaurus publicus respicit Regem; whosoever shall detain any publick Duty, he may be questioned by the King as the Head of the Body; for this it appeareth [illegible]. It was declared, that J. A. and J. B. had levied 100 Marks on the County for the Array of certain Archers, which Money did not come for the Profit of the King; Out of this I observe two things: 1. This Money that was for Archers, the Money was levyed on the Body of the County. 2. Recovered by an Indictment at the Kings Suit, 27 *Aſs. pl.* 17. 11 *H.* 4. *fo.* 2. the Fees of the Knights of the Shire that served in Parliament, they are esteemed as publick Duties; therefore the Goods of a stranger may be taken within the Town to pay those Fees; If the Money be not paid, the distreſs may be sold, for it is for a publick Duty, so it is, and ſo is the Book, *Reg.* 19. 2. The King commandeth the Sheriff to levy those Fees, as well within the Liberty, *quam extra*, *Paſc.* 20. *E.* 3. *Rot.* 47. *coram Rege Juratores* [illegible]. They make a Preſentment, that *J. A.* and *J. B.* Chief Conſtables of [illegible] paid Wages to Archers which went not beyond Sea.

So as by this Record, it appeareth, these publick Duties are recoverable at the Suit of the King, *Quia ad opus Domini Regis*, *Paſc.* 14 *E.* 2. *Rot.* 101. The King commandeth an Account to be taken of the Murage, and how the Sums have been employed, [illegible] *E.* 1. *coram Rege* [illegible] *Rippon* was beſieged, they gave Hoſtages; Promiſe made by the Town, that thoſe Hoſtages ſhould be redeemed, they were not, complaint made unto the King, and came to the *Kings-Bench*; and the Monies being part that was promiſed by the Town, for bringing back of thoſe Hoſtages, was ordered to be paid, becauſe it was for the publick Service. So for other things that are *pro Commodo* [illegible]. *Mich.* 13 *Eliz.* *Rot.* 4. *Aurum Reginæ*, due unto the Queen, may be levied by Proceſs out of the *Exchequer* in the Kings name; nothing more uſual. This *Scir' Fac'* it is grounded upon the whole matter, the Writ 4 *Aug. Cart.* and *Mittimus*, and commanded that the Defendants ſhould ſhew cauſe why they ſhould not pay the Monies aſſeſſed upon them for the publick Service.

My Lords, I have done with the Objections, I ſhall come to the Judicial Records, 24 *E.* 1. *ad Cuſtodiam Maris*, *Berk-ſhire*, an Inland County, refuſed to contribute; the Names of thoſe that made default were certified into the *Exchequer*.

It appeareth by the Records cited, that Proceſs went out of the *Exchequer* in the ordinary manner, *pro Capiend'* their Lands, Tenements, Goods and Chattels, and also their Bodies with Horſe and Armour to come to *Portſmouth*, &c. beſides the doing of their Services, the ſeizure of their Lands and Goods. The [illegible], *ex parte Rem' Theſaurar'*, on the other ſide [illegible] gave information unto the Chancellor of the *Exchequer*, and Barons, in the abſence of the Lord Treaſurer and Biſhop of [illegible] the preparation of Men in *Flanders*, (this being remembred before to another purpoſe.) It appeareth, after Conſultation had, they did reſolve to ſend forth two Writs, one to the Towns, the other to *T. H. Cuſtos Maris*, to call in for defence of the Maritime Parts; *ex parte Rem' Regis*, 24 *E.* 1. *Rot.* 80. *Henry Huſſey* was ſeized of the

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Mannor of W. in *Berk-shire*, he was assessed to find a Horse *pro Custod' Maris*; he complained in the *Exchequer*, he had not the whole Mannor, and yet was assessed to find a whole Horse; so he did not come and say, I ought not to be taxed; he submitted to the Power, and desired a mannerly Contribution, 25 *E.* 1. *Rot.* 72. The Abbot of *Robertsbridge* Case remembred on both sides divers times; under favour, the laying of the Hire in the Record, is a very full Proof in this Case; he brought a Replevin against *Jo. S.* for taking of his Goods, an In-land Town in *Kent*, he pleadeth the Confirmation between our King and the King of *France*, and Defence assigned keeper of the Sea. That the Plaintiff was assessed unto 7 *l.* 7. *d.* [illegible] 22. 13 & 23. 15. 14. and the Defendant being Collector, did distrain. The Plaintiff did not say in Bar of this, he ought not to be taxed; but he was seised *ad inveniend'*, &c. for such Lands.

The Defendant, saith the Plaintiff, did hold other Lands in the County, and for that Land he was assessed; now, this doth affirm the Power of taxing, *Hill.* 16 *E.* 3. *Rot.* 23. *coram Rege.* The Jury of *Norfolk* did present, that *Jo. Russel* and others, 8 *E.* 3. were Hoblers elected in the Hundred of E. and staid at home; they plead not guilty; the Jury find that *Jo. Russel* did perform the Service, but *Jo. S.* did not perform, therefore committed to Prison, and paid a Fine unto the King. By this Record it appeareth, the Money paid to the Archers and Hoblers was at the Counties Charge.

Methinks the disclaimer that is by the Commons, 13 *E.* 3. *Parl.* *N.* 9. 11. is in nature of a Judgment in this Case; for there they did disclaim they had no Counsel, and there likewise upon their own confession, that the Maritime Parts ought to defend by their own Charges, as the In-land Parts the In-land Counties; This Confession, 13 *E.* 3. is a strong Argument, *Parl.* 21 *E.* 3. *Rot.* 20. when the Commons did petition *de garde le Mare*, answer *soit garde fait*, and that was at the Charge of the Country, as your Lordships know.

20 *E.* 3. Divers Ordinances made, which Ordinances made had the force of a Law: The King and His Council did ordain, *Quod omnes illi*, &c. which have such a quantity of Land, should be assessed to find one Archer. *Decem librat' terræ Hobelar', viginti libr' a Hobelar', 25 libr' unum hominem ad Arma.* This appeareth *Fra.* 20 *E.* 3. *pars* 1. *M.* 17. in the County of *Bedford* and *Bucks.* In the same year another Ordinance, that those that did reside with their Families, *cum tota posse*, within six Miles of the Maritime Parts, were excused for finding of Men without.

My Lords, Upon the occasion of this Service there was divers refusals made. Certificate by *Ministers* of their Names into the *Exchequer*, as in this Case. *J. T.* and *W. G.* were certified defaulters among others; upon this the Court of Exchequer they award Process against these Men and others, which was a *Capias in manu* Seizure of their Lands and Goods; they came in and pleaded, that they did reside *infra sex leucas* with their Families, and all their Power: Issue joyned upon this, Jury impannelled, and it appears, those that were found within six Miles, Judgment *quod sine die*, but for others imprisoned and fined, for so much Land as they had without

[illegible]

out of the Exchequer, and [illegible] the value of [illegible]

My Lords, I have [illegible] ſome few among many [illegible] it is now [illegible] to draw unto ſome concluſion.

Herein your Lordſhips [illegible] that He is an abſolute Monarch, and [illegible]

[illegible]

This Tacite [illegible] Supream Juriſdiction [illegible] ed. And from him lieth no Appeal. And [illegible] tution of the Laws of this Realm, what was once in him [illegible] never granted from him; he hath [illegible]

[illegible] of England may [illegible]

[illegible]

[illegible] fort of [illegible]

[illegible] Was [illegible] Parliament, when Parliaments were, and in thoſe years [illegible] great

And

3. By a further Admittance, admit the King had Power to Charge, and Power to Aſſeſs, Whether can he levy the Money unpaid by this courſe of *Certiorari* and *Mittimus*, as he might do if it were his own proper Debt?

The firſt Queſtion is, Whether or no upon the whole Record the Caſe appears ſo for the King, that 4 *Auguſti* 11 *Car.* being the Date of the Writ, the King could by His Writ charge the County of *Buckingham* for finding a Ship of War? As it hath been on His Majeſties part ſtated, by the Kings Solicitor, who ſtated his Queſtion in theſe Words.

The Queſtion as it was ſtated by the Solicitor-General.

BEfore I enter into my Argument, becauſe the true ſtating of a Queſtion in this and all other things doth exceedingly conduce to the clearing of a thing in queſtion. I ſhall in the firſt place obſerve the Writ Dated 4 *Auguſti* 11 *Caroli*, (the ground of this Aſſeſs) which was directed into *Buckingham-ſhire*, and into all the Counties of *England*; and this was for raiſing of Money towards the Proviſion for Ships for the Defence of the Kingdom, with a notable Circumſtance, *Quia ſalus Regni periclitabatur*; which being expreſſed in the Record, is confeſſed by the Defendants demurrer; and not only ſo, but teſtified by the King Himſelf under the Great Seal, (in the *Mittimus*) and in all matters, eſpecially concerning the publick ſafety. The King is *Recordum Superlativum, & ſuper precellens*, as is ſtiled in the great Caſe between the Earls of *Glouceſter* and *Hereford*, 20 *E.* 1. ſo that the Queſtion is only thus; Whether the King, finding in His Judgment the ſafety and preſervation of the Kingdom and People, neceſſarily and unavoidably to require the Aid commanded by this Writ, may not command ſuch Aid by Writ, for ſaving and preſerving the Kingdom and People?

Wherein, I confeſs, there is not a word but hath its weight. As to this Queſtion thus made, I ſhall make three Exceptions, which are things taken in to be granted, which I ſhall not agree to, if I can avoid them.

1. That, at the leaſt, in the Kings Judgment, the ſafety and preſervation of the Kingdom was endangered 4 *Auguſti*; that is, that the Kingdom was in danger to be loſt.

2. If it be ſo, that the Kingdom was in ſuch danger, and that the danger was ſo inſtant and unavoidable, that it neceſſarily required this Aid by this Writ, (that is) it required a preſent Charge of Shipping preſently, 4 *Auguſti* 11 *Caroli*, to be forthwith commanded, and that the expectation could not ſtay for a Parliamentary Conſideration and Supply: Theſe be the things wherein we differ.

And laſtly, for the truth of it, that the Certificate under the Great Seal, was ſufficient in a Legal way. Theſe are three things to which I take exception.

My Lords, To find out whether the Record doth warrant theſe three things of great importance: Firſt, I ſhall ſeek for them in the Writ 4 *Auguſti*, and next in the *Mittimus*; there is no colour elſe-were to look for them; to open the Writs rightly will clear theſe differences, as I humbly conceive, without any great Argument. And firſt the Writ dated 4 *Auguſti* 11 *Car.* I ſhall read the words wherein the dangers of the Writ are expreſſed; and then explain what words give that ſence that is taken out of them. *Quia datum nobis intelligi, quod Prædones quidam Pirati & Maris Graſſatores tam Nomine Chriſtiani Hoſtes Mahumetani quam alij Congregati; Naves & Bona & Mercimonia non ſolum ſubditorum noſtrorum, verum etiam ſubditorum Amicorum noſtrorum in Mari, quod per Gentem Anglicanam ab olim defendi Conſuevit: Nefarie diripientes homines & ſpoliantes ea ad libitum ſuum deportavere, hominesq; eoſdem in Captivitate Miſerima Mancipantes: Cumq; ipſos conſpicimus*, &c. Here are the Cauſes and Occaſions; all that come after are not material to the ſtating of the Queſtion.

My Lords, in the opening of this Writ, it is true there was mention of loſs by Merchants, ſome particular Members of the Kingdom, and this loſs but by *Prædones Pirati quia Mahumetani & alij*; and though *alij*, yet *Pirati* ſtill, and no more, then it ſaith *ipſi*; ſtill theſe Pirates daily moleſt the Merchants, *ad gravandum Pirati* ſtill.

Hitherto, I conceive, there is *not a word of danger from an Enemy*, but from Pirates; not a word of danger to the Kingdom, but to Merchants; however all this is *quod intelleximus*.

The Record goes on thus, *Conſideratis etiam periculis*, &c. This part, as I conceive, is not ſo poſitive, the dangers are but *Conſideratis*, nor the danger to the Body of the Kingdom, no word of that; or if to the Kingdom, yet nothing, whether it be in point of ſafety, but only in point of moleſtation, none of all theſe appears.

And beſides, the Clauſe is too general, not expreſſing any particular danger, from whom, or how; however, be the danger to the one, or to the other, be it to the Kingdom or Merchants, be it for troubles or ſafety; hitherto I may ſay, that there is no mention of any ſuch inſtant danger, as neceſſarily did require this inſtant command in the Writ, not ſo much as in the Kings Judgment.

For ought it appears, a Parliament, even in the Kings Judgment, might have been called, a conſideration taken for Defence: Here be all the Premiſſes upon which the Concluſion muſt ariſe; and hitherto nothing material to make a danger to the ſafety of the Kingdom, and ſo inſtantly that a Supply, *nunc aut unnquam*, muſt come in. Although the Premiſſes, I conceive, are only conſiderable, yet even the concluſion will be but this, *convenit accelerare*, it is fitting to haſten, but no ſuch neceſſity; and though it be *convenit accelerare pro defenſione Regni*; if that were material, it cannot be conſtrued but with relation to the Premiſſes, whereupon it is built; and whether in fear of trouble, or danger, or loſs, *non conſtat*, and though it be *cum omni feſtinatione*, yet it is *quia poterimus*, and that is *poſſumus quod jure poterimus*, that is, with all the haſt that by Law you can make, which way that is your Lordſhips have heard.

Now, my Lords, under favour, it appears on the Record, that there was no ſuch inſtant neceſſity, but that a Parliament might have been time enough; for as it was obſerved, that between the Teſt of the Writ, and the Randezvous, there was 200 and odd days, whereas a Parliament required but 40 days for meeting, the remainder of theſe 500 days a Parliament might have conſidered of the means of a Defence; but I leave it to your Lordſhips to judge, notwithſtanding thoſe expences of time cunningly numbered unto your Lordſhips by the Solicitor; and though it be true, that things oftentimes are long in ſetling, and deliberation in Parliament; yet Nature tells us, they can be done ſooner; and if there be a neceſſity, we know that will inforce.

13 Caroli.

I have but opened this Writ *quarto Auguſti*: I am now come to the *Mittimus*. The only doubt which I conceive in the Writ of *Mittimus*, is only that where the Caſe ſtands but thus.

In this Writ is recited the Tenor of the Writ dated *quarto Auguſti*, and then the Writ goes on, and ſaith, *Quia ſalus Regni periclitabitur*, &c. and that is all the Clauſe in the Record that doth give colour to the Caſe, ſo it be made, and on the whole Record we have demurred; here it hath been ſaid, that we have confeſſed all by the Demurrer; and if that hold not, the King, who is the Judge of the danger, he hath ſaid ſo, he hath certified it ſo by the Great Seal.

I ſhall ſelect a few from many other, on which I ſhall rely.

My firſt Anſwer is this here, the words are, that *ſalus Regni periclitabitur*, theſe words in ſhew ſeem to be poſitive, but in ſubſtance but relative, and is rather a Comment on the Writ, or an abſtract in Point of thoſe dangers mentioned in the Writ, for the Clauſe was brought in on the Return of the VVrit; and if we have the VVrit it ſelf, the Comment thereupon, or further explanation thereof, is not material.

2. Second anſwer I doubt, I ſay no more; If the King put particular Reaſons into the VVrit of *quarto Auguſti*, whether the Law, I ſpeak of the Legal Courſe, do permit an After-VVrit to put in further Cauſes of the ſame nature with the former, and to the ſame end.

If the Caſe be thus, our Demurr will be no no confeſſion of any ſuch danger.

In the next place, admit the words in the VVrit had been Poſitive, and materially expreſſed; yet, according to our Rules of Law, it cannot make uſe of that ſence they are now applyed unto; for, at the beſt, the word *Salus* being proper only to a Phyſitian, Natural Body is applyed as a Body-Politick: It is but a Metaphor which the Law will not endure in VVrits, for it would bring in great miſchief in Writs and Pleadings. Metaphors are dangerous; we know not how to take Iſſue upon it; and therefore is not regularly allowed; but I leave it to your Lordſhips Judgment.

There are no words of ſuch danger of the loſs of the Kingdom, that is ſuch inſtant danger; for apply the words to a natural Body, as *Salus*, *J. S.* is in danger, it doth not preſently imply it, that he is in ſuch inſtant danger of Death; a Doctor will ſay, that a Patient hath not his Health, yet no danger of death, which is the common ſpeech; the ſame ſence it muſt have in a Body-Politique.

If the words were good, and did imply a danger, yet not ſuch a danger of words, as ſhew a danger that may hazard the loſs of the Kingdom; for the words are only *Salus Regni periclitabitur*, and

An. 1637. the thing may be now in action, which twenty years hence, if not prevented, may loſe the Kingdom: A Man may ſay that ſafety is in danger, at the beſt, the words will not make the Caſe as it is put.

Mr. Solicitor, out of his great care, ſearching into every hole where he thought we might peep out, doubting our Demurrer would not be a Confeſſion ſufficient; he takes in another help, which is this, that if this be ſo declared by the Kings opinion, and under the Great Seal, that this alone had been ſufficient: for this there hath been urged the legal weight of the Kings affirmation, and of a Certificate under the Great Seal, and both be concluded in this Caſe.

My Lords, before I anſwer unto this matter, I profeſs for my Client and my ſelf, that we owe as much Loyalty to the King our Sovereign, as any; yet I hope I ſhall be permitted in a legal way to have the Priviledge of them that uſually ſpeak in this place: In ſpeaking what is pertinent and material for my Client, I make no doubt of the Kings word, and believe there was danger, though not ſo apparent to us, but only loth to allow it as ſufficient in a legal Proceeding, and that His Majeſty, who in His own worth deſerves it, by after Princes might turn to diſadvantage. That which we urge is, how far in form of Law this may be allowed, which we ſhall argue, and that briefly, for the Caſe needeth not help.

For this Point, I take it for clear, under your Lordſhips favour, that in legal Proceeding, and regularly, His Majeſties Opinion and Certificate in things of fact, is not binding.

My Lords, the Reaſon wherein I ſhall moſt rely to avoid the ſence of the Writ *Salus Regni*, &c. is this, That though it do now appear by the *Mittimus*, that *quarto Auguſti* the Kingdom was in danger of being loſt; yet it is not ſufficient in Law, nor can our Demurrer hurt us, becauſe it muſt have ſo appeared by the Writ *quarto Auguſti* it ſelf; for the Writ and Declaration in Law muſt ever contain preciſely ſo much of matter, as is neceſſarily true to warrant the demand.

In this, to ſee the miſchief, if a danger now declared makes the Caſe, how ſhall the Subject know on the Writ *quarto Auguſti*, whether to obey or no? the Law binds no Man to divine; and if this ſubſequent Declaration ſhall mend the Caſe, then the Subject ſhall be a wrong-doer, *ex poſt facto*, which is againſt the reaſon of our Books. I ſhall remember the Caſes put by Mr. *St. John* to another purpoſe, 22. *Aſſ.* 5. 24 *E.* 3 *Br. Com.*

A Commiſſion ſent forth without expreſſing the cauſe, that Commiſſion is not good, and it is not denied by Mr. Solicitor; a cauſe muſt be ſet forth to make it good in Law. And if your Lordſhips be pleaſed to look on the Preſidents, (as I know you will) which the Kings ſide ſhall bring unto you, your Lordſhips will find the danger turned from the firſt Writ to the laſt; nay in in the Writ of this year, as I am told, it is ſo, out of their opinion fearing the Writ *quarto Auguſti* was not ſo good as they would have it; they put it into the *Mittimus*: which they know could not do good, but they did it only to cavil.

But laſtly, admit that the King had ſaid, that the Kingdom was in ſuch inſtant danger and loſs, and that there was an inſtant neceſſity of the command this way, and that this could not have expected a conſideration in Parliament; yet if the contrary appears in the Record, then neither was the Demurrer a Confeſſion, nor the Certificate concluſive.

My Lords, In the concluſion upon all this diſcourſe it appears, I have ſo pared the Caſe, that on the Writ dated quarto *Auguſti* there appears no danger to the Kingdom of being loſt; that on the *Mittimus* there is no legal home expreſs words of danger to the Kingdom, inſtant or unavoidable; if it were ſo, yet it cometh not time enough, for it ſhould have been in the Writ dated *quarto Auguſti.*

And if expreſſion of ſuch inſtant danger in *Quarto* or *Mittimus*, yet not material, if otherwiſe on Record.

And laſtly, this Certificate doth not conclude us: Thus then to ſhew what the Caſe is, and to what it is not, I have put out of the conſideration of the Caſe, all conſideration of ſuch dangers to the ſafety of the Kingdom as are unavoidable.

I have left nothing in the Caſe but conſideration of protecting Merchants againſt Pirates, but for ordinary Defence of the Sea.

If the Caſe do fall thus, I humbly conceive, that in this place without further Argument, I might with ſome confidence venture my Client upon your Lordſhips Judgments, notwithſtanding any thing offered on the Kings part. Here Mr. *Holborne* made a little ſtay, but the Lord Chief Juſtice *Finch,* in the name of the Court bid him proceed in his Argument; then ſaid he, By your Lordſhips command I ſhall proceed, having laid aſide the *Mittimus,* and *Salus Regni*, and taking the Caſe only on *quarto Auguſti,* which as I take it, is nothing of danger to the Kingdom, but againſt Merchants, and but of common Defence: The Caſe ſtands thus.

That though there be no actual Invaſion, no known or declared Enemy, yet the King, out of His Judgment, *quarto Auguſti* 11 *Car.* apprehendeth, and foreſeeth danger to the Kingdom in point to be loſt; and that the danger ſo inſtant and unavoidable requireth this Aid, whether the King out of Parliament, by His Regal Power, can command this Supply?

I have endeavoured not to miſtake the Solicitor; it were an injury to require him ſo ill.

Upon the whole my end is to ſhew, that by the fundamental Policy of *England* the King cannot, out of Parliament, charge the Subject, neither for common good, unleſs in ſpecial Caſes, and of a different nature, or upon different reaſon, nor for a neceſſary Defence, though, in the Kings Judgment, inſtant and unavoidable.

My Lords, In the debate of theſe two Queſtions I have learned of Mr. Solicitor not to ſay all I could, but ſo much as is neceſſary; and as he hath chalked out the way, I ſhall enquire on this Power by Arguments upon practice conſtant and allowed in time of good Government, when the liberty of the Subject was not trampled upon, and ſhew it by Acts of Parliament, Reaſon and Authority on both.

An. 1637.

My Lords, I am now come cloſe to the Argument upon the main; I hope herein give me leave to profeſs, that I am in a Dilemma; the Queſtion will be what the King can do in theſe Caſes by his Royal Power; it much concerns him, and I have learned out of a Speech of his late Majeſty what it is to debate ſuch queſtions; not to argue it were to diſobey the Aſſignment of the Court, and to deſert my Client and the Cauſe; for my Part, as your Lordſhips ſee I have laboured to decline the main Queſtion, and ſhould be glad it ſhould ſo ſleep: I ſhall offer it if happily the caſe fall off in the opening of the VVrits, I doubt whether the way of Argument I muſt otherwiſe take ſhould do the Crown diſ- your ſervice.

Out of my duty to His Majeſtie, and ſervice to your Lordſhips I humbly offer it whether your Lordſhips may not think it fitting to determine the Queſtion upon the framing of the caſe as it is upon record, before it be further argued; and here I ſhall reſt, or upon Command ready to go on.

Whereupon the Court declared by the Lord Chief Juſtice *Finch*, that they do not uſe to Judge Caſes by Fractions, whereupon Mr. *Holborn* ſaid, ſince it is your Command I ſhall go on.

I hope His Majeſty will excuſe us for arguing that which elſe cannot be determined, and as he hath given way to an Argument, I hope his goodneſs will excuſe us while we do our duty for our Clyent, and if I err in my materials, or in the way of my arguing, it is from the defect of my wiſdom (I cannot be wiſer than God hath made me) and not out of any diſaffection to the ſervice.

My Lords, I hope neither His Majeſty nor your Lordſhips will think it a preſumption if I make a ſtraight enquiry into a point of a higher nature, yet thus far I aſſure your Lordſhips, if any matter or conſideration of State come in my way, I ſhall tread as lightly as I can, yet I muſt crave liberty to pick out ſome to refer to your Lordſhips Conſideration, and forbear thoſe things that are unfit. Here the Court ſaid by the Lord Chief Juſtice *Finch*, keep you within the bounds of duty, as becomes one of your Profeſſion at the Bar at *Weſtminſter*, and you ſhall have no interruption.

My Lords, I ſhall be very wary and tender: I ſhall now open the diviſion and ſeveral parts of my Argument.

My Negative part, that the King cannot out of Parliament charge the Subject, not only for guard of Sea againſt Pyrates, but not for the defence of the Kingdom ordinary through the King ſuppoſe the Kingdom to be loſt and unavoidably endammaged, and in this I muſt take in the defence, as well the defence of Land as Sea.

My poſitive part, regularly the King is to be at the charge for guarding the Sea againſt Pyrates, for defence of Land and Sea againſt Enemies ſo far as he is able; and further if he were more able, [illegible] hath proviſion and conſideration for both, [illegible]

[illegible] two general parts I ſhall not only [illegible] but [illegible] Mr. St. *John* [illegible] againſt the Subjects deni[illegible] [illegible]ration.

And this courſe will neceſſarily bring in many of his Arguments, which I could be glad to ſpare if the cauſe would bear it, becauſe your Lordſhips ſhould not think that I do nothing but repeat.

In this way I ſhall humbly endeavour to clear each part by giving a reply before I deſcend to other particulars, and where I conceive a new Objection which will not fall within any former Anſwers, I will raiſe it and endeavour to lay it. Into theſe general Queſtions will fall many other of greater conſequence.

For ſuch as not being the main, I will not draw upon particular debate where there is any thing that concerns matter of State or revenue, I hope to admit ſuch and ſave my Clients caſe.

Having thus unfolded my form of Argument, I deſcend to my Negative, that the King in none of theſe caſes without Parliament can charge the Subject.

1. I'le prove it from reaſon, which is Maſter over all Authority as ſaid Mr. *Solicitor*, and from reaſon drawn from the fundamental policy of the frame of this Engliſh Government, in the neceſſary attendance of the publick advice in Parliament upon the Royal Power: And ſecondly from the abſolute property the Subject hath in his Lands and Goods. From theſe things I ſhall draw my Reaſons.

For the political advice in Parliament, I ſhall here decline all School diſputes, the Spider may make Poyſon out of that which the Bee ſucks Honey; I ſhall omit the conſideration of ſome points, I ſhall make my riſe from the Judgement of King *James* 169. in his Speech of Parliament, wherein His Majeſty agrees that a King in *Concreto* can do no more than the fundamental Laws of the Kingdom alloweth, for more I aſſure my ſelf His Majeſty deſireth not.

Before I enter into the Argument further, whether the Law hath intruſted the King out of Parliament in either of the caſes put, I here profeſs for my Clyent and my ſelf, that while we ſpeak of political advice, and how far a Governor is ſubject to Error and VVill may uſe a Regal Power, we do always with thankfulneſs to him acknowledge our preſent happineſs to be bleſſed with ſo juſt a Prince, and we fetch it from our hearts, and were His Majeſty ſo immortal as he deſerves, and that His Succeſſors might be Heirs to His Vertues and His Crown, we ſhould wiſh that the Regal Power might be free from political advice and unlimited.

L. C. J. *Finch*.

Here my Lord Chief Juſtice *Finch* ſaid, this belongs not to the Bar to talk of future Government; it is not agreeable to duty to have you bandy what is the hopes of ſucceeding Princes when the King hath a Bleſſed Iſſue ſo hopeful to ſucceed him in his Crown and Vertues.

My Lords, For that whereof I ſpeak, I ſpeak looking far off, many ages of 500 years hence.

My Lords, Becauſe I might run on to a further error, if I ſhould not take your advice I ſhall ſlip over much, and the ſum of all is;

1. An Argument from the Policy of *England*, in the neceſſary attendance on the particular adviſe in Parliament.

An. 1637.

2. It will be from the abſolute property that the Subject hath in his Goods.

Taking that for granted againſt the Book of *Cowel*, the Proclamation againſt it in the year of King *James*; that *Cowel* hath written under the word Parliament, of the Kings Power out of Parliament, ſaith, that Power in Parliament is but a politick mercy; this was complained of in Parliament, and by a Proclamation the Book was denied: your Lordſhips know another Book that was ſentenced upon the ſame occaſion; this uſe that I make of it is,

If the form of *Engliſh* Government ſtand in the Regal Power, and the Subject hath a property in his Goods, then the adequate reaſon from both theſe, that therefore the King cannot without Parliament charge the Subject in his Eſtate, though in pretence of common good, then a Prince 500 years hence, if ſubject to Error or Will, may if he will upon any occaſion or no occaſion, may at what rate he will charge the Subject to the height.

As to the advice political, if the King can do this alone, what is become of the policy for which the political advice was made, attendant to the Regal Power, *Ne reſpub. &c.*

If the Subject hath a property in his Goods, how is it in the power of any one alone to charge that with mony.

This reaſon I muſt not leave, for on this the Cauſe ſtands or falls; though there be many Books and Caſes, yet all are from reaſon, but eſpecially when theſe ſtand together.

The Author here breaks off with theſe few paſſages in Mr. *Hoborns* firſt days Argument, which continued three days longer; here followeth the days that the Councel of both ſides argued upon, *viz.*

November 6. 1637. *Oliver* St. *John* of *Lincolns*-Inn Eſquire Argued.
November ——— He concluded his Argument.
November 11. Sr. *Edward Littleton* Knight, the Kings Solicitor-General Argued.
November 13. He Continued his Argument.
November 14. He ſtill Continued his Argument.
December 2. *Robert Holborn* of *Lincolns*-Inn Eſquire, Argued.
December 4. He Continued his Argument.
December 6. He alſo Continued his Argument.
December 8. He Concluded his Argument.
December 16. Sir *John Banks* Knight, the Kings Attorney General Argued.
December 18. He Concluded his Argument.

It was *Trin. Term.* 1638. before Judgement was entred in this Caſe, and in regard that year will be clogged with much matter of preparation for a War with the *Scots*, &c. We ſhall here inſert though out of time, theſe following Orders concerning the entring Judgement againſt Mr. *Hambden*, *viz.*

Termino Sanctæ Trinitatis Anno 14. *Regis Car. Martis* 11. *die Junij.*

Ex parte remērat; Regis.

Bucks. An Order upon Mr. Attorney Generals Motion to enter Judgment againſt Mr. *Hampden.*

WHereas divers ſeveral ſums of mony, by vertue of the Kings Majeſties Writ, under the Great Seal of *England*, bearing date the 4*th* of *Auguſt*, in the 11*th* year of His Majeſties Reign were Aſſeſſed and Charged upon ſeveral Perſons, for, and towards the proviſion of a Ship of War, together for the Furniture and other things thereunto belonging, in the ſaid Writ particularly mentioned; which ſaid ſeveral ſums of money ſo Aſſeſſed and Charged and not being ſatiſfied and paid, the names of the ſeveral Perſons, together with the ſeveral ſums charged upon them, were by His Majeſties Writ of *Certiorar'*, bearing date the 9*th* day of *March*, in the twelfth year of His Majeſties reign, certified into this Court of Chancery, and by His Writ of *Mittimus* under the ſame Seal, bearing date the 5*th* day of *May*, in the 13*th* year of His Majeſties reign, were ſent into this Court of Exchequer for further Proceſs to be had thereupon, as by the ſaid ſeveral VVrits may appear: And whereas Proceſs of *Scire Facias* was the 22*d* of *May*, in the ſaid 13*th* year of His Majeſties reign awarded to the Sheriff of the ſaid County of *Bucks*, directed to garniſh the ſaid ſeveral Perſons in a Schedule to the ſaid *Scire Facias* annexed, contained to ſhew cauſe the *utas* of the Holy Trinity then enſuing why they ſhould not be charged, and ſatisfie the ſaid ſums of money aſſeſſed upon them. In which Schedule it was contained amongſt divers others, that *John Hampden* Eſquire was aſſeſſed at 20*s.* as by the ſaid *Scire Facias*, and the Schedules thereunto annexed may alſo more fully appear; whereupon the ſaid *John Hampden* Eſquire being garniſhed by Sr. *Anthony Cheſter* Barronet, then Sheriff of the ſaid County of *Bucks*, appeared and demanded *Oyer* of all the aforeſaid VVrits, which being read unto him, he thereupon demurred in Law, and Sr. *John Banks* Knight, His Majeſties Attorney General joyned in the ſaid Demurrer; and the Record thereof being made up, it pleaſed the Barons of this Court (the ſame matter being of great Conſequence and VVeight) to adjourn the arguing of the ſame matter into the Exchequer Chamber, and to deſire the Aſſiſtance and Judgement of all the Judges in *England* touching the ſame. Now upon the motion of His Majeſties Attorney General this day informing this Court, that ſeeing the ſaid matter hath been ſo ſolemnly debated and argued, as well by the Counſel of the ſaid Defendant, and by ſome of His Majeſties learned Counſel, as alſo by all the Judges of *England*, and by the Barons of the Exchequer, and that the major part of the ſaid Judges and Barons have delivered their Opinions and Judgement, that the ſaid *John Hampden* ought to be charged with, and to ſatisfie the ſaid ſum of 20*s.* and therefore the ſaid Mr. Attorney moved this Court that Judgement might be entred accordingly; it is thereupon ordered by this Court that Judgement ſhall be forthwith entred, that the aforeſaid *John Hampden* ought to be charged with and ſatisfie the aforeſaid ſum of 20*s.*

Memorandum, that 12 *Junii* 14 *Caroli* Mr. Attorney moved the Court of Exchequer for Judgement againſt Mr. *Hampden*, and after he had opened the Record he ſaid,

Your Lordſhips and the Court in reſpect of the greatneſs of the Cauſe did adjourn it into the Exchequer Chamber, that your Lordſhips and the Court might receive the advice of all the Judges, whoſe advice and opinion your Lordſhips have already heard and received, and the plurality of their voices is, that Judgement ſhould be given againſt Mr. *Hampden*, and accordingly I do pray Judgement.

To which the Lord Chief Baron anſwered.

It is very true, it was referred from hence to the Exchequer Chamber to receive the advice of all the Judges in the Land, we do not take them to aſſiſt only by way of advice, but for a judicial direction; for admitting we four were of one opinion and the reſt of the Judges of another (though the Cauſe properly depends in this Court) yet we muſt apply our ſelves to their reſolution, and our Voices are involved in theirs, and there accordingly *ſecundum Legem, &c. oneretur Johannes Hampden.*

Now that we have imparted to the Reader the Arguments of two of the Council *Pro & Con*, in the Caſe of Ship-money, the Author begs leave (although out of time) to mention the Articles of Impeachment againſt Judge *Berkley* (one of the Judges before whom that Caſe was Argued) for delivering his opinion againſt Mr. *Hampden*, which is a Preſident as to the reſt of the Judges; for it would be too tedious to mention every particular Judges Charge; and as an Introduction to the ſaid Articles of Impeachment, here is alſo mentioned the Speech of *William Perepoint* Eſquire (a Member of the Houſe of Commons) unto the Lords at the time of the delivery of the Charge againſt the ſaid Earl.

William Perpoint *Eſquire, his Speech in Parliament, at a Conference of both Houſes in the Painted Chamber.*

My Lords,

I Am commanded to preſent your Lordſhips theſe Articles, with which the Knights, Citizens and Burgeſſes of the Commons Houſe of Parliament, in their own name and in the name of all the Commons of *England*, impeach Sir *Robert Berkley*, Knight, one of the Juſtices of His Majeſties Court of Kings Bench, in maintenance of their accuſation of High-Treaſon, and other great miſdemeanors, the Articles they deſire may be read. Whereupon the Articles were read by Mr. *Francis Newport*, a Member of the Houſe of Commons, then Mr. *Perpoint* proceeded and ſaid.

The high Treaſon is in the firſt Article, in his endeavours to ſubvert the fundamental Laws of this Realm, and to introduce an arbitrary and tyrannical Government, which hath been lately adjudged Treaſon in the Cauſe of the Earl of *Strafford.*

The other Articles prove the firſt by his Opinions, Certificates, Judgments, by his denials of the benefit of our Laws, which have been read by your Lordſhips. No fundamental Law to the Subject is left; our Goods, our Lands, our Bodies, the peace of a good Conſcience, are by him given up to arbitrary tyrannical Government.

Nothing hath been omitted to make a Judge know the Laws, to make him juſt, or fear him from being evil: We have Inns of Court peculiar to that Study, Judges from thence only choſen; ſeldom any but what have been twenty years there; Honours and Revenues are given to Judges, encouragement to do well; this Judge had theſe: Judges are ſworn according to Law to ſerve the King, and His People; according to Law to counſel the King; and for not ſo doing, to be at His Will for Body, Lands and Goods; this Judge took that Oath; the Laws, the Judges Study, impoſe the greateſt puniſhment upon unjuſt Judges, they ſhew that theſe puniſhments have been inflicted, more could not be done to perſwade or fear a Judge.

His offences ſhew in him great ambition, yet he was moſt timerous of diſpleaſing the great in Power; he did not only forbear doing what he was ſworn to do, but was moſt active againſt our Laws, and in oppoſing and puniſhing any that did maintain them.

To have only received Bribes, (though they blind the Eyes, and though the deſire to get Money increaſeth with Age) that hainous crime in a Judge had been in compariſon with his offences, a tolerable vice; for from ſuch a Judge Juſtice is alſo to be had for Money. Ambition is violent, and ruines, whilſt covetouſneſs is making a bargain.

The words of his Opinioh and Judgment are for the Kings *Power.* It is pleaſing to the nature of Man that others ſhould obey his Will; and well-framed diſpoſitions of Princes may eaſily be perſwaded their Power is unlimited, when they are alſo put in mind, that therefore they have more cauſe to do well, and for doing well are more renowned; for the moſt oppreſſive deſigns, (which we have ſuffered under) the pretences of His Majeſty have ever been the good of His Subjects; his is the ſin, that is to judge by the Laws, and knows the Laws are to the contrary, yet puts and confirms ſuch thoughts in his Prince.

He that incites another to arbitrary Government, when his ſelf-ends are thereby compaſſed, hates him for taking that Power he perſwaded him unto.

The Writs, thoſe *monſters of neceſſity* to provide Ships to avoid imminent danger that could not ſtay 40 days for the calling of a Parliament, were therefore to go out in *September*, to have Ships ready in *March*, This hath been adjudged by your Lordſhips to be deſtructive to the fundamental Laws of this Realm, and to the Subjects right of Property and Liberty, *&c.* that I ſhall ſay but this concerning them; that this Judge publiſhed them to be inſepera-

An. 1637. perable Flowers of the Crown. And that we have lived to ſee for five years together imminent danger, and thus to be prevented.

This Judge did adviſe to ſuch a Government, as future Kings here might exerciſe the higheſt tyranny, and the Subjects want the benefit of reſtraints, known to the moſt ſlaviſh Eaſtern Nations; where, if their Prince do unjuſtly, he hath hatred for it, and the dangers that follow that. This Judge will have that hatred to go to our good Laws: *No ſuch bondage as when the Laws of freedom are miſ-interpreted by Judges to make Men Slaves.*

What can be conſidered of in a Judge of Law, to give his opinion and adviſe to his Prince, how the Laws (the mutual Covenants of Kings and Subjects) are to be broken, but that his intentions are to have his Prince do ill, by making his evil Servants to ſtudy, and to be pleaſed with their wicked deſigns; becauſe they ſee means to put them in execution, by making them to perſwade their Prince, becauſe in imminent danger His Subjects Goods are at his Will, *that there is ſuch danger when there is not*, and that they have only ſome by-ends of their own.

This Judge will have the Law to be what to him ſeems reaſon; the reaſon limited to him to judge of, is what the Common-Law ſaith is ſo, what a Statute hath ſo enacted. For him to judge this or that is Law, elſe a miſchief ſhall follow, becauſe the Law in ſuch a thing is imperfect, therefore he will make a Law to ſupply it; or becauſe that the Law written in ſuch Particulars is againſt his reaſon, therefore his reaſon is to be Law; then muſt follow, as often as a Judges reaſon changes, or Judges change, our Laws change alſo.

Our Liberties are in our Laws, where a Subject may read, or hear read; this is his, this he may do and be ſafe; and that thus the Judge ought to give Judgment, he is free. The exceſſive growths of Courts of Reaſon, Conſcience came from great and cunning Perſons; and though not the moſt ſudden, yet the moſt dangerous, and ſure ways to eat out our Laws, our Liberties.

Unlimited Power muſt be in ſome to make and repeal Laws to fit the diſpoſitions of times and perſons; Nature placeth this in common conſent only, and where all cannot conveniently meet, inſtructeth them to give their conſents to ſome they know or believe ſo well of, as to be bound to what they agree on. His Majeſty your Lordſhips, and the Commons, are thus met in Parliament; and ſo long as we are often reduced to this main foundation, our King and we ſhall proſper.

This Judge will not allow us our Knowledge, or any Reaſon, he will have our minds, our Souls Slaves: A Grand-Jury-man gave his Fellows true Information; they preſent an Innovation in the Church, are threatned and reviled for it; he that told this truth is charged (I ſhall uſe this Judges own words) to ſin in that, and that he made others forſwear themſelves; this Judge ſent him to the Common Gaol, where he is laid in Irons; and all this, becauſe he and they durſt meddle with Church matters. He is forced to tear the Preſentments in Pieces in open Court; our Laws provide for the peace of our Conſciences, many Acts of Parliament are for it, and the truſt by thoſe Acts ſet to Juries; this Judge well knew all this, your Lordſhips have heard what he did to the Jury at *Hartford*; he would have us know no more Divinity than to obey what the great of the Clergy directed, no more Law than what he ſaid was ſo.

Judges in former times, (but only ſuch as were examples of puniſhment, as of injuſtice in Caſes of great and publick concernment) forbare proceedings, till the next Parliament. This neceſſitated the calling of Parliaments;this Judge had as many ſuch Cauſes before him, as ever any had; yet he never deſired the reſolution of Parliament in any one, for the ways he went, the neceſſity was never to have a Parliament; he would pull up that root of our ſafeties, and liberties, which whilſt we enjoy, the malice or injuſtice of all other Courts and Perſons can never ruine, and when near to ruine (as moſt near of late) this only ſure remedy will help us; nothing can ruine a Parliament, but it ſelf.

The evils which we have ſuffered under, they were committed by the Judges, or by them ought to have been, and might have been prevented.

This Judge aſſiſted in cauſing the miſeries we ſuffered in the *Star-Chamber*, and at the Council-Table, he denied the known Rights which he ought to have granted us to ſtop our grievances in the Eccleſiaſtical Courts, he was the cauſer of our ſufferings in other Courts.

The beſt lovers of their Laws and Liberties, the moſt honeſt ſuffer moſt by an unjuſt Judge, they moſt oppoſe his vices; diſhoneſt perſons find ſuch a Judge to fit their purpoſes, the Judge finds them for his, the Bond of iniquity confederates them.

He that will do no wrong, will ſuffer none which he can help; The Man that knows himſelf born free, will do his utmoſt to live ſo, and to leave freedom to his Poſterity; were he in ſlavery, when by outward geſture thought to be moſt delighted, were his mind then known, there would be found vexation, and his buſie thoughts employed to redeem himſelf and his Poſterity from thraldom. But to ſay, could this Judge intend to make himſelf and his own Poſterity Slaves? what he did was through error of Judgment only: No, my Lords, what his aymes and endeavours were, is apparent. To conſider Man in the general, we ſhall find in every Age he will be a Slave to ſome few, that many may be Slaves to him, he looks to himſelf only; this he would do, or forbear doing, to be great, to be rich, had he Children or Kindred, or had none. This highly unjuſt Judge, by continuing ſins, maintained his actions to preſerve himſelf, he knows to be found guilty in one of his offences, the penalty of the Law for it, therefore covers the offences committed with inventing and acting other.

For a Judge to be unjuſt, more hurts the publick than any other, he is not ſuſpected. What a Judge doth, is looked on as a thing that ought to be done. The moſt pernitious great Man, that by cunning hath got to himſelf the Heart and Tongue of his Prince, his ill Acts have dyed with him, if not taken up by others, and then they walk in darkneſs: No Man will juſtifie what he doth by ſaying ſuch a favourite did it; but the unjuſt Judgments of this Judge were given in Noon-day, were done in the face of the whole Kingdom, in the hearing of ſuch as might carry the news to

all

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all parts of the Realm, and was therefore done; his unjuſt Judgments were our Records. VVe have ſeen wicked great Men moſt craftily politique, they hated our Laws, yet not meeting with active Judges moulded to their purpoſes, they and their Acts have dyed, the Realm flouriſhed; but of late, others leſs politique meeting with moſt unjuſt Judges, every way as ill as they could wiſh them to be, then did the Kingdom faint, under the load of its miſery did long ſtruggle; now it's riſing, I aſſure my ſelf, your Lordſhips will aſſiſt to take off the burden.

If the deſigns of ſome would not have ſuch a Man to be at liberty, a VVarrant from ſome Lords of the Council would ſoon have laid him in Priſon, and given no cauſe; had he moved this Judge to be diſcharged or bailed, he could have obtained neither, if their ways would not have endured that Man to live, a Judge reviling the Priſoner, and the Council that moved for his diſcharge or bail, joyned with the hate of ſome great Man, might ſoon have moved a Goaler for unwholeſom rooms and lodging, and ill diet for his Priſoner, and they may ſoon take life away: Offenders in Priſons are looked after to be ſafe only, ſuch as are brought in by Power againſt Law, are abuſed.

Had a great Man deſired the Eſtates of others, the breach of a Proclamation might readily have been charged againſt them in *Star-Chamber*: but they, it may be, could have anſwered and cleared themſelves, and proved their Anſwer by Teſtimonies; had they been referred to this Judge, he would have expunged the one, ſuppreſſed the other. Then followed Fines to the value of their Eſtates, or more than Impriſonments of courſe till they paid ſuch Fines; your Lordſhips have heard what this Judge did to the *Soap-boilers*.

The Country-man followed the Plough, and to his thinking he was aſſured of his Right, Property, and Liberty, gave him ability to do it. He believed his Neighbour, his Land-lord, his King, could not take his Goods from him without his conſent. He knew the uſual Payments by Law, and in extraordinary Cauſes thought to have that care to chuſe ſuch for the Knights of his Shire, or for his Burgeſſes, as might be mindful of the cauſe of payment, and of his Eſtate.

This Country-man hath heard the Opinions and Judgment of this Judge, hath ſeen his Goods taken from him, without his, or his Knights of the Shire, or Burgeſſes conſent or advice. Theſe have made him, his Wife and Children to joyn in tears to wiſh they had never been born, they have made them think on many ways to keep ſafe that Eſtate which was yet left them, have made them deſire to ſell all their Goods, and hide the Money; but then he remembers this Judge, how that he ſhall be carried to Priſon, and remain there, if he pay not what pleaſe others to Aſſeſs him: Then they think idle perſons (the Drones and Moths of the Common-Wealth) to be a wiſe People, whilſt the Country-men expect, and can think of nothing, but being Beggers.

Where publick and enormous offences have been committed, eminent and notorious puniſhments muſt be; ſuch will make your Lordſhips Proceedings highly eſteamed, elſe there will be ſo many offenders, and none without danger can be puniſhed.

This

13 Caroli.

This Judge ſubverting our Laws, took away the Hearts of many; he ſubſcribed for the Kings Power, but ſo as he put him on taking his Subjects Goods, and of all other, ſuch ways be moſt dangerous; for we know His Majeſty is not the laſt that ſuffers, and is not the King worth many thouſands?

The place of this Judge was to have given and preſerved to the King the Hearts of His Subjects, the due execution of the Laws had done this; and when ſuch notice is taken of a Prince, none will conſpire againſt him, who cannot feign to themſelves ſafety before or after any Fact committed, Forreign Enemies will not invade His Kingdoms.

Thus hath His Majeſty now got our Hearts, and will for ever have them. This Judge is to anſwer for what His Majeſty, and for what we have ſuffered.

I am commanded by the Houſe of Commons to deſire of your Lordſhips, that the Proceedings againſt Sir *Robert Berkeley* Knight, one of the Juſtices of His Majeſties Court of *Kings-Bench*, may be put in as ſpeedy a way of Tryal, as the Courſe of Parliament will allow.

Alſo Mr. *Hollis*, at the ſame time, made a Speech in the behalf of Sir *Randolph Crew*, ſometimes Lord Chief-Juſtice of the *Kings-Bench*, but removed, his opinion was againſt Loan-Money; but more of this hereafter.

Articles

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Articles of Impeachment of Sir Robert Berkeley, *Knight, one of the Juſtices of the Court of* Kings-Bench; *by the Commons in this preſent Parliament aſſembled, in their own Name, and in the Name of all the Commons of* England, *in maintenance of their Accuſation, whereby he ſtandeth charged with* High Treaſon, *and other great miſdemeanours.*

Imprimis, That the ſaid Sir *Robert Berkeley*, then being one of the Juſtices of the ſaid Court of *Kings-Bench*, hath traiterouſly and wickedly endeavoured to ſubvert the fundamental Laws, and eſtabliſhed Government of the Realm of *England*; and inſtead thereof, to introduce an Arbitrary and Tyrannical Government againſt Law, which he hath declared by traiterous and wicked words, opinions, judgments, practiſes, and actions appearing in the ſeveral Articles enſuing.

2. Whereas by the Statute made in the *25th* year of the Reign of King *Henry* the 8. Prices of Victuals are appointed to be rated in ſuch manner, as in the ſaid Statute is declared: But it is manifeſt by the ſaid Statute, Corn is none of the Victuals thereby intended. Nevertheleſs ſome ill-affected Perſons endeavouring to bring a Charge upon the Subjects contrary to Law, did ſurmiſe, that the Prices of Corn might be rated, and ſet according to the direction of that Statute; and thereupon great gain might be raiſed to His Majeſty by Licenſes and Diſpenſations for ſelling Corn at other Prices: And a Command from His Majeſty being procured to the Judges, and ſent to them by *William Noy* Eſq; His Majeſties then Attorney-General, to deliver their Opinions touching the Queſtion, whether Corn was ſuch Victuals as was intended to have the Price rated within the ſaid Statute: In anſwer to which demand, the ſaid Sir *Robert Berkeley* then being one of His Majeſties Juſtices of the Court of *Kings-Bench*, in furtherance of the ſaid unlawful Charge, endeavoured to be impoſed, as aforeſaid, the thirtieth day of *November*, in the eighth year of His now Majeſties Reign, did deliver his Opinion, That Corn was ſuch Victual as was intended to have the Price rated within the ſaid Statute; which ſaid opinion was contrary to Law, and to the plain ſenſe and meaning of the ſaid Statute, and contrary to his own knowledge, and was given and delivered by him, with a purpoſe and intention, that the ſaid unlawful Charge might be impoſed upon the Subject.

3. That an Information being preferred in the Court of *Star-Chamber* by the ſaid *William Noy*, His Majeſties then Attorney-General, againſt *John Overman*, and fifteen other Soap-makers, Defendants, charging them with ſeveral pretended offences, contrary to divers Letters Patents, and Proclamations, touching the making and uttering Soap, and uſing the Trade of Soap-makers, and other offences in the ſaid Information mentioned; whereunto the Defendants did plead, and demurr as to part, and anſwer to other part of the ſaid Information: And the ſaid Plea and Demurrer being over-ruled, for that the Particulars therein inſiſted upon, would appear more fully after anſwer and proof; therefore the Defendants were ordered to anſwer without prejudice, and were to be admitted to ſuch exceptions to the ſaid Information and advantages of the matter of the Plea and Demurrer upon the hearing, as ſhall be material;and accordingly theDefendants did put in their Anſwers,and ſet forth ſeveral Acts of Parliament,Letters Patents,Charters,Cuſtoms,and Acts of Common-Councel of the City of *London*, and other matters materially conducing to their Defence; and, in concluſion, pleaded not guilty. The ſaid Sir *Robert Berkely* then being one of the Juſtices of the Court of *Kings-Bench*, upon the 30*th* day of *March*, in the eighth year of His Majeſties Reign, upon an Order of reference to him and others, by the ſaid Court of *Star-Chamber*, to conſider of the impertinency of the ſaid Anſwers, did certifie the ſaid Court of *Star-Chamber*, That the whole Anſwers, excepting the four words, and ten laſt lines, ſhould be expunged; leaving thereby no more ſubſtance of the ſaid Anſwers, than the Plea of not guilty. And after, upon a reference to him and others, by Order of the ſaid Court, of the impertinency of the Interrogatories, and Depoſitions of Witneſſes taken on the Defendants part, in the ſame Caſe of Sir *Robert Berkeley*, upon the ſecond day of *May*, in the eighth year of His now Majeſties Reign, certified, That nine and thirty of the ſaid Interrogatories, and the Depoſitions upon them taken, ſhould be ſuppreſſed with Anſwers, (except as aforeſaid) and Depoſitions, although the ſame did contain the ſaid Defendants moſt material defence. Yet were expunged and ſuppreſſed according to the ſaid Certificates; both which ſaid Certificates were contrary to Law and Juſtice, and contrary to his the ſaid Sir *Robert Berkleys* own knowledge, and contrary to the ſaid former Order, whereby the advantages were ſaved to the Defendants, as aforeſaid: And by reaſon thereof the ſaid *John Overman*, and the ſaid other fifteen Defendants, were ſentenced in the ſaid Court of *Star-Chamber* to be committed Priſoners to the *Fleet*, and diſabled from uſing their Trade of Soap-makers; and one of them fined in 1500 *l.* two of them in 1000 *l.* a-piece, four of them in 1000 Marks a-piece; which Fines were eſtreated into the *Exchequer* without any mitigation: And the ſaid Defendants, according to the ſaid Sentence, were impriſoned, and deprived of their Trade and Livelihood, tending to the utter ruine of the ſaid Defendants, and to the overthrow of free Trade, and contrary to the liberty of the Subject.

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4. That he the ſaid Sir *Robert Berkeley*, then being one of the Juſtices of the *Kings-Bench*, and having taken an Oath for the due adminiſtration of Juſtice, according to the Laws and Statutes of this Realm, to His Majeſties Liege-People, on or about the laſt of *December* ſubſcribed an opinion *in hac verba*. I am of opinion, that as where the benefit doth more particularly redound to the good of the Ports or Maritime Parts, (as in Caſe of Piracy or Depredations upon the Seas) there the charge hath been, and may be lawfully impoſed upon them, according to Preſidents of former times; ſo where the ſafety and good of the Kingdom in general is concerned, and the whole Kingdom in danger, (of which His Majeſty is the only Judge) there the charge of the defence ought to be born by all the Realm in general: This I hold agreeable both to Law and Reaſon.

5. That he the ſaid Sir *Robert Berkeley*, then being one of the Juſtices of our Court of *Kings-Bench*, and duly ſworn as aforeſaid; in *Feb.* 1636. ſubſcribed an extra-judicial opinion, in anſwer to Queſtions in a Letter from His Majeſty *in hac verba.*

Charles Rex.

‘WHen the good and ſafety of the Kingdom in general is concerned, and the whole Kingdom in danger; whether may not the King, by Writ under the Great Seal of *England*, command all the Subjects of this Kingdom at their charge to provide and furniſh ſuch number of Ships, with Men, Victuals and Munition; and for ſuch time as he ſhall think fit, for the defence and ſafeguard of the Kingdom, from ſuch danger and peril? and by Law compel the doing thereof in caſe of refuſal, or refractorineſs? and whether in ſuch caſe is not the King ſole Judge, both of the danger, and when and how the ſame is to be prevented and avoided? *C. R.*

‘May it pleaſe your moſt excellent Majeſty, we have, according to your Majeſties command, ſeverally every Man by himſelf, and all of us together, taken into ſerious conſideration, the Caſe and Queſtion Signed by your Majeſty, and incloſed in your Royal Letter; And we are of opinion, that when the good and ſafety of the Kingdom in general is concerned, and the whole Kingdom in danger, your Majeſty may, by Writ under the Great Seal of *England*, command all your Subjects of this your Kingdom, at their charge to provide and furniſh ſuch number of Ships, with Men, Victuals, and Munition, and for ſuch time as your Majeſty ſhall think fit for the defence and ſafeguard of the Kingdom from ſuch danger and peril; and that by Law your Majeſty may compel the doing thereof in caſe of refuſal, and refractorineſs: And we are alſo of opinion, that in ſuch caſe your Majeſty is the ſole Judge, both of the danger, and when and how the ſame is to be prevented and avoided. *John Brampſton, John Finch, Humphrey Davenport, John Denham, Richard Hutton, William Jones, George Crooke, Thomas Trevor, George Vernon, Robert Barkeley, Francis Crawley, Richard Weſton.*

6. That he the ſaid Sir *Robert Berkeley*, being then one of the Juſtices of the Court of *Kings-Bench*, and having ſworn as aforeſaid, did on the deliver his Opinion in the *Exchequer-Chamber* againſt *John Hampden* Eſq; in the Caſe of Ship-Money, That he the ſaid *John Hampden*, upon the matter and ſubſtance of the Caſe, was chargeable with the Money then in queſtion; a Copy of which Proceedings and Judgment the Commons of this preſent Parliament have delivered to your Lordſhips.

7. That he the ſaid Sir *Robert Berkeley*, then being one of the Juſtices of the Court of *Kings-Bench*, and one of the Juſtices of *Aſſize for the County of York*, did at the Aſſizes held at *York*, in Lent 1636. deliver his Charge to the Grand Jury, *That it was a lawful and inſeperable Flower of the Crown for the King to command, not only the Maritime Counties, but alſo thoſe that were Inland, to find Ships for the defence of the Kingdom. And then likewiſe falſely and malitiouſly affirmed*, That it was not his ſingle Judgment, but the Judgment of all his Brethren, witneſſed by their Subſcriptions. And then alſo ſaid, That there was a Rumor, that ſome of his Brethren that had ſubſcribed, were of a contrary Judgment; but it was a baſe and unworthy thing, for any to give his Hand contrary to his Heart; and then wiſhed for his own part, that his Hand might rot from his Arm, that was guilty of any ſuch crime; when as he knew that Mr. Juſtice *Hutton*, and Mr. Juſtice *Crooke*, who had ſubſcribed, were of a contrary opinion, and was preſent when they were perſwaded to ſubſcribe; and did ſubſcribe for conformity, only becauſe the major number of the Judges had ſubſcribed. And he the ſaid Sir *Robert Berkeley* then alſo ſaid, That in ſome Caſes the Judges were above an Act of Parliament; which ſaid falſe malitious words were uttered, as aforeſaid, with intent and purpoſe to countenance and maintain the ſaid unjuſt opinions, and to terrifie His Majeſties Subjects that ſhould refuſe to pay Ship-Money, or ſeek any remedy by Law, againſt the ſaid unjuſt and illegal Taxation.

8. That whereas *Richard Chambers* Merchant, having commenced a Suit for Treſpaſs, and falſe Impriſonment, againſt Sir *Edward Bromfeild* Knight, for impriſoning him the ſaid *Chambers*, for *refuſing to pay Ship-Money*, in the time that the ſaid Sir *Edward Bromfeild* was Lord Major of the City of *London*; in which Suit the ſaid Sir *Edward Bromfeild* did make a ſpecial Juſtification: The ſaid Sir *Robert Berkeley* then being one of the Juſtices of the Court of *Kings-Bench*, in *Trinity* Term laſt, then ſitting on the Bench in the ſaid Court, upon debate of the ſaid Caſe between the ſaid *Chambers* and Sir *Edward Bromfeild*, *ſaid openly in the Court*, That *there was a Rule of Law*, and *a Rule of Government*: And that *many things which might not be done by the Rule of Law, might be done by the Rule of Government*: And would not *ſuffer* the point of *Legality of Ship-Money to be argued* by *Chambers* his Councel; all which Opinions, Declarations, words,

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Words, and Speeches, contained in the third, fourth, fifth, ſixth, ſeventh, [illegible] Articles, are deſtructive to the fundamental Laws of [illegible], the Subjects right of Property, and contrary to former Reſolutions in Parliament, and to the Petition of Right; which reſolution in Parliament, and Petition of Right, were [illegible] known to him, and reſolved, and enacted, when he was the Kings Serjeant at Law, and attendant in the Lords Houſe of Parliament.

9. That the ſaid Sir *Robert Berkeley*, then being one of the Judges of the Court of *Kings-Bench*, and being in Commiſſion of the Peace, and duly ſworn to execute the Office of a Juſtice of the Peace in the County of *Hertford*, on or about the *7th* of *January* 1638. at which time this general Seſſions of the Peace for the ſaid County were there holden: The ſaid Sir *Robert Berkeley*, then and there ſitting on the Bench, did *revile and threaten the Grand Jury* returned to ſerve at the ſaid Seſſions, for preſenting the removal of the Communion-Table in *All-Saints* Church in *Hertford* aforeſaid, out of the place where it anciently and uſually ſtood, and ſetting it Altar-ways, againſt the Laws of this Realm, in that Caſe made and provided, *as an Innovation in matters concerning the Church*, the ſaid Grand Jury having delivered to them in charge at the ſaid Seſſions, by Mr. Serjeant *Atkins*, a Juſtice of the Peace for the ſaid County of *Hertford*, that by the Oath they had taken, they were bound to Preſent all Innovations concerning Church matters. And he the ſaid Sir *Robert Berkeley compelled the Fore-man of the Jury to tell him who gave him any ſuch Information*; and thereby knowing it to be one *Henry Brown, one of the ſaid Grand Jury*, he asked the ſaid *Brown*, how he durſt meddle with Church matters, who affirming, that in the ſaid Charge, from Mr. Serjeant *Atkins*, the ſaid Jury was charged to do, he the ſaid Sir *Robert Berkeley* told the ſaid *Brown*, He ſhould therefore find Sureties for his *good behaviour*; and that he the ſaid Sir *Robert Berkeley* would *ſet a great Fine on his Head*, to make him an example to others; and thereupon the ſaid *Brown* offered ſufficient Bail; but he the ſaid Sir *Robert Berkeley*, being incenſed againſt him, refuſed the ſaid Bail, and committed the ſaid *Brown to Priſon*, where he lay in Irons till the next morning, and uſed to the ſaid *Brown*, and the reſt of the Jurors, many other *reviling and terrifying Speeches*; and ſaid, he knew no Law for the ſaid Preſentment; and told the ſaid *Brown*, That he had ſinned in the ſaid Preſentment: And he *compelled the ſaid Grand-Jurors to ſay, they were ſorry for what they had done in that Preſentment*, and did bid them to trample the ſaid Preſentment under their feet; and cauſed *Brown* to *tear the ſaid Preſentment* in his ſight. And he the ſaid Sir *Robert Berkeley*, when as *John Howland*, and *Ralph Pemberton*, late Majors of St. *Albons*, came to deſire his opinion on ſeveral Indictments againſt *John Brown*, Parſon of St. *Albons*, and *Anthony Smith*, Vicar of St. *Peters* in St. *Albons*, at the Quarter Seſſions held at the ſaid Town of St. *Albons*, on the *24th* of *June* 1639. for the *Removal of the Communion-Table out of the*

the *uſual place*, and not adminiſtring the Sacrament according to Law in that caſe provided: He the ſaid Sir *Robert Berkley* then told them that ſuch an Indictment was before him at *[illegible]*, and that he quaſhed the ſame, and impriſoned the Proſecutors; by which threatning and reviling ſpeeches againſt Articles and Declarations, he ſo terrified the Jurors in thoſe parts, that they durſt not preſent any Innovations in the Church matters, to their great grief and trouble of their conſciences.

And whereas ſeveral Indictments were preferred againſt *Matthew Brook*, Parſon of *Yarmouth*, by *John Ingram* and *John Carter*, for refuſing ſeveral times to adminiſter the Sacrament of the Lords Supper to them without any lawful cauſe, at the Aſſizes held at *Norwich* in the year 1633. he the ſaid Sir *Robert Berkley*, then being one of the Judges of the Aſſize, proceeded then to the Tryal on the ſaid Indictments; where the matter in iſſue being, That the ſaid *Brook* refuſed to adminiſter the ſaid Sacrament, becauſe the ſaid *Ingram* and *Carter* would not receive Tickets with their Sirnames before their Chriſtian names; which was a courſe never uſed amongſt them, but by the ſaid *Brook*. And the ſaid Sir *Robert Berkley* did then much diſcourage the ſaid *Ingrams* Councel, and over-rule the Cauſe for matter of Law, ſo as the Jury never went from the Bar, but there found for the ſaid *Brook*: And the ſaid Sir *R. Berkley* bound the ſaid *Ingram* to the good behaviour for the proſecuting the ſaid Indictments, and ordered him to pay coſts to the ſaid *Brook* for wrongfully inditing him. And whereas the ſaid *Carter*, not expecting the Tryal at the ſame Aſſizes he preferred his Indictment, was then abſent; whereupon the ſaid Sir *Robert Berkeley* did cauſe to be entred upon the ſaid Indictment a *Vacat, quia non ſufficiens in lege*, and ordered an Attachment againſt the ſaid *Carter*, which ſaid proceedings againſt the ſaid *Ingram* and *Carter*, by the ſaid Sir *Robert Berkeley*, were contrary to Law and Juſtice, and to his own Knowledge.

10. That the ſaid Sir *Robert Berkeley*, being one of the Juſtices of the Court of Kings-Bench, and duly ſworn as aforeſaid in *Trinity* Term 1637, deferred to diſcharge or bayl *Alexander Jennings* Priſoner in the *Fleet*, brought by *Habeas Corpus* to the Bar of the ſaid Court; the return of his Commitment being, that he was committed by two ſeveral Warrants from the Lords of the Council, dated the 5th of *November* 1636. The firſt being onely read in Court expreſſing no cauſe, the other for not paying Meſſengers Fees, and until he ſhould bring a Certificate that he had paid his Aſſeſſment for Ship-money in the County of *Bucks*, but remitted him: And in *Michaelmas* Term after, the ſaid *Jennings* being brought by another *Habeas Corpus* before him as aforeſaid, and the ſame returned; yet he the ſaid Sir *Robert Berkeley* refuſed to diſcharge or bayl him, but remitted him. And in *Eaſter* Term, after ſeveral rules were given for his Majeſties Councel, to ſhew cauſe why the ſaid *Jennings* ſhould not be bayled, a fourth Rule was made for the ſaid *Jennings* to let his Majeſties Attorney General have notice thereof, and notice was given accordingly; and the ſaid *Jennings* by another

Habeas

[illegible] *Corpus*, [illegible] soon after, and the [illegible] a new Commitment of the [illegible] hath used divers ſcandalous [illegible] and diſparagement of his Majeſties [illegible] after ſeveral Rules in the [illegible] again remanded to Priſon. And he the ſaid [illegible] on the 18th of *June* laſt, defer to grant [illegible] *Corpus* for *William Pargiter* and *Samuel* [illegible] Priſoners in the Gatehouſe, and in the Fleet [illegible] granted the ſaid Writ of *Habeas Corpus*, the [illegible] and *Danvers* were on the 18th of *June* laſt brought [illegible] the ſaid Court, where the returns of their Commitments were ſeveral Warrants from the Lords of the Council not [illegible] any Cauſe; yet he the ſaid Sir *Robert Berkley* [illegible] the ſaid Court, *deferred to bail* the ſaid *Pargiter* and *Danvers*, and the 18th of *June* laſt, *made a Rule for a new Return to be returned*, which were returned the 25th of *June* laſt, *in hac verba*.

'Whereas His Majeſty finding that His Subjects of *Scotland* 'have in Rebellious and Hoſtile manner aſſembled themſelves together, and intend not only to ſhake off their obedience unto 'His Majeſty, but alſo as enemies to invade and infeſt this His 'Kingdom of *England*, to the danger of His Royal Perſon, &c.

For preventing whereof His Majeſty hath by the advice of His Council-board, given ſpecial commandment to all the ſaid Lord Lieutenants of the Counties of this Realm, appointed for their Randezvous in their ſeveral and reſpective Counties, there to be conducted and drawn together into a Body for this Service. And whereas His Majeſty according to the Laws and Statutes of this Realm and the conſtant cuſtom of His Predeceſſors Kings and Queens of this Realm, hath Power for the defence of this Kingdom, and reſiſting the force of the Enemies thereof, to grant forth Commiſſions under His Great Seal to ſuch fit perſons as he ſhall make choice of, to array and arm the Subjects of this Kingdom, and to compel thoſe who are of able Bodys and able Eſtates, to arm themſelves; and ſuch as ſhould not be of able bodies, but of ability in Eſtate, to aſſeſs them according to their Eſtates to contribute towards the Charge of arraying others, being able of body, and not able in Eſtate to arm themſelves; and ſuch Perſons as ſhould be contrariant to Commit to Priſon, there to remain untill the King ſhould take further order therein.

And whereas the Earl of *Exeter*, by vertue of His Majeſties Commiſſion to him directed, for the arraying and arming of a certain number of Perſons in the County of *Northampton*, hath aſſeſt *William Pargiter* being a man unfit of body for that Service, but being of Eſtate and Ability to contribute amongſt others, to pay the ſum of five Shillings towards the arraying and arming of others of able bodies, and wanting ability to array and arm themſelves.

And whereas we have received Information from the ſaid Earl, that the ſaid *William Pargiter* hath not only in a wilful diſobedient manner refuſed to pay the ſaid money aſſeſſed upon him towards ſo important a ſervice, to the diſturbance and hindrance of the neceſſary defence of this Kingdom; but alſo by his ill example hath miſled many others; and, as we have juſt cauſe to believe hath practized to ſeduce others from that ready obedience which they owe, and would otherwiſe have yeilded to His Majeſties juſt Command, for the publick defence of his Perſon and Kingdom, which we purpoſe with all convenient ſpeed to enquire further of and examine.

Theſe are therefore to Will and Require you, to take into your cuſtody the perſons of the ſaid *William Pargiter* and *Samuel Danvers*, and them ſafely to keep Priſoners till further order from this Board, or until by due courſe of Law they ſhall be delivered; yet he the ſaid Sir *Robert Berkley* being deſired to bail the ſaid *Pargiter* and *Danvers*, remitted them, where they remained Priſoners till the ninth of *November* laſt, or thereabouts; although the ſaid *Jennings*, *Pargiter* and *Danvers*, on all and every the ſaid returns were clearly bailable by Law; and the Councel of the ſaid *Jennings*, *Pargiter* and *Danvers* offered in Court very ſufficient bail. And he the ſaid Sir *Robert Berkley*, being one of the Juſtices of the Court of Kings Bench, denied to grant His Majeſties Writs of *Habeas Corpus* to very many others His Majeſties Subjects, and when he had granted the ſaid Writs of *Habeas Corpus* to very many others His Majeſties Subjects, and on the return no cauſe appeared, or ſuch only as was clearly bailed by Law; yet he remanded them, where they remained Priſoners very long: which ſaid deferring to grant the ſaid Writs of *Habeas Corpus*, and refuſals and delaies to diſcharge Priſoners, or to ſuffer them to be bailed, contained in this Article are deſtructive to the fundamental Laws of this Realm, and contrary to former Reſolutions in Parliament, and to the Petition of Right, which ſaid reſolutions and Petitions of Right were well known to him the ſaid Sir *Robert Berkley*, and were reſolved on and enacted when he was the Kings Sergeant at Law, and *Attendant in the Lords Houſe* of Parliament.

11. That whereas there was a Cauſe depending in the Court-Chriſtian at *Norwich*, between *Samuel Booty* Clerk, and *Collard* for two ſhillings in the pound, for Tithes for Rents and Houſes in *Norwich*, and the ſaid *Collard* moved by His Councel in the Court of Kings Bench for a Prohibition to ſtay proceedings in the Court-Chriſtian at *Norwich*, and delivered into the ſaid Court of Kings Bench his Suggeſtions, that the ſaid Cauſe in the ſaid Court-Chriſtian was only for Tithes for Rents of Houſes in *Norwich*, which was determinable by the Common-Law only; yet he the ſaid Sir *Robert Berkley*, being one of the Juſtices of the ſaid Court of Kings Bench, and ſitting in the ſaid Court, deferred to grant a Prohibition to the ſaid Court-Chriſtian in the ſaid cauſe, although the Councel did move in the ſaid Court many ſeveral times, and ſeveral Terms for a Prohibition. And he the ſaid Sir *Robert Berkley* deferred to grant His Majeſties Writ of Prohibition to ſeveral other Courts, on the motions of divers others

of His Majeſties Subjects, where the ſame by the Laws of this Realm ought to have been granted, contrary to the Laws of this Realm and his own knowledge.

All which Words, Opinions, and Actions were ſo ſpoken and done by him the ſaid Sir *Robert Berkley* traiterouſly and wickedly to alienate the hearts of His Majeſties liege people from His Majeſtie, and to ſet a diviſion betwixt them, and to ſubvert the Fundamental Laws and Eſtabliſhed Government of His Majeſties Realm of *England*; for which they do impeach him the ſaid Sir *Robert Berkley* one of the Juſtices of the Court of Kings Bench of High-treaſon againſt our Sovereign Lord the King His Crown and Dignity, and of the miſdemeanors above mentioned.

And the ſaid Commons by proteſtation, ſaving to themſelves only the liberty of exhibiting at any time hereafter any other accuſation or impeachment againſt the ſaid Sir *Robert Berkley*, and alſo of replying to the Anſwer, that he the ſaid Sir *Robert Berkley* ſhall make to the ſaid Articles, or any of them, or of offering proof of the premiſes, or any other impeachments or accuſations that ſhall be exhibited by them, as the caſe ſhall according to the courſe of Parliaments require, do pray that the ſaid Sir *Robert Berkley*, one of the Juſtices of the Court of Kings Bench, may be put to anſwer to all and every the premiſes; and that ſuch Proceedings, Examinations, Trials, Judgements and Executions may be upon every of them had and uſed as is agreeable to Law and Juſtice.

The Kings pleaſure declared concerning the Surveying and Marking of Iron, and Surveying Woods in the making thereof.

‘WHereas the Kings moſt Noble Progenitors and Predeceſſors, Kings and Queens of this Realm, duly conſidering the neceſſary and important uſe of the Woods and Timber of this Kingdom have taken into their conſtant care to preſerve the ſame from waſte and deſtruction; and to that end divers good and wholeſom Laws and Statutes have been made, nevertheleſs by a common neglect of the ſaid Laws, and by an unlawful liberty, which many of the Kings Subjects have taken, there hath been a ſpoil of Timber and Woods in the Kingdom, by converting the ſame into Coals for the making of Iron; ſo that it may be feared, that within few years, unleſs a ſpeedy courſe be taken to prevent it, there will follow ſuch a want of Wood and Timber, as cannot be ſupplied by any future providence; and which together with the frequent tranſportation of Iron and Iron-metal unlawfully, without Licenſe, hath already produced a great ſcarcity of Timber, Wood and Iron: for a remedy whereof, and for reſtraint of Tranſportation of Iron, and for Reformation of ſundry ſecret Deceits and Abuſes now uſed and practiſed in the making of Iron, and in the vent and ſale thereof in Bars by intermingling the worſer ſort with the better; His Majeſty by His Letters Patents under the Great Seal, dated the 14*th* of *October* laſt, did erect an Office to be for ever continued, and did thereby appoint *John Cupper* and *Grimbald Pauncefoot* Surveyor or Surveyors of all Iron-works, Furnaces and Forges within *England* and *Wales*, and of all Woods to be uſed or employed thereat; and for the Surveying and Marking of Iron with divers Stamps and Marks; for the doing whereof they are allowed by the ſaid Letters Patents, to have a moderate fee at the time of their Surveying and Marking. And notwithſtanding ſome complaint hath been made of this matter before the King and Council, yet it is thought fit and neceſſary, that the ſaid Patent be put in execution; and therefore the King doth Command, that no Perſon whatſoever ſhall employ any Woods to be converted into Coals for the making of Iron, or ſhall tranſport any Iron or Iron Metal. And that no Iron-Maſter, Owner or Farmer of Iron-works ſhall put to ſale any ſort of Iron, nor ſhall any Merchant, Trader or Dealer in Iron remove the ſame from the Iron-Works, Furnaces, or Forges before the ſaid Iron ſhall be firſt Surveyed and Marked by the Kings Officers, or their Deputies. And all Perſons are required to permit the ſaid Officers, or their Deputies to enter into the Iron-Works, Warehouſes, &c. to Survey and Mark the ſaid Iron. The King doth further declare, that his ſaid Officers, or their Deputies may enter into any Woods, or Wood-grounds, wherein any Woods are, or ſhall be felled, to be converted into Coals, for the Making of Iron, or Iron-Metal, and there to Survey the ſame.

Titles of Proclamations for the Year 1637.

By the King,

Weſtminſter the 26 day of March.

A *Proclamation to reſtrain the making or having* Keys for His Majeſties Houſes, *Gardens*, *or Parks*, *without eſpecial Warrant.*

Whitehall the laſt day of April.

A Proclamation againſt the diſorderly Tranſporting *His Majeſties Subjects to the* Plantations *within the Parts of* America.

Whitehall the 14th day of May.

A Proclamation for calling in a Book Intituled an Introduction to a Devout Life, *and that the ſame be* publickly burnt.

Whitehall the 15th day of May.

A Proclamation touching the Manufactures of Playing-Cards, *and* Dice.

Greenwich the 9th day of July.

A Proclamation touching Common Maulters *and* Brewers.

Oatlands the 16th day of July.

A Proclamation againſt falſe packing of Butter, *and other deceits and miſdemeanours concerning* Butter-Caske, *diſcovered ſince the publiſhing of a former Proclamation.*

Oatlands the 23d day of July.

A Proclamation for putting off this next Bartholomew-Fair *in* Smithfeild, *and our* Lady-Fair *in* Southwark.

Oatlands the 29th day of July.

A Proclamation for the Surveying, and making of Iron, *and Survey of* Woods *to be uſed in the making thereof.*

Lindhurſt the 18th day of Auguſt.

A Proclamation declaring, that the Proceedings of His Majeſties Eccleſiaſtical Courts *and Miniſters*, *are according to the Laws of the Realm.*

Lindhurſt the 21ſt day of Auguſt.

A Proclamation for Putting off this next Sturbridge-Fair.

Oatlands the 3d day of September.

A Proclamation for putting off the Healing of the Diſeaſe called the Kings-Evil *at* Michaelmas *Terme.*

Whitehall the 19th day of November.

A Proclamation for Reſtraining the uſe of Wine-Casks, *by Brewers, and Sellers of* Beer *and* Ale.

Weſtminſter the 22d day of November.

A Proclamation concerning the Tradeſmen *and* Artificers within three Miles of the City of *London*, *not yet admitted in the* New-Corporation.

Whitehall the 20th day of December.

A Proclamation reſtraining the withdrawing His Majeſties Subjects from the Church of England, *and giving ſcandal in* reſorting to Maſſes.

A Proclamation touching the Corporation of Soap-makers *of* London.

Whitehall the *28th day of* December.

A Proclamation declaring the ſeaſonable Times when Warrants for Veniſon *in the Kings Foreſts, Chaces, or Parks, are to be ſerved.*

Whitehall the *17th day of* January.

A Proclamation concerning certain kinds for the ſweet and ſpeedy drying of Malt *and Hops, at a ſmall Charge.*

Whitehall the *8th day of* February.

A Proclamation concerning the carrying, and re-carrying of Letters, *as well within His Majeſties Realms and Dominions, as into, and from* Forreign Parts.

Whitehall the *11th day of* February.

A Proclamation for the Prizing of Wines.

Whitehall the *11th day of* February.

A Proclamation concerning our Iron-Oar, Iron-Mines, *and Cinders within Our Foreſt of* Dean.

Newmarket *the 4th day of* March.

A Proclamation concerning Tobacco.

Whitehall the *14th day of* March.

Hiſtorical Collections

For the Year 1638.

The Arch-Biſhop of Canterbury's *Diary.*

April 29.

THe Tumults in *Scotland* about the *Service Book* offered to be brought in, began *July* 23. 1637. and continued increaſing by fits, and hath now brought that Kingdom in danger. No queſtion but there is a great concurrence between them and the Puritan Party here in *England*; there was great aim there to deſtroy me in the King's Opinion, *&c.*

May 26. Saturday, *James* Lord Marqueſs *Hamilton* ſet forth, as the King's Commiſſioner, to appeaſe the Tumults in *Scotland.* God proſper him for God and the King.

June, My Viſitation then began of *Merton* College in *Oxford*, by my Viſitors, was adjourned to my own hearing, again upon *October* 2.

October 2, 3, 4. I ſat upon this Buſineſs theſe three days, and adjourned it till *July* 1. *Inter horas primam & tertiam, Lambeth.* The Warden appeared very foul.

October 19. News was brought to us, as we ſat in the *Star-Chamber*, that the Queen-Mother of *France* was landed at *Harwich*; many and great apprehenſions upon this Buſineſs.

October 31. The Queen came into *London*, and ſo to St. *James's*.

November 13. The Agreement between me and *A. S. &c.*

November 21. Wedneſday, The General Aſſembly in *Scotland* began to ſit.

November 29. *Thurſday*; The Proclamation iſſued out for diſſolving of the Great Aſſembly in *Scotland*, under pain of *Treaſon*.

December 20. They ſat notwithſtanding, and made many ſtrange Acts till *December* 20, which was *Thurſday*, and then they roſe; but have indicted another Aſſembly againſt *July* next.

February 10. My Book againſt *Fiſher* the Jeſuit was Printed, and this day, being *Sunday*, I delivered a Copy to his Majeſty.

Tueſday, *Feb.* 21. That Night I dreamed that K. C. was to be married to a Miniſter's Widow, and that I was called upon to do it: No *Service Book* could be found; and in my own Book, which I had, I could not find the Order for Marriage.

At *Whitehall*, April 6.

Preſent,

The King's moſt Excellent Majeſty.

Lord Arch-Bp. of *Canterbury*,
Lord *Keeper*,
Lord *Treaſurer*,
Lord *Privy-Seal*,
Lord Duke of *Lenox*,
Earl *Marſhal*,
Earl of *Northumberland*,

Earl of *Saliſbury*,
Lord *Cottington*,
Lord *Newburgh*,
Mr. *Treaſurer*,
Mr. *Vice-Chamberlain*,
Mr. Secretary *Cook*,
Mr. Secretary *Windebank*.

New-England.

‘His Majeſty and the Board taking into conſideration the frequent reſort to *New-England*, of divers Perſons ill-affected to the Religion eſtabliſhed in the Church of *England*, and to the good and peaceable Government of this State. However, upon the humble Petition of the Merchants, Paſſengers, and Owners of Ships now bound for *New-England*, and upon the Reaſons by them repreſented to the Board, His Majeſty was graciouſly pleaſed at this time to free them from a late Reſtraint, and to ſet them at liberty to proceed on in their intended Voyage. Nevertheleſs His Majeſty well knowing the factious diſpoſition of the People (for a great part of them) in that Plantation, and how unfit and unworthy they are of any Support or Countenance from hence, in reſpect of the great Diſorders and want of Government amongſt them; whereof ſundry and great Complaints have bin preſented to the Board, and made appear to be true, by thoſe that being well-affected, both for Religion and Government, have ſuffered much loſs in their Eſtates by the unruly Factious Party, did think fit and Order, That Mr. Attorney General ſhall forthwith draw up a Proclamation, expreſſing his Majeſty's Royal Pleaſure to prohibit all Merchants, Maſters, and Owners of Ships from henceforth to ſet forth any Ship, or Ships, with Paſſengers for *New-England*, till they firſt obtained ſpecial Licence on that behalf, from ſuch of the Lords of His Majeſty's moſt Honourable Privy-Council, as are appointed for the Buſineſs of Foreign Plantations by ſpecial Commiſſion.

April 15.

Miniſters and Tithes in adjacent Pariſhes to *London*.

‘Whereas an humble Petition was this day read at the Board unto the King's moſt Excellent Majeſty, in the Names of the Parſons, Vicars, and Curats of the adjacent Places to the City of *London*, namely, of St. *Margarets Weſtminſter*, St. *Clements Danes*, St. *Giles* in the *Fields*, St. *James Clarkenwel*, St. *Leonard Shoreditch*, St. *Martins* in the *Fields*, St. *Mary Whitechappel*, *Savoy* Pariſh, St. *George*, St. *Thomas*, and St. *Mary Newington*. In *Southwark*, St. *Magdalen Bermondſey*, St. *Saviours Southwark*, St. *Katharine Tower*, *Lambeth*, and St. *Olaves* in *Southwark*; Shewing unto His Majeſty the great increaſe of New-Buildings of late Years, erected in the Petitioners 'ſeveral Pariſhes; and that the number of People is now ſo much 'augmented, that the ſaid Livings are for the preſent incompetent, 'and in no proportion meet for the diſcharge of ſo great Cures, ſome 'of the Petitioners receiving no Tithe at all, the reſt far ſhort of that 'which of right ought to be paid unto them; that great numbers of 'Pariſhioners in the aforeſaid Pariſhes, now living in Houſes, lately 'built upon that Ground which heretofore hath paid Tithes and other 'Rights (to the ſaid ſeveral Churches) pay now to the Petitioners, 'either nothing, or but 2 *d.* at *Eaſter*, and 3 *d.* at the moſt, beſides 'the Obventions of ſmall value; and therefore humbly beſought his 'Majeſty, amidſt His Gracious Thoughts towards the Clergy of *London*, to take the Caſe of the Pariſhioners into His Princely Care, and 'to take ſome courſe for the better maintenance of the Petitioners, 'and for the eſtabliſhing of their Right. And whereas by former 'Order hath the ſaid Parſons, Vicars, and Curats, and alſo the Church-'Wardens, and divers of the principal Pariſhioners of the ſaid Pariſhes 'appeared this day before His Majeſty and their Lordſhips, in whoſe 'hearing and preſence, the ſaid Petition being again read, they the 'ſaid Clergy, and Church-Wardens, and Pariſhioners, were demanded by His Majeſty whether they were ready and willing to ſubmit to 'His Majeſty's Pleaſure and Determination in the things which were 'moved and deſired in the ſaid Petition; whereunto the ſaid Clergy 'readily aſſented, but the aforeſaid Church-Wardens and Pariſhioners 'alleadged themſelves to be no way authorized thereunto. It was 'thereupon by His Majeſty ordered, That the ſaid Clergy ſhould 'forthwith prepare their Submiſſions reſpectively. And that the 'Church-Wardens and Veſtry-Men of the aforeſaid ſeveral Pariſhes, 'ſhould with like diligence and expedition aſſemble their Pariſhioners; 'and communicating the Petition of the ſaid Clergy unto them, withall acquaint them with His Majeſty's Pleaſure touching their Submiſſion; and they the Pariſhioners by Writing, ſigned with their hands, 'fully to authorize their ſeveral Veſtry-Men, or Church-Wardens, to 'return unto His Majeſty their Anſwer therein. And that both the 'ſaid Clergy, as alſo the Veſtry-Men, or Church-Wardens of each 'Pariſh ſo authorized, fail not to give their attendance, with their 'ſaid Submiſſions and Authorizations, upon *Sunday* the *6th* of *May* 'next. Whereof all Prrties are required hereby to take notice, and 'to govern themſelves accordingly.

May the 4*th*.

Another Order of the Lords of the Council concerning St. *Gregory's* Church.

'THis day upon conſideration, as well of the Petition of the Pa'riſhioners of St. *Gregories*, as of certain Articles propounded 'by the Pariſhioners of St. *Gregory's* aforeſaid, to the Pariſhioners of '*Chriſts-Church*, and of others propounded by the Pariſhioners of '*Chriſt-Church* to thoſe of St. *Gregory's*, concerning the accommodating 'the Pariſhioners of St. *Gregory's* in the Weſt end of *Chriſt-Church*, 'for the exerciſing of Divine Service there. It was by the Board 'ordered,

'That the Pariſhioners of St. *Gregory's* ſhall place no Pews in *Chriſt-Church*, but ſuch as ſhall be moveable, to the end that Burials may 'not be hindered, when thoſe of *Chriſt-Church* have occaſion to bury 'there.

‘That for the ſaid Pariſhioners of St. *Gregory*'s coming in and going, they ſhall make uſe of the Weſt Doors only.

‘That they ſhall depart and leave the ſaid Weſt end of the Church at the Feaſt of St. *John Baptiſt*, which ſhall be in the Year of Our Lord God 1641.

‘That thoſe of St. *Gregory*'s ſhall leave the Church as they found it, and as well repaired in all reſpects, ordinary uſe and wearing excepted.

‘That thoſe of St. *Gregory*'s ſhall have liberty to bury ten of their Pariſhioners every Year (if there be occaſion) within the Weſt end of *Chriſt-Church*, for that they have no other place where to bury their Dead.

‘That the Pariſhioners of *Chriſt-Church* and St. *Gregory*'s, ſhall from time to time ſubmit themſelves to the Arbitrement and Commands of the Lord Biſhop of *London* and his Succeſſors for the compoſing of all Differences which ſhall ariſe between the ſaid Pariſhioners.

‘And laſtly; Their Lordſhips do hereby order and require, That the Church-Wardens, Common-Council-Men, and Sidemen, as well of the Pariſh of St. *Gregory*'s, as of that of *Chriſt-Church* ſhall ſubſcribe to the performance of all the aforeſaid Articles; and that ſuch their Subſcription, together with this their Lordſhips Order, ſhall oblige reſpectively both the one and the other ſide to the due performance of the ſame, and every part thereof. And upon this Subſcription, which is forthwith required, thoſe of *Chriſt-Church* ſhall preſently deliver the Keys of that part of the Church to thoſe of St. *Gregory*'s. Hereof as well the Pariſhioners of *Chriſt-Church*, as thoſe of St. *Gregory*'s, are to take notice, and conform themſelves accordingly.

At the Court at *Whitehall*, May 6.

Preſent,

The King's moſt Excellent Majeſty.

Lord Arch-Bp. of *Canterbury*,
Lord *Keeper*,
Lord *Treaſurer*,
Lord *Privy-Seal*,
Lord Duke of *Lenox*,
Lord Marqueſs *Hamilton*,
Earl *Marſhal*,
Lord *Great Chamberlain*,
Lord *Chamberlain*,
Earl of *Dorſet*,
Earl of *Holland*,
Earl of *Danby*,
Earl of *Morton*,
Earl of *Roxburgh*,
Lord *Cottington*,
Mr. *Treaſurer*,
Mr. *Comptroler*,
Mr. *Vice-Chamberlain*,
Mr. Secretary *Cook*,
Mr. Secretary *Windebank*.

A further Order concerning Tithes as to the Out-Pariſhes.

‘THis day Information was given to His Majeſty and the Board, That where His Majeſty's Order of the of *April* laſt, touching the Submiſſion of ſixteen of the Out-Pariſhes in the Suburbs of *London*, and the Liberties of *Weſtminſter*, unto His Majeſty and the Board, concerning the *Increaſe of Maintenance to their Miniſters*, in ſuch manner as other Pariſhes within the City of *London* had done, 'was publiſhed within the Pariſh Church of St. *Giles in the Fields*, upon *Aſcenſion* day laſt paſt; That one *George Winder*, qualifying himſelf a Meſſenger Extraordinary of His Majeſty's *Chamber*, did, in the midſt of a great Aſſembly of the Pariſhioners, who then ſeemed inclinable to return unto His Majeſty a modeſt and reſpective Anſwer to His Pleaſure ſignified unto them, did in a moſt uncivil and inſolent manner, afront Mr. Dr. *Heywood*, one of His Majeſty's Chaplains in Ordinary, Parſon of the ſaid Pariſh, and *Lawrence Whitaker* Eſq; one of His Majeſty's Juſtices of the Peace, an Inhabitant in the ſaid Pariſh, when they delivered the Points of the ſaid Order to the Aſſembly, and perſwaded them to ſubmiſſion therein required, whereby, and by his peremptory carriage, and affirming of untruths, the Votes of the ſaid Pariſhioners were diverted from giving ſuch ſatisfaction to His Majeſty's Propoſitions as were expected. It was therefore ordered by His Majeſty and the Board, That the Lord *Chamberlain* of His Majeſty's Houſhold, ſhould be prayed and required to call the ſaid *George Winder* before him, and examine him touching the ſaid Offence; and if he found it to be as was informed, that he ſhould then take ſuch order for his Puniſhment, either by taking from him the countenance of his pretended Service, or otherwiſe, as his Lordſhip ſhall find his Offence to deſerve.

Auguſt 19.

Unconformable Miniſters.

'VVHereas it is obſerved, That ſuch Miniſters who are unconformable to the Diſcipline and Ceremonies of the Church here, have and do frequently tranſport themſelves to the *Summer-Iſlands*, and other His Majeſty's Plantations abroad; where they take liberty to nouriſh and preſerve their Factious and Schiſmatical Humours, to the ſeducing and abuſe of His Majeſty's Subjects, and the hindrance of that good Conformity & Unity in the Church, which His Majeſty is careful and deſirous to eſtabliſh throughout His Dominions. We are therefore in His Majeſty's Name, and by His expreſs Command, hereby to pray and require your * Lordſhip to take a preſent and ſtrict Order, That no Clergy-Men be from hence-forth ſuffered to go over into the *Summer-Iſlands*, but ſuch only as ſhall have approbation in that behalf, from Our very good Lords, the Lord Arch-Biſhop of *Canterbury* his Grace, and the Lord Biſhop of *London*. And that for all ſuch of them as are already gone thither, without ſuch Approbation, that you cauſe them forthwith to be remanded back hither. And ſo expecting a good account hereof from your Lordſhip, we bid you very heartily farewel.

* The Lord Admiral.

Inſtructions for Captain William Legg, *concerning the Ordnance, Arms, and Proviſions ſent to* Kingſton *upon* Hull.

Arms and Ammunition at *Hull*:

'YOu are, with the Aſſiſtance and Atteſtation of the Mayor of the ſaid Town for the time being, to take a particular view and tale of the reſpective Proviſions that ſhall be there landed, and which are committed, by the Office of the Ordnance, to *John Spencer*, one of His Majeſty's Gunners, and the ſeveral Maſters of the Ships wherein they were ſent, comparing the Indentures with the Charge of 'the Indentures, and accordingly give a Diſcharge to ſuch as tranſported them, and not otherwiſe.

'You are alſo, with the like Aſſiſtance and Atteſtation, to take a particular view and tale of the reſpective Proviſions, being 800 Muſquets compleat, and 2000 Pikes, and all other Proviſions which are to be brought out of the *Low Countries* by Sir *Jacob Aſhley*; and you are to indent, as well for what you receive from the *Low-Countries*, as for what you receive out of the Ships from the *Tower*, and to ſend your Indenture for all the ſaid Proviſions into the Office of the Ordnance.

'You ſhall take care that all the ſaid Proviſions be lodged in a convenient and ſafe Store-houſe, and in ſuch order and decency, that the ſame may not only be freed from all danger and detriment, but be ready upon all occaſions; to which purpoſe you are to keep particular Memorials, or Liſts, of the Place and Order wherein each nature of the Proviſions committed to the charge is placed.

'You, with the aſſiſtance of the Mayor, are to ſell Powder, Match, and Muſquet-ſhot only, (and no other Proviſions in your Charge at *Hull*) to ſuch Perſons of the ſaid Towns or Counties thereabouts, as ſhall bring Certificate from one or more of the Deputy-Lieutenants of the ſaid Counties, or of the Mayor, and two other Magiſtrates of any Corporation reſpectively, That the ſaid Buyers are fit and reſponſible Perſons to be furniſhed with ſuch Munitions.

'You are to keep a particular account of the Sale of all, or any the ſaid Proviſions, expreſſing therein to whom, at what time, and at what rates the ſame are ſold; and the Accompt to be returned to the Office of the Ordnance, and the hands of your ſelf and the Mayor of the ſaid place, at which time the ſaid Certificates of the Deputy-Lieutenants, and the Magiſtrates, is likewiſe to be delivered into the Office, and an acknowledgment under the hands of the Party or Parties that ſhall buy any of the ſaid Proviſions, what he hath received, and what he hath paid.

'When any conſiderable proportion of Powder, Match, or Muſquet-ſhot ſhall be ſold, you are to give ſuch timely notice to the Maſter of the Ordnance, that ſupply accordingly may be returned unto you.

'The Monies proceeding from ſuch Sales, is to be from time to time delivered to ſuch Perſons as the Lord Treaſurer ſhall appoint to receive the ſame from you.

'As for the iſſuing or diſpoſing of any other part of the ſaid Proviſions committed to your truſt, beſides Powder, Match, and Muſquet-ſhot, you are to receive further Orders and Inſtructions, either from his Majeſty, the Lords of the Council, or Maſter of the Ordnance.

'You having received your Munition from hence, and thoſe Arms from *Holland*, and diſpoſed of them in ſuch ſafety as aforeſaid, ſhall repair to *Newcaſtle* with the Engineer; and if Sir *Jacob Aſhley* ſhall not be come to *Hull*, you ſhall notwithſtanding go to *Newcaſtle*, and diſpatch there according to your further Inſtructions concerning that Town, leaving Mr. *Leonard Pinkney*, the Bearer hereof, to attend Sir *Jacob Aſhley's* arrival, and to receive the Arms by him brought thither, and to diſpoſe of them as you ſhall direct before you go.

14 Caroli.

‘During which time of your abſence at *Newcaſtle*, you ſhall depute ſuch as you ſhall think fit; who with the atteſtation of the Mayor, according to the former Inſtructions, ſhall iſſue and make ſale of ſuch Powder, Match, and Muſquet-ſhot as is ordered and warranted as aforeſaid until your return.

‘You are likewiſe to take knowledg, That upon ſignification of your Letter, his Majeſty is pleaſed, for the better encouragement of the Inhabitants, to fortify the Town, to lend them ſix Demi-Culverings of Iron, with their Field-Carriages, mounted upon unſhod-Wheels, with Ladles and Spunges belonging to them; they indenting for the ſame with the Maſter and Office of the Ordnance, according to courſe.

‘You are further to certify the Maſter of the Ordnance, what ſtores of Ordnance and other Munition have bin formerly in charge at *Hull*.

‘And laſtly; In regard that neither the Proviſions that ſhall come from the *Tower* to *Hull*, nor thoſe out of the *Low-Countries*, can be ſtowed without Mony, Men, and Labour, you are to adviſe with the Mayor touching the Hire uſually given to Labourers there; and thoſe you imploy, to give them Wages accordingly; and the ſame courſe you ſhall take at *Newcaſtle*. And to enable you thereunto, you ſhall receive 300 *l.* by *John Spencer*; whereof you are to render an Accompt of your ſeveral Diſburſements, ſubſcribed by the ſeveral Perſons whom you imploy, atteſted by the reſpective Mayors of *Hull* and *Newcaſtle*. As alſo out of the ſaid Monies, to pay to *Thomas Heath* ſuch Monies as he ſhall neceſſarily diſburſe for his Majeſty's Service in ſtowing or iſſuing of the Munition or Arms upon Certificate thereof, ſubſcribed by the Magiſtrates of the Town.

The Prices of Powder, Match, and Arms to be ſold, viz.

Powder	18 *d.* the pound.
Match	1 *l.* 10 *s.* the C. Weight.
Muſquets	18 *s.* 6 *d.* the Piece.
Bandaleers	3 *s.* the peece.
Reſts for *Muſquets*	10 *d.* the peece.
Muſquet-ſhot	18 *s.* the C. weight.
Long Pikes	3 *s.* 2 *d.* the peece.
Corſlets, conſiſting of *Back*, *Breaſt*, *Gorget* and *Head-piece*	22 *s.* the peece.
Swords	7 *s.* 6 *d.* the peece.
Girdles and *Hangers*	2 *s.* the peece.

September 30.

Letters to the L. Lieutenants of *Northumberland*, &c.

‘WHereas his Majeſty hath bin graciouſly pleaſed of his Princely Care and Providence for the preſervation of the publick Peace and Safety of his People, and for the better ſtrengthening of the *Northern Parts* of this his Majeſty's Kingdom, to ſend to the Towns of *Kingſton* upon *Hull* and *Newcaſtle*, Arms, Powder, Shot, Match, Bullet, and other Munition; to the end that ſuch of his Majeſty's Subjects of this Kingdom as are deſirous to furniſh themſelves with ſuch Proviſions for their own proper uſe, or for the uſe ‘of Towns or Places in this Kingdom, may for their Mony be therewith ſupplied. Whereof We have thought good hereby to give your Lordſhip notice, That your Lordſhip let that County, and the Corporations in the ſame, know his Majeſty's Care of their Good, and that you may make further uſe of it for the advancement of his Majeſty's Service as there ſhall be occaſion. And ſo we bid, *&c.*

Names of the Lord Lieutenants.

Counties.	Ld Lieutenants.	Counties.	Ld Lieutenants.
Nottingham *Derby*,	Earl of *Newcaſtle.*	*Northumberland*	Earl of *Arundel* and *Surrey.*
York	Lord *V. Wentworth.*		E. of *Northumberland*
Lancaſter	Earl of *Derby.*	*Cumberland*	Earl of *Cumberland.*
Cheſter	Lord *Strange.*		Earl of *Suffolk.*
Stafford	Earl of *Eſſex.*	*Weſtmorland*	Lord *Maltravers.*
			Lord *Clifford.*
		Dureſm	Biſhop of *Dureſm.*

The Qu. Mother of *France* comes to *England.*

October the laſt, *Mary de Medicis*, the Queen Mother of *France*, came to *London*, and ſo to St. *James's*, The People were generally Malecontent at her coming, and wiſh'd her farther off; for they did not like her Train and Followers, which had often been obſerved, to bring the Sword or Peſtilence, ſo that ſhe was beheld as ſome Meteor of ill ſignification. Nor was one of theſe Calamities thought more the effect of her Fortune than Inclination, for her reſtleſs and unceſſant Spirit was prone to embroil all whereſoever ſhe came. Her impetuous banding and combining with *Monſieur* the Duke of *Orleans*, and the improſperity of that enterpriſe, made *France* too hot for her, and drave her, in the Year 1631, to *Bruſſels*, where the Cardinal *D' Infanta*, treated her a while with moſt honourable Careſſes and Reſpects; but *Flanders*, which at firſt ſeemed her place of Refuge, became afterwards her greateſt Danger, ſhe being (as her own *Manifeſto* ſets forth) ſo hunted and purſued with continual Imprecations and Curſes there, as ſhe began to fear ſome violence to her Perſon; ſo that quitting that Country, ſhe betook her ſelf to the Protection of the Prince of *Orange* 1637. Long ſhe ſtaied not there, but having received an invitation from the Queen her Daughter, reſorted hither.

November 12.

A Hearing appointed of divers Buſineſſes betwixt the Ld Deputy and Council of *Ireland*, and the Ld *Chancellor.*

‘UPon the motion of the Lord Vicount *Wentworth*, Lord Deputy General for His Majeſty in the Kingdom of *Ireland*; it was this day ordered by his Majeſty, with Advice of the Board, That on *Tueſday* ſevennight next, at two of the Clock in the Afternoon, at the Council Chamber in *Whitehall*, being the 12*th* of this preſent Month of *November*, the Cauſe concerning the Charge ſent unto his Majeſty by the Lord Deputy and Council of State of the Kingdom of *Ireland*, againſt the Lord Chancellor of *Ireland*, for divers undue Proceedings and Miſdemeanours in that Kingdom: As alſo the Cauſe of Appeal by the Lord Chancellor of *Ireland*, againſt a Decree made by the ſaid Lord Deputy and his Majeſty's Council of that Kingdom, 'and a Review thereof deſired by the ſaid Lord Chancellor ſhall be 'heard: Whereof all the Parties concerned therein are to take no'tice, and prepare themſelves with their Counſel learned, and to at'tend accordingly. And in regard the Charge againſt the ſaid Lord 'Chancellor doth conſiſt of many ſeveral parts: To the end his Lord'ſhip may be better prepared for ſuch things as ſhall come in debate at 'the time aforeſaid (having reference to the ſaid Charge) he is to take 'notice, that there will be then firſt inſiſted upon theſe Particulars fol'lowing; *viz.* The Lord Chancellor delivering the *Negative Voice* of 'the Nobility againſt the Contribution for the Army. *Article* againſt 'the Lord Chancellor in the Cauſe between *Mary Fitzgerald*, Plantiff, 'and *John Fitzgerald*, Defendent. Miſdemeanors in *Jacob's* Cauſe. 'Lord Chancellor's Miſdemeanors and Irregularities in the Cauſe be'tween Dr. *Medcalf*, Plantiff, and *George Harpool* and others, Defen'dents.

Novemb. 3.

To pay Ship-money in Arrears.

'WHereas upon a late Examination of the Account of the Ship'money taken by Us in the preſence of his Majeſty, to be 'levied upon the Writs iſſued in the Year 1637, notwithſtanding the 'continual calling upon you, the Sheriff of   the laſt Year, by this 'Board, by his Majeſty's ſpecial Command, it appeareth there is yet 'left an Arrear of   We have therefore thought fit 'hereby, according to his Majeſty's ſpecial Command, to require you 'the Sheriff for the laſt Year, with all poſſible ſpeed, upon pain of his 'Majeſty's diſpleaſure, and a ſevere proceeding to be had againſt you, 'to pay unto Sir *William Ruſſel*, Knight, Treaſurer of the Navy, ſo 'much of the ſaid Arrear as you have already collected and not paid 'in, and to aſſeſs, levy and collect by Diſtreſs or otherwiſe, according 'to the tenor of the ſaid Writ iſſued in the Year 1637, the reſidue 'of the ſaid Arrear remaining unaſſeſſed, unlevied or uncollected; 'and to pay in the ſame with all poſſible ſpeed, as aforeſaid: For 'which purpoſe We do require and authorize you the preſent Sheriff, 'to give Warrant and Authority to you the Sheriff of the laſt Year, 'for the aſſeſſing, levying, and collecting as aforeſaid, of the ſaid 'Arrears; as alſo to give like Warrant and Authority to ſuch other 'meet Perſons as you the Sheriff for the laſt Year ſhall preſent and 'nominate unto you the preſent *High-Sheriff*, either jointly or ſeveral'ly, to be imploied in this Service by you the *Sheriff* of the laſt Year, 'from whom only his Majeſty doth expect an Account thereof for 'your own time. Of performance of all which, you, or either of you, 'may not fail, as you tender the good Opinion of his Majeſty and this 'Board, at your perils. And you the *Sheriff* for the laſt Year are to 'collect and pay in all the ſaid Arrears to Sir *William Ruſſel* by the be'ginning of *Candlemaſs* Term: Or elſe you are to attend his Majeſty 'and the Board the ſecond Sunday of that Term, to give an Account 'why the ſame is not levied and paid in. And ſo, &c. Dated *ult.* '*Novemb.* 1638.

Decemb. 5. 1638.

Knighthood.

'WIlliam Coke, Eſq; one of his Majeſty's Juſtices of Peace for the 'County of *Nottingham*, having by his under-writing of '25 *l.* for Compoſition for *Knighthood* (being the Rate appointed for

Perſons

‘Perſons of Quality) made himſelf liable in the payment thereof, and is returned as Debtor for the ſame. Foraſmuch as We are informed by the Commiſſioners imploied in that Service, that he hath done his Majeſty very good Service upon ſeveral occaſions, We therefore think it fit that the ſaid Sum of 25 *l.* be reduced to 5 *l.* And do accordingly will and require you, that the ſaid Mr. *Coke*, having paid the ſaid Sum of 5 *l.* be diſcharged of the *overplus* of the ſaid Fine returned upon him *inſuper* upon the account of Sir *Jervis Clifton*, Knight and Baronet, Collector of the ſaid Monies for the Fines of *Knighthood* in the ſaid County of *Nottingham*. And for ſo doing this ſhall be your Warrant.

December 16. 1638.

To find Horſe and Arms.

‘THis day, his Majeſty being preſent in Council, was pleaſed in his Provident and Princely Care for the Safety and Defence of the Realm, to take into Conſideration amongſt other Particulars, the making compleat, and increaſing all that conveniently may be, the *number of Horſe in every County*, as a moſt important part of the Strength of the Kingdom. And for the better advancing and putting in execution thereof, it was taken into deliberation what *proportion of Lands and Eſtate* within the County *ought to be chargeable with the finding of Horſe*; and upon mature advice thought fit and reſolved, That every perſon having Lands of Inheritance of the clear yearly value of *two hundred* or *three hundred pounds per Ann.* within the County, or other Eſtate equivalent thereunto, ſhould be chargeable with a *Horſe*, viz. *two hundred pounds per Annum* with a *Light Horſe*, and *three hundred pounds per Annum* with a *Lance*, at the diſcretion of the Lord-Lieutenant of that County for the time being. And whereas it was now likewiſe taken into conſideration that the ſparing of ſome Perſons doth open a gap to excuſes and backwardneſs in others; to the weakning both of Horſe and Foot. And for that by Letters under his Majeſty's Roial Signature, bearing date 24*th* day of *May*, And by a Minute of Letters from the Board, ſent together with his Majeſty's ſaid Letters to the Lords Lieutenants of every County, it appeared that his Majeſty's pleaſure was then declared and ſignified to be, *That no Man's Purſe ſhould be ſpared in theſe Services, upon any Excuſe or Pretence whatſoever*; And that his *own Servants*, and thoſe that attend him in Court, ſhould be priviledged only, and ſpared from perſonal and actual Duties, but their Lands and Revenues to be as liable as any others to the Charge of finding Arms in thoſe Counties where the ſame do lie. It was therefore (according to his Majeſty's expreſs will and pleaſure now again *Declared*) *Reſolved* and *Ordered*, That the direction and Command given on that behalf, by his Majeſty's former Letters, ſhould be perſued and put in Execution by the Lords Lieutenants of every County. And that the like Rule ſhould be held and obſerved as well concerning the Perſons as the Lands and Revenues, of all and every the *Miniſters* and *Officers* of any his Majeſty's *Courts of Juſtice*, or any others that pretend *Priviledge* by reaſon of any relation to his Majeſty's Service, or dependence upon any great Officer in reſpect of *his Place* and Office, which however it was not ſo particularly expreſſed in his Majeſty's former Letters, yet (as his Majeſty was now pleaſed to obſerve and declare) the ſame was

‘ neceſſarily implied; for that if *none of his own Servants* were to be
‘ priviledged and exempted in their Lands and Eſtates from being
‘ chargeable with *Arms*, much leſs was it intended that the *Miniſters*
‘ and *Officers* of any of his *Courts of Juſtice*, or any other pretending
‘ *Privilege* by his Majeſty's Service, or by dependence upon any great
‘ Officers in reſpect of their Offices, ſhould in a like caſe have any great
‘ Priviledge or Exemption allowed them. Hereof a Copy is to be
‘ forthwith ſent to the Lord Lieutenant of every County.

Sir *William Ruſſel's* Accompt of Moneys received upon the *Ship-money* Writs which iſſued out *An.* 1637.

The Charge of Sir *William Ruſſel*, and Sir *Henry Vane*, Knights, Treaſurers of his Majeſty's Navy, touching the Moneys by them received of the ſeveral Sheriffs hereafter named, and by them levied by virtue of his Majeſty's *Writs*, iſſued out of the high Court of *Chancery* in the 14*th* Year of his Majeſty's Reign, for and towards the ſetting forth and furniſhing of divers Ships for the defence of this Realm, and paid over by them the ſaid Sheriffs unto the ſaid Sir *William Ruſſel*, and Sir *Henry Vane*, by virtue of a ſpecial *Commiſſion* under the great Seal; Dated the day of in the ſaid 14*th* Year of his Majeſty's Reign, *Annoque Dom.* 1638. And by Order from the Board to be by them expended and diſburſed in and about the ſaid Service.

Imprimis, The ſaid Sir *William Ruſſel*, and Sir *Henry Vane*, are charged with the ſum of five thouſand and five hundred pounds, by them received of the Sheriffs of the Counties of *Berks*, *Oxford*, *Buckingham*, and *Bedford*, as followeth, *viz.* With one thouſand four hundred and fifty pounds received of the Sheriff of the County of *Berks*. With one thouſand and three hundred pounds receiv'd of the Sheriff of the County of of *Oxford*; with one thouſand ſix hundred and fifty pounds received of the Sheriff of the County of *Buckingham*; and with received of the Sheriff of the County of *Bedford*, for and towards the ſetting forth and furniſhing of one Ship of 450 Tuns, for the ſervice aforeſaid.

Item, The ſum of four thouſand eight hundred and fifty pounds, by them received of the Sheriffs of the ſeveral Counties of *Cornwal* and *Devon*, for and towards the ſetting forth and furniſhing of one Ship of 400 Tuns, for the ſervice aforeſaid.

Item, With the ſum of four thouſand eight hundred pounds, by them received of the Sheriffs of the Counties of *Dorſet* and *Somerſet*, and of the Mayor and Sheriffs of the City of *Briſtol*, for and towards the ſetting forth and furniſhing of one Ship of 400 Tuns, for the ſervice aforeſaid.

Item, With the ſum of four thouſand two hundred pounds, by them received of the Sheriffs of the Counties of *Glouceſter* and *Wilts*, for and towards the ſetting forth and furniſhing of one Ship of 350 Tuns, for the ſervice aforeſaid.

Item, With the ſum of five thouſand pounds, by them received of the Sheriffs of the Counties of *Southampton*, *Surry*, *Suſſex*, and *Cinque-Ports* there, for and towards the ſetting forth and furniſhing of one Ship of 400 Tuns, for the ſervice aforeſaid.

Item, With the ſum of four thouſand five hundred pounds, by them received of the Sheriffs of the ſeveral Counties of *Cambridg*, *Huntingdon*, and *Northampton*, for and towards the ſetting forth and furniſhing of one Ship of 350 Tuns, for the ſervice aforeſaid.

An. 1638.

Item, With the ſum of four thouſand nine hundred pounds, by them received of the Sheriffs of the ſeveral Counties of *Cheſter*, *Derby*, *Stafford*, and *Lancaſter*, for and towards the ſetting forth and furniſhing of one Ship of 400 Tuns, for the ſervice aforeſaid.

Item, With the ſum of two thouſand pounds, by them received of the Sheriffs of the Counties of *Cumberland*, *Weſtmerland*, *Northumberland*, and *Dureſme*, for and towards the ſetting forth and furniſhing of one Ship of 150 Tuns, for the ſervice aforeſaid.

Item, With the ſum of five thouſand and five hundred pounds, by them received of the Sheriffs of the Counties of *Eſſex* and *Kent*, and *Cinque-Ports* there, for and towards the ſetting forth and furniſhing of one Ship of 450 Tuns, for the ſervice aforeſaid.

Item, With the ſum of five thouſand five hundred pounds, by them received of the Sheriffs of the ſeveral Counties of *Suffolk* and *Norfolk*, for and towards the ſetting forth and furniſhing of one Ship of 450 Tuns, for the ſervice aforeſaid.

Item, With the ſum of three thouſand three hundred pounds, by them received of the Sheriffs of the ſeveral Counties of *Hertford* and *Middleſex*, for and towards the ſetting forth and furniſhing of one Ship of 250 Tuns, for the ſervice aforeſaid.

Item, With the ſum of four thouſand nine hundred pounds, by them received of the Sheriffs of the ſeveral Counties of *Lincoln*, *Rutland* and *Leiceſter*, for and towards the ſetting forth and furniſhing of one Ship of 400 Tuns, for the ſervice aforeſaid.

Item, With the ſum of three thouſand five hundred pounds, by them received of the Sheriffs of the ſeveral Counties of *Monmouth*, *Hereford*, and *Salop*, for and towards the ſetting forth and furniſhing of one Ship of 300 Tuns, for the ſervice aforeſaid.

Item, With the ſum of five thouſand five hundred pounds, by them received of the Sheriffs of the ſeveral Counties of *York* and *Nottingham*, for and towards the ſetting out and furniſhing of one Ship of 450 Tuns, for the ſervice aforeſaid.

Item, With the ſum of two thouſand ſeven hundred pounds, by them received of the Sheriffs of the Counties of *Warwick* and *Worceſter*, for and towards the ſetting out and furniſhing one Ship of 200 Tuns, for the ſervice aforeſaid.

Item, The ſaid Sir *William Ruſſel* is charged with the ſum of five thouſand pounds, by him received of the Sheriff of the County of *Dorſet*, for and towards the ſetting out and furniſhing one Ship of 500 Tuns, for the ſervice aforeſaid.

Item, With the ſum of two thouſand pounds, by him received of the Sheriff of the County of *Dureſme*, for and towards the ſetting out and furniſhing one Ship of 200 Tuns, for the ſervice aforeſaid.

Item, With the ſum of eight thouſand pounds, by him received of the Sheriff of the County of *Eſſex*, for and towards the ſetting out and furniſhing one Ship of 800 Tuns, for the ſervice aforeſaid.

Item, With the ſum of five thouſand five hundred pounds, by him received of the Sheriff of the County of *Gloceſter*, for and towards the ſetting out and furniſhing one Ship of 550 Tuns, for the ſervice aforeſaid.

Item, With the ſum of ſix thouſand pounds, by him received of the Sheriff of the County of *Southampton*, for and towards the ſetting out and furniſhing one Ship of 600 Tuns, for the ſervice aforeſaid.

Item, With the ſum of three thouſand five hundred pounds, by him received of the Sheriff of the County of *Hereford*, for and towards the ſetting forth and furniſhing of one Ship of 350 Tuns, for the Service aforeſaid.

Item, With the ſum of four thouſand pounds, by him received of the Sheriff of the County of *Hertford*, for and towards the ſetting forth and furniſhing of one Ship of 400 Tuns, for the Service aforeſaid.

Item, With the ſum of two thouſand pounds, by him received of of the Sheriff of the County of *Huntington*, for and towards the ſetting forth and furniſhing of one Ship of two hundred Tuns, for the Service aforeſaid.

Item, With the ſum of eight thouſand pounds, by him received of the Sheriff of the County of *Kent*, and *Cinque-Ports* in *Kent*, for and towards the ſetting forth and furniſhing of one Ship of 800 Tuns, for the Service aforeſaid.

Item, With the ſum of four thouſand pounds, by him received of the Sheriff of the County of *Lancaſter*, for and towards the ſetting forth and furniſhing one Ship of 400 Tuns, for the Service aforeſaid.

Item, With the ſum of four thouſand five hundred pounds, by him received of the Sheriff of the County of *Leiceſter*, for and towards the ſetting forth and furniſhing of one Ship of 450 Tuns, for the Service aforeſaid.

Item, With the ſum of eight thouſand pounds, by him received of the Sheriff of the County of *Lincoln*, for and towards the ſetting forth and furniſhing of one Ship of 800 Tuns, for the Service aforeſaid.

Item, With the ſum of five thouſand pounds by him received of the Sheriff of the County of *Middleſex*, for and towards the ſetting forth and furniſhing of one Ship of 500 Tuns, for the Service aforeſaid.

Item, The ſaid Sir *William Ruſſel* and Sir *Henry Vane*, are charged with the ſum of one hundred threeſcore and eight pounds, by them received of the Sheriff of the County of *Angleſey*, for and towards the ſetting forth and furniſhing of one Ship of 100 Tuns, for the Service aforeſaid.

Item, With the ſum of two hundred and ſixteen pounds, by them received of the Sheriff of the County of *Carnarvon*, for and towards the ſetting forth and furniſhing of one Ship of 100 Tuns, for the Service aforeſaid.

Item, With the ſum of four hundred twenty and four pounds, by them received of the Sheriff of the County of *Denbigh*, for and towards the ſetting forth and furniſhing of one Ship of 100 Tuns, for the Service aforeſaid.

Item, With the ſum of two hundred and ſixteen pounds, by them received of the Sheriff of the County of *Flint*, for and towards the ſetting forth and furniſhing of one Ship of 100 Tuns, for the Service aforeſaid.

Item, With the ſum of three hundred twenty and two pounds, by them received of the Sheriff of the County of *Montgomery*, for and towards the ſetting forth and furniſhing of one Ship of 100 Tuns, for the Service aforeſaid.

Item, With the ſum of one hundred fifty and four pounds, by them received

An. 1638. received of the Sheriff of the County of *Merioneth*, for and towards the ſetting forth and furniſhing of one Ship of 100 Tuns, for the Service aforeſaid.

Item, With the ſum of three hundred threeſcore and one pounds, by them received of the Sheriff of the County of *Brecknock*, for and towards the ſetting forth and furniſhing of one Ship of 150 Tuns, for the Service aforeſaid.

Item, With the ſum of two hundred forty and eight pounds, by them received of the Sheriff of the County of *Cardigan*, for and towards the ſetting forth and furniſhing of one Ship of 150 Tuns, for the Service aforeſaid.

Item; With the ſum of three hundred and one pounds, by them received of the Sheriff of the County of *Carmarthen*, for and towards the ſetting forth and furniſhing of one Ship of 150 Tuns, for the Service aforeſaid.

Item, With the ſum of five hundred forty and ſeven pounds, by them received of the Sheriff of the County of *Glamorgan*, for and towards the ſetting forth and furniſhing of one Ship of 150 Tuns, for the Service aforeſaid.

Item, With the ſum of two hundred and threeſcore pounds, by them received of the Sheriff of the County of *Pembroke*, for and towards the ſetting forth and furniſhing of one Ship of 150 Tuns, for the Service aforeſaid.

Item, With the ſum of one hundred fourſcore and three pounds, by them received of the Sheriff of the County of *Radnor*, for and towards the ſetting forth and furniſhing of one Ship of 150 Tuns, for the Service aforeſaid.

This Accompt coming to our hands, we thought meet to preſent it for the Reader's more particular ſatisfaction.

Affairs in *Scotland.*

Now we beg leave for a while to make a ſtep into *Scotland*, to give an Account of the Tranſactions of Affairs in that Kingdom ſince the Month of *December* in the preceding Year 1637. The *Scots* begin their Year always with the Month of *January*, according to Foreign ſtile; ſo the firſt thing that offers it ſelf in order of Time is, That his Majeſty ſent the Earl of *Roxborough*, Lord Privy-Seal (then at the Court in *England*) to *Scotland*, with certain Inſtructions to the Council, who were to meet at *Dalkeith*, to conſider of the Diſordered Affairs of that Kingdom. And the Council removed the Seſſion [or Term] from *Linlithgow* to *Sterling*, twenty four miles from *Edinburgh*, to the end the Multitudes might be diſperſed, under pain of Treaſon; but nevertheleſs they came in great Tumults to *Sterling* alſo, and the Earl of *Traquaire*, Lord Treaſurer of that Kingdom, being newly returned back from the King, went with the reſt of the Council to *Sterling*, where they cauſed a Proclamation to be made for the diſperſing of the huge and dangerous Tumults there aſſembled, and to aſſure the King's Subjects of his Majeſty's ſincerity towards the Religion Eſtabliſhed in that Kingdom, and cauſed the Proclamation to that purpoſe (following) to be made publick accordingly.

CHARLES by the Grace of God, King of *Great-Britain*, *France*, and *Ireland*, Defender of the Faith, *&c.* To Our Lovits, *&c.* Our Sheriffs in that Part conjunctly and ſeverally, ſpecially conſtituted, greeting.

A Proclamation to beat down Superſtition. The King hath ordained a *Common-Prayer* Book.

Foraſmuch as We, out of Our Princely Care of maintenance of the true Religion already profeſſed, and for beating down of all Superſtition, having ordained a Book of Common-Prayer to be compiled for the general Uſe and Edification of Our Subjects, within Our Ancient Kingdom of Scotland: The ſame was accordingly done. In the framing whereof We took great care and pains, ſo as nothing paſt therein but what was ſeen and approved by Us, before the ſame was either divulged or printed; aſſuring all Our loving Subjects, That not only Our intention is, but even the very Book will be a ready means to maintain the True Religion already profeſſed, and beat out all Superſtition, of which We in Our own time do not doubt but in a fair courſe to ſatisfy Our good Subjects: But having ſeen and conſidered ſome Petitions and Declarations given in to Our Council againſt the ſaid Book, and late Canons of the Church, We find Our Royal Authority much injured thereby, both in the Matter and in the Carriage thereof; whereby We conceive theſe of Our Nobility, Gentry, Burroughs, Miniſters, and others, who kept and aſſiſted theſe Meetings and Convocations, for contriving and forming the ſaid Petitions, or who have ſubſcribed the ſame, to deſerve and be liable to Our high Cenſure, both in their Perſons and Fortunes, as having convened themſelves, without either Our Conſent or Authority; yet becauſe We believe, That what they have done herein, is out of a prepoſterous Zeal, and not out of any Diſloyalty or diſaffection to Soveraignty, We are graciouſly pleaſed, ſo far forth as concerns theſe Meetings, for conſulting or ſubſcribing of theſe Petitions, or preſenting the ſame to any Judge or Judges in Our ſaid Kingdom, to diſpenſe therewith, and with what may be their Fault or Error therein, to all ſuch as upon Signification or Declaration of Our Pleaſure, ſhall retire themſelves as becometh good and dutiful Subjects: To which purpoſe Our Will and Pleaſure is, and We charge you ſtraightly, and command, That theſe Letters ſeen, incontinent you paſs, and in Our Name and Authority, make intimation hereof to all Our Lieges and Subjects, by open Proclamation, at all places needful, wherethrough none pretend ignorance thereof; and therewith alſo that you in Our Name and Authority, diſcharge all ſuch Convocations and Meetings in time coming, under the pain of Treaſon. And alſo that you command, charge, and inhibit all Our Lieges and Subjects, That none of them preſume, nor take in hand, to reſort nor repair to Our Burgh of Sterling, nor to no other Burgh where Our Council & Seſſion ſits, till firſt they declare their Cauſe of coming to Our Council, and procure their Warrant to that effect. And further, That you charge and command all ſundry Provoſts, Bailiffs, and Magiſtrates, within every Burgh, That they and every one of them, have ſpecial care and regard to ſee this Our Royal Will and Pleaſure really

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Per Actum Secreti Concilii.

Upon the publiſhing of this Proclamation, it met with this Proteſtation.

For God and the King.

February 19. *WE Noblemen, Barons, Miniſters, Burgers, appointed to attend his Majeſty's Anſwer to our humble* Petition *and Complaint, and to prefer new* Grievances, *and to do what elſe may lawfully conduce to our humble Deſires; That whereupon the* 23d *of* September *laſt, we preſented a Supplication to Your Lordſhips, and another upon the* 18th *of* October *laſt; and alſo a new* Bill *relative to the former upon the* 19th *of* December *laſt, and did therein humbly remonſtrate our juſt* Exceptions *againſt the* Service Book, *and Book of* Canons; *and alſo againſt the* Arch-Biſhops *and* Biſhops *of this Kingdom, as the Contrivers, Maintainers, and Urgers thereof, and againſt their ſitting as our Judges, until the Cauſe be decided; earneſtly ſupplicating withal, to be freed and delivered from theſe and all other Innovations of that kind, introduced againſt the laudable Laws of this Kingdom, as that of the* High Commiſſion, *and other Evils particularly mentioned, and generally contained in our foreſaid Supplications and Complaints; and that this our* Party Delinquent *againſt our Religion and Laws, may be taken order with, and thoſe preſſing* Grievances *may be taken order with, and redreſſed according to the Laws of this Kingdom, as by our ſaid Supplications and Complaints doth more largely appear; With the which, on the* 19th *of* December *laſt, we gave in a* Declinator *againſt the* Arch-Biſhops *and* Biſhops *as our* Parties, *who by conſequence could not be our Judges: whereupon Your Lordſhips did declare, by Your Act at* Dalkeith, *the ſaid* 19th *of* December, *That You would preſent our Petitions to His Majeſty's Royal Conſideration, and that without prejudice of the* Declinator *given in by us the ſaid Supplicants, whereupon we ſhould be heard at time and place convenient, and in the mean time ſhould receive no prejudice, as the ſaid Act in it ſelf beareth. And whereas*

whereas we your Lordſhips Supplicants, with a great deal of patience, and hope alſo grounded on ſundry Promiſes, were expecting an Anſwer to theſe our humble Deſires, and having learned that upon ſome Directions of his Majeſty anent our Supplications and Complaints unto your Lordſhips of the Secret Council, your Lordſhips admits to the conſulting and judging anent our Supplications, and his Majeſty's Anſwer thereunto; the Arch-Biſhops and Biſhops our direct Parties, *contrary to our firſt* Declinator *propounded at* Dalkeith, *and now renewed at* Sterling; *and contrary to your Lordſhips Act aforeſaid at* Dalkeith, *and contrary to our Religion, and Laws, and humble Supplications; therefore leſt our ſilence be prejudicial to this ſo important a Cauſe, as concerns God's Glory and Worſhip, our Religion, Salvation, the Laws and Liberties of this Kingdom, or derogatory to the former Supplications and Complaints, or unanſwerable to the truſt of our Commiſſion; out of our bounden duty to our God, our King and native Country, we are forced to take Inſtruments in Notaries Hands, of your Lordſhips refuſal to admit our* Declinator, *or remove theſe our Parties, and to proteſt in manner following.*

First, That we may have our immediate recourſe to our Sacred Soveraign, to preſent our Grievances, and in a legal way to proſecute the ſame before the ordinary competent Judges, Civil or Eccleſiaſtical, without any Offence offered by us, or taken by your Lordſhips.

Secondly, We proteſt that the Arch-Biſhops and Biſhops, our Parties complained upon, cannot be reputed or eſteemed Lawful Judges, to ſit in any Judicatory in this Kingdom, Civil or Eccleſiaſtical, upon any of the Supplicants, until after lawful Trial judicially, they purge themſelves of ſuch Crimes as we have already laid to their charge, offering to prove the ſame whenſoever his Sacred Majeſty ſhall pleaſe to give us audience.

Thirdly, We proteſt no Act nor Proclamation to follow thereupon, paſt, or to be paſt in Council or out of Council, in preſence of the Arch-Biſhops and Biſhops, whom we have already declined to be our Judges, ſhall be any ways prejudicial to us the Supplicants, our Perſons, Eſtates, lawful Meetings, Proceedings or Purſuits.

Fourthly, We proteſt that neither we, nor any whoſe Heart the Lord ſhall move to join with us in theſe our Supplications, againſt the aforeſaid Innovations, ſhall incur any danger in Life, Lands, or any Political or Eccleſiaſtical Pains, for not obſerving ſuch Acts, Books, Canons, Rites, Judicatures, Proclamations introduced without or againſt the Acts of General Aſſemblies, or Acts of Parliament, the Statutes of this Kingdom, but that it ſhall be lawful to us or them to uſe our ſelves in Matters of Religion, of the External Worſhip of God, and Polity of the Church, according to the Word of God, and laudable Conſtitutions of this Church and Kingdom, conform to his Majeſty's Declaration the 9th of December *laſt.*

Fifthly, Seeing by the legal and ſubmiſſive way of our former Supplications, all thoſe who take theſe Innovations to heart, have bin kept calm, and carried themſelves in a quiet manner in hopes of redreſs; We proteſt that if any Inconvenience ſhall fall out, which we pray the Lord to prevent, upon the preſſing of any the foreſaid Innovations or Evils, ſpecially or generally contained in our former Supplications and Complaints, and upon your Lordſhips refuſal, to take order there-anent, the ſame be not imputed unto us, who moſt humbly ſeek all things to be reformed by an Order.

Sixthly; We proteſt that theſe our Requeſts, proceeding from Conſcience, An.1638. *and a due reſpect to his Majeſty's Honour, do tend to no other end, but to the preſervation of the true Reformed Religion, the Laws and Liberties of his Majeſty's moſt ancient Kingdom, and ſatisfaction of our moſt humble Deſires contained in our Supplication and Complaint, according to his Majeſty's accuſtomed Goodneſs and Juſtice; from which we do certainly expect that his Sacred Majeſty will provide and grant ſuch Remedy to our juſt Petitions and Complaints, as may be expected from ſo gracious a King towards his moſt Loyal and Dutiful Subjects, calling for redreſs of ſo preſſing Grievances, and praying to God that his Majeſty may long and proſperouſly raign over us.*

After this their Proteſtation, they did erect a great number of Tables (as they called them); in *Edinburgh* four Principals, one of the Nobility, another of the Gentry, a third of the Burroughs, and a fourth of the Miniſters. And the Gentry had many ſubordinate Tables, according to their ſeveral Shires. Theſe ſeveral Tables did conſult of what they thought fit to be propounded at the General Table, which conſiſted of ſeveral Commiſſioners choſen from the other four Tables. And from this time they proceeded in framing and ſubſcribeing of their Covenant; concerning which, ſaith Dr. *Belcanqual*, the reputed Penman of the King's Declaration, *That the firſt Dung that which from theſe Stables was thrown upon the Face of Authority and Government, was that lewd Covenant, and Seditious Band annexed unto it*; which followeth in theſe words.

The Confeſſion of Faith of the Kirk of *Scotland*, ſubſcribed at firſt by the King's Majeſty and his Houſhold in the Year of God 1580; thereafter by Perſons of all Ranks in the Year 1581, by Ordinance of the Lords of the Secret Council, and Acts of the General Aſſembly; ſubſcribed again by all ſorts of Perſons, in the Year 1590, by a new Ordinance of Council, at the deſire of the General Aſſembly; with a General Band for maintenance of the True Religion, and the King's Perſon, and now ſubſcribed in the Year 1638, by us Noblemen, Barons, Gentlemen, Burgeſſes, Miniſters, and Commons under ſubſcribing; together with our Reſolution and Promiſes for the Cauſes after ſpecified, to maintain the ſaid True Religion, and the King's Majeſty, according to the Confeſſion aforeſaid, and Acts of Parliament; the Tenure whereof here followeth.

'WE all, and every one of Us under written, do proteſt, That after long and due examination of our own Conſciences in Matters of True and Falſe Religion, are now throughly reſolved of the Truth, by the Word and Spirit of God; and therefore We believe with Our Hearts, confeſs with Our Mouths, ſubſcribe with Our Hands, and conſtantly affirm before God and the whole World, That this only is the true Chriſtian Faith and Religion, pleaſing God, and bringing Salvation to Man, which now is by the Mercy of God revealed to the World by the preaching of the bleſſed Evangel. And received, believed, and defended by many and ſundry notable Kirks and Realms, but chiefly by the Kirk of *Scotland*, the King's Majeſty, and three Eſtates of this Realm, as God's Eternal Truth, and only Ground of Our Salvation; as more particularly is expreſſed in the Confeſſion of Our Faith, eſtabliſhed and publickly confirmed by ſundry Acts of Parliament; and now of a long time hath bin openly profeſſed by the King's Majeſty, and whole Body of this Realm, both in Burgh and Land. To the which Confeſſion, and Form of Religion, we willingly agree in Our Conſciences in all Points, as unto God's undoubted Truth and Verity, grounded only upon his written Word; and therefore We abhor and deteſt all contrary Religion and Doctrine, but chiefly all kind of Papiſtry in general and particular Heads, even as they are now damned and and confuted by the Word of God, and Kirk of *Scotland*. But in ſpecial, We deteſt and refuſe the uſurped Authority of that Roman Antichriſt upon the Scriptures of God, upon the Kirk, the Civil Magiſtrate, and Conſciences of Men; all his Tyrannous Laws made upon indifferent Things againſt our Chriſtian Liberty; his Erroneous Doctrine againſt the Sufficiency of the Written Word, the Perfection of the Law, the Office of Chriſt and his bleſſed Evangel; His corrupted Doctrine concerning Original Sin, Our natural inability and rebellion to God's Law, Our Juſtification by Faith only, Our imperfect Sanctification and Obedience to the Law, the Nature, Number, and uſe of the Holy Sacraments; His five Baſtard Sacraments, with all his Rights, Ceremonies, and falſe Doctrine, added to the Miniſtration of the true Sacraments, without the Word of God. His cruel Judgments againſt Infants departing without the Sacrament; his abſolute neceſſity of Baptiſm; his blaſpemous Opinion of Tranſubſtantiation, or real preſence of Chriſt's Body in the Elements, and receiving of the ſame by the Wicked, or Bodies of Men. His Diſpenſations, with ſolemn Oaths, Perjuries, and degrees of Marriage, forbidden in the Word; his cruelty againſt the Innocent divorced, his deviliſh Maſs; his blaſphemous Prieſthood; his prophane Sacrifice for the Sins of the Dead and the Quick; his Canonization of Men calling upon Angels or Saints departed, worſhipping of Imagery, Relicks, and Croſſes; dedicating of Kirks, Altars, Days, Vows to Creatures; his Purgatory, Prayers for the Dead, Praying or Speaking in a ſtrange Language; with his Proceſſions and blaſphemous Letany, and multitude of Advocates or Mediators; his manifold Orders, Auricular Confeſſion; his deſperate and uncertain Repentance; his general and doubtſome Faith; his Satisfactions of Men for their Sins; his Juſtification by Works, *Opus Operatum*, Works of Supererrogation, Merits, Pardons, Peregrinations and Stations. His Holy Water, baptizing of Bells, conjuring of Spirits, Croſſing, Saning, Anointing, Conjuring, Hallowing of God's good Creatures, with the Superſtitious Opinion joined therewith. His worldly Monarchy, and wicked Hierarchy; his three ſolemn Vows, with all his ſhavelings of ſundry ſorts; his erroneous and bloody Decrees made at *Trent*, with all the Subſcribers & Approvers of that cruel and bloody Band conjured againſt the Kirk of God. And finally, We deteſt all his vain Allegories, Rites, Signs, and Traditions, brought in the Kirk without or againſt the Word of God, and Doctrine of this true Reformed Kirk. To which We join Our ſelves willingly, in Doctrine, Religion, Faith, Diſcipline, and Uſe of the Holy Sacraments, as lively Members of the ſame, in Chriſt Our Head, promiſing and ſwearing, by the Great Name of the Lord Our God, That We ſhall continue in the Obedience of the Doctrine and Diſci-

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'pline of this Kirk, and ſhall defend the ſame according to Our Vocation and Power all the days of Our Lives, under the pains contained in the Law, and danger both of Body and Soul in the day of God's fearful Judgment. And ſeeing that many are ſtirred up by Satan, and that Roman Antichriſt, to Promiſe, Swear, Subſcribe, and for a time uſe the Holy Sacraments in the Kirk, deceitfully againſt their own Conſciences, minding thereby, firſt under the External Cloak of Religion, to corrupt and ſubvert ſecretly God's True Religion within the Kirk; and afterwards, when time may ſerve, to become open Enemies and Perſecuters of the ſame, under vain hope of the Pope's Diſpenſation, deviſed againſt the Word of God, to his great Confuſion, and their double Condemnation in the Day of the Lord Jeſus.

'We therefore willing to take away all ſuſpicion of Hypocriſy, and of ſuch double dealing with God and his Kirk, proteſt and call the Searcher of all Hearts for Witneſs, that Our Minds and Hearts do fully agree with this Our Confeſſion, Promiſe, Oath, and Subſcription: ſo that We are not moved for any worldly Reſpect, but are perſuaded only in Our Conſciences, through the knowledg and love of God's True Religion, printed in Our Hearts by the Holy Spirit, as we ſhall anſwer to him in the Day when the Secrets of all Hearts ſhall be diſcloſed. And becauſe we perceive that the quietneſs and ſtability of Our Religion and Kirk doth depend upon the ſafety and good behaviour of the King's Majeſty, as upon a comfortable Inſtrument of God's Mercy granted to this Country for the maintenance of his Kirk, and miniſtration of Juſtice among us, we proteſt and promiſe with Our Hearts under the ſame Oath, hand writ, and pains, that We ſhall defend his Perſon and Authority, with Our Goods, Bodies, and Lives, in the defence of Chriſt his Evangel, Liberties of Our Country, Miniſtration of Juſtice, and Puniſhment of Iniquity, againſt all Enemies within this Realm, or without, as We deſire Our God to be a ſtrong and merciful Defender to Us in the day of Our Death, and coming of Our Lord Jeſus Chriſt; to whom, with the Father and the Holy Spirit, be all Honour and Glory eternally.

'Like-as many Acts of Parliament not only in general do abrogate, annul, and reſcind all Laws, Statutes, Acts, Conſtitutions, Canons Civil or Municipal, with all other Ordinances and practick Penalties whatſoever, made in prejudice of the True Religion, and Profeſſors thereof; or of the True Kirk Diſcipline, Juriſdiction, and freedom thereof; or in favours of Idolatry and Superſtition: Or of the Papiſtical Kirk, as *Act.* 3. *Act.* 31. *Parl.* 1. *Act.* 23. *Parl.* 11. *Act.* 114. *Parl.* 12. of King *James* the *6th*. That Papiſtry and Superſtition may be utterly ſuppreſſed, according to the intention of the Acts of Parliament reported in *Act.* 5. *Parl.* 20. King *James* the *6th*. And to that end they ordained all Papiſts and Prieſts to be puniſhed by manifold Civil and Eccleſiaſtical Pains, as Adverſaries to God's True Religion preached, and by Law eſtabliſhed within this Ream, *Act.* 24. *Parl.* 11. King *James* the *6th*, as common Enemies to all Chriſtian Government, *Act.* 18. *Parl.* 16. King *James* the *6th*, as Rebellers and Gainſtanders of Our Soveraign Lord's Authority, *Act.* 47. *Parl.* 3. K. *James* 6. and as Idolaters, *Act.* 104. *Parl.* 7. K. *James* 6. but alſo in particular, (by and attour the Confeſſion of Faith) do aboliſh and condemn the Pope's Authority and Juriſdiction out of 'this Land, and ordains the Mainteiners thereof to be puniſhed, *Act*. 2. *Parl*. 1. *Act* 51. *Parl*. 3. *Act* 106. *Parl*. 7. *Act* 114. *Parl*. 12. of K. *James* 6. do condemn the Pope's erroneous Doctrine, or any other erroneous Doctrine repugnant to any of the Articles of the true and Chriſtian Religion publickly preached, and by Law eſtabliſhed in this Realm; and ordains the Spreaders or Makers of Books or Libels, or Letters or Writs of that nature, to be puniſhed: *Act* 46. *Parl*. 3. *Act* 106. *Parl*. 7. *Act* 24. *Parl*. 11. K. *Jam*. 6. do condemn all Baptiſm conform to the Pope's Kirk, and the Idolatry of the Maſs; and ordains all Sayers, wilful Hearers, and Concealers of the Maſs, the Mainteiners and Reſetters of the Prieſts, Jeſuites, traffiquing Papiſts to be puniſhed without any exception or reſtriction; *Act* 5. *Parl*. 1. *Act* 120. *Parl*. 12. *Act* 164. *Parl*. 13. *Act*. 193. *Parl*. 14. *Act*. 1. *Parl*. 19. *Act*. 5. *Parl*. 20. King *James* 6. do condemn all Erroneous Books and Writs containing Erroneous Doctrine againſt the Religion preſently profeſſed, or containing Superſtitious Rites and Ceremonies Papiſtical, whereby the People are greatly abuſed; and ordains the home-bringers of them to be puniſhed, *Act*. 25. *Parl*. 11. K. *Jam*. 6. do condemn the Monuments and Dregs of by-gane Idolatry; as going to Croſſes, obſerving the Feſtival Days of Saints, and ſuch other Superſtitious and Papiſtical Rites, to the diſhonour of God, contempt of true Religion, and foſtring of great Errors among the People, and ordains the uſers of them to be puniſhed for the ſecond fault as Idolaters; *Act*. 104. *Parl*. 7. K. *Jam*. 6.

'Like-as many Acts of Parliament are conceived for maintenance of God's true and Chriſtian Religion, and the Purity thereof, in Doctrine and Sacraments of the true Church of God, the Liberty and Freedom thereof, in her National, Synodal Aſſemblies, Preſbyteries, Seſſions, Policy, Diſcipline, and Juriſdiction thereof, as that Purity of Religion, and Liberty of the Church was uſed, profeſſed, exerciſed, preached and confeſſed according to the Reformation of Religion in this Realm. As for inſtance: *Act*. 99. *Parl*. 7. *Act*. 23. *Parl*. 11. *Act*. 114. *Parl*. 12. *Act*. 160. *Parl*. 13. K. *Jam*. 6. ratified by *Act*. 4. K. *Charles*. So that *Act* 6. *Parl*. 1. and *Act*. 68. *Parl*. 6. of K. *Jam*. 6. in the Year of God 1579, declares the Miniſters of the bleſſed Evangel, whom God of his Mercy had raiſed up, or hereafter ſhould raiſe, agreeing with them that then lived in Doctrine and Adminiſtration of the Sacraments, and the People that profeſſed Chriſt, as he was then offered in the Evangel, and doth communicate with the holy Sacraments (as in the Reformed Kirks of this Realm they were preſently adminiſtred) according to the Confeſſion of Faith, to be the true and holy Kirk of Chriſt Jeſus within this Realm, and decerns and declares all and ſundry, who either gainſays the Word of the Evangel, received and approved as the heads of the Confeſſion of Faith, profeſſed in Parliament in the Year of God 1560, ſpecified alſo in the firſt Parliament of K. *Jam*. 6. and ratified in this preſent Parliament, more particularly do ſpecify; or that refuſes the Adminiſtration of the holy Sacraments as they were then miniſtrated, to be no Members of the ſaid Kirk within this Realm, and true Religion preſently profeſſed, ſo long as they keep themſelves ſo divided from the ſociety of Chriſt's Body. And the ſubſequent *Act* 69. *Parl*. 6. K. *James* 6. declares, That there is no other face of Kirk, nor other face of Religion, than was preſently at that time by the favour of God eſtabliſhed within this Realm, which therefore is ever ſtiled God's true Religion, Chriſt's true Religion, the true and Chriſtian Religion, and a perfect Religion. Which by manifold Acts of Parliament, all within this Realm are bound to profeſs to ſubſcribe the Aritcles thereof, the Confeſſion of Faith, to recant all Doctrine and Errors repugnant to any of the ſaid Articles, *Act*. 4. & 9. *Parl*. 1. *Act*. 45, 46, 47. *Parl*. 3. *Act*. 71. *Parl*. 6. *Act* 106. *Parl*. 7. *Act* 24. *Parl*. 11. *Act* 123. *Parl*. 12. *Act* 194. & 197. *Parl*. 14. of King *James* 6. And all Magiſtrates, Sheriffs, &c. on the one part, are ordained to ſearch, apprehend, and puniſh all Contraveners: For inſtance, *Act* 5. *Parl*. 1. *Act* 104. *Parl*. 7. *Act* 25. *Parl*. 11. K. *Jam*. 6. And that, notwithſtanding of the King's Majeſty's Licences on the contrary, which are diſcharged, and declared to be of no force, in ſo far as they tend in any ways to the prejudice and hindrance of the execution of the Acts of Parliament againſt *Papiſts*, and Adverſaries of the true Religion, *Act* 106. *Parl*. 7. K. *James* 6. On the other part, in *Act* 47. *Parl*. 3. K. *James* 6. it is declared and ordained, Seeing the Cauſe of God's true Religion, and his Highneſs's Authority are ſo joined, as the hurt of the one is common to both; and that none ſhall be reputed as loyal and faithful Subjects to our Sovereign Lord, or his Authority, but be puniſhable as Rebellers and Gainſtanders of the ſame, who ſhall not give their Confeſſion, and make Profeſſion of the ſaid true Religion; and that they who after defection ſhall give the Confeſſion of their Faith of new, they ſhall promiſe to continue therein in time coming, to maintain our Soveraign Lord's Authority, and at the uttermoſt of their Power to fortifie, aſſiſt and maintain the true Preachers and Profeſſors of Chriſt's Religion, againſt whatſoever Enemies and Gainſtanders of the ſame: and namely, againſt all ſuch of whatſoever Nation, Eſtate, or Degree they be of, that have joined and bound themſelves, or have aſſiſted, or aſſiſts, to ſet forward and execute the cruel Decrees of *Trent*, contrary to the Preachers and true Profeſſors of the Word of God, which is repeated word by word in the Articles of pacification at *Pearth* the 23*d* *Feb*. 1572, approved by Parliament the laſt of *April* 1573, ratified in Parliament 1578, and related *Act* 123. *Parl*. 12, of King *James* 6. with this addition, *That they are bound to reſiſt all treaſonable Uproars and Hoſtilities raiſed againſt the true Religion, the King's Majeſty and the true Profeſſors.*

‘Like-as all Lieges are bound to maintain the Kings Majeſty's Roial Perſon and Authority, the Authority of Parliamants, without which neither any Laws or lawful Judicatories can be eſtabliſhed, *Act* 130. *Act* 131 *Parl*. 8. *K*. *James* 6. and the Subjects Liberties, who ought only to live and be governed by the Kings Laws, the common Laws of this Realm allanerly, *Act* 48. *Parl*. 3. K. *James* 1. *Act* 79. *Parl*. 6. *K*. *James* 4. repeated in *Act* 131. *Parl*. 8. *K*. *James* 6. which if they be innovated or prejudged, the Commiſſion anent the Union of the two Kingdoms of *Scotland* and *England*, which is the ſole *Act* of 17. *Parl*. *K*. *James* 6. declares ſuch confuſion would enſue, as this Realm could be no more a free Monarchy: becauſe by the fundamental Laws, ancient Priviledges, Offices and Liberties of this Kingdom, not only the Princely Authority of his Majeſty's Roial Deſcent hath been theſe many Ages maintained, alſo the Peoples ſecurity of their Lands, Livings, Rights, Offices, Liberties and Dignities preſerved. And therefore for the preſervation of the ſaid true Religion, ‘Laws and Liberties of this Kingdom, it is ſtatute by *Act* 8. *Parl.* 1. repeated in *Act* 99. *Parl.* 7. ratified in *Act* 23. *Parl.* 11, & 14 *Act* of K. *James* 6. & 4. *Act* of King *Charles*, *That all Kings and Princes at their Coronation and Reception of their Princely Authority, ſhall make their faithful Promiſe by their Solemn Oath in the Preſence of the Eternal God, That during the whole time of their Lives they ſhall ſerve the ſame Eternal God to the utmoſt of their Power, according as he hath required in his moſt holy Word, contained in the Old and New Teſtaments, and according to the ſame Word ſhall maintain the true Religion of Chriſt Jeſus, the Preaching of his holy Word, the due and right Miniſtration of the Sacraments now received and preached within this Realm (according to the Confeſſion of Faith immediatly preceding;) and ſhall aboliſh and gainſtand all falſe Religion contrary to the ſame; and ſhall rule the People committed to their Charge according to the Will and Commandment of God revealed in his foreſaid Word, and according to the lowable Laws and Conſtitutions received in this Realm, no ways repugnant to the ſaid Will of the Eternal God; and ſhall procure, to the utmoſt of their Power, to the Kirk of God, and whole Chriſtian People, true and perfect Peace in all time coming: And that they ſhall be careful to root out of their Empire, all Hereticks and Enemies to the true Worſhip of God, who ſhall be Convicted by the true Kirk of God of the foreſaid Crimes.* Which was alſo obſerved by his Majeſty at his Coronation in *Edinburgh* 1633, as may be ſeen in the Order of the Coronation.

‘In obedience to the Commands of God, conform to the practice of the Godly in former times, and according to the laudable Example of our worthy and religious Progenitors, and of many yet living amongſt us, which was warranted alſo by Act of Council, commanding a General Band to be made and ſubſcribed by his Majeſty's Subjects of all Ranks, for two Cauſes: one was, for defending the true Religion, as it was then reformed, and is expreſſed in the Confeſſion of Faith above written, and a former large Confeſſion eſtabliſhed by ſundry Acts of lawful General Aſſemblies, and of Parliament, unto which it hath relation, ſet down in publick Catechiſms, and which had bin for many Years with a bleſſing from Heaven Preached and Profeſſed in this Kirk and Kingdom, as God's undoubted Truth, grounded only upon his written Word: The other Cauſe was for maintaining the King's Majeſty, his Perſon and Eſtate; The true Worſhip of God and the King's Authority being ſo ſtraightly joined, as that they had the ſame Friends and common Enemies, and did ſtand and fall together. And finally being convinced in our minds, and confeſſing with our mouths, that the preſent and ſucceeding Generations in this Land are bound to keep the foreſaid National Oath and ſubſcription inviolable,

‘We Noblemen, Barons, Gentlemen, Burgeſſes, Miniſters, and Commons under ſubſcribing, conſidering divers times before, and eſpecially at this time, the danger of the true Reformed Religion, of the King's Honour, and of the publick Peace of the Kingdom, by the manifold Innovations and Evils generally contained, and particularly mentioned in our late Supplications, Complaints, and Proteſtations, Do hereby profeſs, and before God, his Angels, and the World ſolemnly declare, that with our whole Hearts we agree and reſolve all the days of our life conſtantly to adhere unto, and to defend the foreſaid true Religion, and forbearing the practice of all Novations,

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'already introduced in the matters of the Worſhip of God, or approbation of the Corruptions of the publick Government of the Kirk, or civil Places and Power of Kirkmen, till they be tried and allowed in free Aſſemblies, and in Parliaments, to labour by all means lawful to recover the Purity and Liberty of the Goſpel, as it was eſtabliſhed and profeſſed before the foreſaid Novations: And becauſe after due examination We plainly perceive, and undoubtedly believe, that the Innovations and Evils contained in our Supplications, Complaints and Proteſtations have no warrant of the Word of God, are contrary to the Articles of the foreſaid Confeſſions, to the intention and meaning of the bleſſed Reformers of Religion in this Land, to the above written Acts of Parliament, and do ſenſibly tend to the reeſtabliſhing of the Popiſh Religion and Tyranny, and to the ſubverſion and ruin of the true Reformed Religion, and of our Liberties, Laws and Eſtates; We alſo declare, that the foreſaid Confeſſions are to be interpreted, and ought to be underſtood of the foreſaid Novations and Evils, no leſs than if every one of them had bin expreſſed in the foreſaid Confeſſions; and that we are obliged to deteſt and abhor them, amongſt other particular Heads of Papiſtry abjured therein; And therefore from the knowledge and Conſcience of our Duty to God, to our King and Country, without any worldly reſpect or inducement, ſo far as humane infirmity will ſuffer, wiſhing a further meaſure of the Grace of God for this effect, We promiſe and ſwear by the great Name of the Lord our God, To continue in the profeſſion and obedience of the foreſaid Religion; That we ſhall defend the ſame, and reſiſt all theſe contrary Errours and Corruptions, according to our Vocation, and to the utmoſt of that power that God hath put into our hands all the days of our life. And in like manner with the ſame Heart we declare before God and Men, That we have no intention or deſire to attempt any thing that may turn to the diſhonour of God or the diminution of the King's Greatneſs and Authority; but on the contrary we promiſe and ſwear, That we ſhall to the utmoſt of our power, with our Means and Lives, ſtand to the defence of our dread Soveraign the King's Majeſty, his Perſon and Authority, in the defence and preſervation of the foreſaid true Religion, Liberties and Laws of the Kingdom; As alſo to the mutual Defence and Aſſiſtance, every one of us of another, in the ſame Cauſe of maintaining the true Religion, and his Majeſties Authority, with our beſt Counſels, our Bodies, Means and whole Power, againſt all ſorts of Perſons whatſoever. So that whatſoever ſhall be done to the leaſt of us for that Cauſe, ſhall be taken as done to us all in general, and to every one of us in particular. And that we ſhall neither directly nor indirectly ſuffer our ſelves to be divided, or withdrawn by whatſoever Suggeſtion, Combination, Allurement, or Terror from this bleſſed and loyal Conjunction, nor ſhall caſt in any Let or Impediment that may ſtay or hinder any ſuch Reſolution, as by common conſent ſhall be found to conduce for ſo good ends: but on the contrary ſhall by all lawful means, labour to further and promove the ſame. And if any ſuch dangerous and diviſive Motion be made to Us by Word or Writ, We and every one of Us, ſhall either ſuppreſs it, or (if need be) ſhall incontinently make the ſame known, that it may be timouſly obviated. Neither do we fear the foul Aſperſions of *Rebellion, Combination*, or what elſe our Adverſaries from their Craft

'and

14 Caroli.

'and Malice would put upon Us, ſeeing what We do is ſo well warranted, and ariſeth from an unfeigned deſire to maintain the True Worſhip of God, the Majeſty of Our King, and the Peace of the Kingdom, for the common happineſs of Our ſelves and Poſterity. And becauſe We cannot look for a Bleſſing from God upon Our Proceedings, except with Our Profeſſion and Subſcription, We join ſuch a Life and Converſation as beſeemeth Chriſtians, who have renewed their Covenant with God; We therefore faithfully promiſe, for Our Selves, Our Followers, and all other under Us, both in publick, in Our particular Families, and perſonal Carriage, to endeavour to keep Our ſelves within the bounds of Chriſtian Liberty, and to be good Examples to others of all Godlineſs, Soberneſs, and Righteouſeſs, and of every Duty We owe to God and Man. And that this Our Union and Conjunction may be obſerved without violation, We call the Living God, the Searcher of Our Hearts, to Witneſs, who knoweth this to be Our ſincere Deſire, and unfeigned Reſolution, as we ſhall anſwer to *Jeſus Chriſt* in the great Day, and under the pain of God's everlaſting Wrath, and of Infamy, and of loſs of all Honour and Reſpect in this World: *Moſt humbly beſeeching the Lord to ſtrengthen Us by his Holy Spirit for this end, and to bleſs Our Deſires and Proceedings with a happy Succeſs, that Religion and Righteouſneſs may flouriſh in the Land, to the Glory of God, the Honour of Our King, and Peace and Comfort of Us all.*

'In Witneſs whereof We have ſubſcribed with Our Hands all the Premiſes, *&c.*

This Covenant was no ſooner framed, but it ſo took, as it was preſently ſworn, firſt, at *Edinburgh*, in the Month of *February* 1638 Scotiſh ſtyle, And then ſent every-where through the Country, to be ſubſcribed according the Example of thoſe in *Edinburgh*.

R. D. p. 7.

It is obſerved in the King's Declaration, That whereas the Band annexed to the former Confeſſion, was made in defence of the King's Authority and Perſon, with their Fortunes, Bodies, and Lives, in defence of the Goſpel of Chriſt, and Liberties of the Kingdom, *&c.* But to this Covenant (*ſaith the Declaration*) they have added a mutual Defence of one another, and made againſt all Perſons whatſoever, who ſhall oppoſe them in their Courſes, not excepting the King himſelf; neither was the King's conſent to this their New Covenant ever granted, nor ever ſo much as once asked.

The Proclamation dated *Feb.* 19, and publiſhed at *Sterling*, was ſo far from giving ſatiſfaction, that it produced greater confuſion; for it met with a Proteſtation ſent from thoſe of the *Tables*, who notwithſtanding the Proclamation, continued to ſit. Whereupon the Council appointed a ſolemn Meeting to be upon the firſt of *March* at *Sterling*, for the examining of Things, that they might ſend their Advice to Court. When the firſt of *March* came, the Lord Chancellor ſent his Excuſe, the reſt of the Biſhops declined to come, except Biſhop *Brechin*: Neverthleſs the Lords of the Council went on, and continued conſulting and debating four days together; the Iſſue of which was, to ſend Sir *John Hamilton*, the Juſtice Clerk, to the King with Inſtructions, to this effect.

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Inſtructions from His Majeſty's Council to the Lord Juſtice-Clerk, whom they have ordained to go to Court for His Majeſty's Service.

‘IN the firſt place you are to receive from the Clerk of the Council, all the Acts paſt ſince Our meeting upon the 1*ſt* of *March* inſtant.

‘*Item*, You have to repreſent to his Majeſty, That the Diet of Council was appointed to be ſolemnly kept, by the Advice of the Lord Chancellor, and Remanant Lords of the Clergy being at *Edinburgh* for the time, who aſſured Us, That they ſhould keep the Diet preciſely; but at Our meeting at *Sterling*, We received a Letter of Excuſe from the Lord Chancellor, which forces Us to proceed without his Lordſhips preſence, or any others of the Lords of the Clergy, except the Biſhop of *Brechin*, who attended Us three days, but removed before the cloſing of Our Opinions anent the Buſineſs.

Item, ‘That immediately after We had reſolved to direct you with a Letter of Truſt to his Majeſty, We did ſend Our Letter to the Lord Chancellor, acquainting him with Our Proceedings, and deſiring him to conſider thereof; and if he approved the ſame, to Sign them, and to cauſe the Remanant Lords of the Clergy neareſt unto him, and namely the Biſhop of *Brechine*, who was an Ear and Eye-Witneſs to Our Conſultations, to ſign the ſame, and by their Letter to His Majeſty, to ſignify their Approbation thereof; or if his Lordſhip did find ſome other way more convenient for His Majeſty's Honour, and the Peace of the Country, that his Lordſhip by his Letter to the Lord Treaſurer or Privy-Seal, would acquaint them therewith, to the effect they might convene the Council for conſulting thereabout.

Item, ‘That you ſhew His Majeſty, That His Majeſty's Councils, all in one Voice, find, That the Cauſes of the general Combuſtions in the Country, are the fears apprehended of Innovation of Religion and Diſcipline of the Kirk, (eſtabliſhed by the Laws of the Kingdom) by occaſion of the *Service-Book*, Book of *Canons*, and *High-Commiſſion*, and from the Introduction thereof, contrary to, or without Warrant of the Laws of the Kingdom.

Item, ‘You are to preſent to His Majeſty, Our humble Opinion, that ſeeing, and as We conceive the *Service-Book*, Book of *Canons*, and *High-Commiſſion* (as it is ſet down) are the occaſion of this Combuſtion; and that the Subjects offer themſelves upon peril of their Lives, to clear, That the ſaid *Service-Book*, and others aforeſaid, contain divers Points contrary to the Religion preſently profeſſed, and Laws of the Kingdom, in matter and manner of Introduction, that the Lords think it expedient that it be repreſented to his Majeſty's gracious Conſideration, if His Majeſty may be pleaſed to declare, as an Act of His ſingular Juſtice, That He will take Trial of His Subjects Grievances, and the Reaſons thereof, in his own Time, and in His own Way, according to the Laws of this Kingdom; and that His Majeſty may be pleaſed graciouſly to declare, That in the mean time he will not preſs nor urge His Subjects therewith, notwithſtanding any Act or Warrant made in the contrary.

‘And in caſe his Majeſty ſhall be graciouſly pleaſed to approve of our humble Opinions, you are thereafter to preſent to his Majeſty's gracious and wiſe Conſideration, if it ſhall not be fitting to conſult his Majeſty's Council, or ſome ſuch of them as he ſhall be pleaſed to call to himſelf, or allow to be ſent from the Table, both about the Time and way of doing it.

‘And if his Majeſty (as God forbid) ſhall diſlike of what we have conceived moſt conducing to his Majeſty's Service, and Peace of the Kingdom, you are to urge, by all the Arguments you can, That his Majeſty do not determine upon any other Courſe, until ſome at leaſt of his Council from this, be heard to give the Reaſons of their Opinions: And in this caſe you are likewiſe to preſent to his Majeſty's Conſideration, if it ſhall not be fitting and neceſſary to call for his Informers, together with ſome of his Council, that in his own preſence he may hear the Reaſons of both Informations fully debated.

‘You ſhall likewiſe ſhew his Majeſty, That this Council having taken to their Conſideration what further was to be done for compoſing and ſetling of the preſent Combuſtion within that Kingdom, and diſſipating of the Convocations and Gatherings within the ſame, ſeeing Proclamations are already made and publiſhed, diſcharging all ſuch Convocations and unlawful Meetings; the Lords after debating, find they can do no further than is already done herein, until his Majeſty's Pleaſure be returned to this our humble Remonſtrance.

Signed,

Traquair,
Roxborough,
Winton,
Perth,
Wigton,
Kinghorne,
Lauderdale,
Southesk,
Angus,

Lorn,
Down;
Elphinſton,
Napier,
J. Hay,
Tho. Hope,
Ja. Carmichel,
W. Elphinſton.

Theſe Inſtructions being tranſmitted to the Lords of the Clergy, were returned ſigned as follows.

St. *Andrews.*
Da. Edin,
Jo. Dumblanen,

Tho. Gallovid,
Wal. Brechinen.

Theſe Inſtructions were ſeconded by a private Letter to the King, ſigned by *Traquair* and *Roxborough*, to the effect following.

Moſt Sacred Soveraign,

Although the miſerable Eſtate of this poor Kingdom, will be ſufficiently underſtood by your Majeſty from this Gentleman Sir John Hamilton*'s Relation; yet we conceive our ſelves in a ſpecial manner bound and obliged to repreſent what we conceive does ſo nearly concern your Majeſty's Honour and Service; and therefore give us leave truly and faithfully to tell your Majeſty, That ſince the laſt Proclamation, the fear of Innovation of Religion is ſo apprehended by all ſorts of Subjects, from all Corners of this Kingdom, that there is nothing to be ſeen here but a general Combuſtion, and all Men ſtrengthening themſelves by ſubſcribing Bands, and by all other means, for refuſing of that which they ſeem ſo much to fear. This is come to ſuch a height, and daily like to increaſe more and more, that we ſee not a probability of Force or Power within this Kingdom to repreſs this Fury, except your Majeſty may be graciouſly pleaſed, by ſome Act of your own, to ſecure them of that which they ſeem ſo much to apprehend by the inbringing of the Books of* Common-Prayer, *and* Canons.

The way which the Subjects have taken, and daily go about in the proſecution of their Buſineſs is inexcuſable, and no ways agreeable to the Duty of good Subjects. But your Majeſty is wiſely to conſider what is the beſt and ſafeſt courſe for your own Honour, and Peace of your Government: And ſince Religion is pretended to be the Cauſe of all, if it ſhall not be a ſafe Courſe to free them at this time from Fears, by which means the wiſer ſort will be ſatisfied, and ſo your Majeſty enabled, with leſs pain or trouble, to overtake the Inſolencies of any who ſhall be found to have kicked againſt Authority.

We are the rather moved at this time to be of this Opinion, That having found it the Opinion, not only of thoſe to whom your Majeſty wrote in particular, (except of the Marqueſs of Huntley, *who as yet is not come from the North) but of moſt of the Noblemen, and Men of reſpect within this Kingdom. We find few or none well ſatisfied with the Buſineſs, or to whom we dare adviſe your Majeſty to truſt in the proſecution thereof; and if any have or ſhall inform your Majeſty to the contrary, give us leave humbly to intreat your Majeſty to be pleaſed to call them before your Self, that in our preſence you may hear the Reaſons of both Informations fully debated.*

So praying God to grant your Majeſty many happy days, and full contentment in all your Roial Deſigns, we humbly take our leave, and reſt,

Sterling, *March* 5.
1638.

Your Majeſty's humble Servants,

and faithful Subjects,

TRAQUAIRE,

ROXBOROUGH.

There was alſo a publick Letter written by the Council to the Marqueſs, dated at *Sterling* the 5*th* of *March*, ſent by Sir *John Hamilton*, informing the Marqueſs, ‘That they did find the Subjects Fears and ‘Stirs to increaſe ſince the laſt Proclamation, and appointed the Coun‘cil to meet then to conſult upon the growth of publick Evils, and

'Remedies thereof. After the Council had ſpent four days in adviſing, they reſolved to ſend Sir *John Hamilton*, one of their number, with a Letter from them to his Majeſty, to whom they have imparted their Opinions and Reaſons of the ſame Publick Ills, and Remedies of the ſame, to be repreſented to his Sacred Majeſty, becauſe the Buſineſs is ſo weighty and important, that in their Opinion the Peace of the Country was never in ſo great hazard; they have thought fit to recommend the Buſineſs to your Lordſhips conſideration.

Signed by the ſame Privy-Councellors, whoſe Hands were to Sir *John Hamilton*'s Inſtructions.

After Sir *John Hamilton*'s arrival at the Court at *Whitehall*, and having preſented to his Majeſty what was committed to his truſt and care, his Majeſty conſulted with his Inward Council, as to the Scotiſh Affairs, and reſolved to ſend Marqueſs *Hamilton* as High-Commiſſioner to *Scotland* for that Service, hoping by ſuch an Authority to quiet the Fury of the People; and Sir *John Hamilton* was immediately diſpatched again to *Scotland*, to give notice of the King's Reſolution, and that his Majeſty's Pleaſure ſhould be further known when his High-Commiſſioner came down.

The Covenanters not long after the Lord Juſtice Clerk his arrival at Court, made their Application to the *Scotiſh* Lords then at Court, complaining of the Privy-Council for harſh uſage; and withal ſent up their Grievances, ſigned by *Rothes*, *Caſſils*, *Montroſe*, to the effect following.

Articles for the preſent Peace of the Kirk and Kingdom of Scotland.

The eight Articles of Grievances propoſed by the Covenanters.

'IF the Queſtion were about ſuch Matters as did come within the compaſs of our own Power, we would be aſhamed to be importunate, and ſhould be very eaſily ſatisfied, without the ſmalleſt trouble to any; but conſidering that they are the Matters of *God's Honour*, of the Kingdom of *Chriſt*, and the Peace of our *Souls*, againſt the *Myſtery of Iniquity*, which we clearly perceive to have bin unceſſantly working in this Land ſince the *Reformation*, to the *ruin of True Religion* in the end: it cannot ſtand with our Duty to God, and to our King, to our Selves and Poſterity, to crave or *be content with leſs* than that which the Word of God, and our Confeſſion of Faith doth allow, and which may againſt our Fears eſtabliſh Religion afterwards.

1. 'The *diſcharging* of the *Service-Book*, the Book of *Canons*, and of the late *High Commiſſion*, may be *a part of the ſatisfaction* of our humble Supplications, and juſt Complaints; which therefore we ſtill humbly deſire; but that can neither be a perfect Cure for our preſent Evils, nor can it be a preſervation in time to come.

'When it is conſidered what hath bin the Troubles and Fears of his Majeſty's moſt Loial Subjects from the *High Commiſſion*, what is the Nature and Conſtitution of that Judicatory; how prejudicial it proves to the lawful Judicatory of the Kirk and Kingdom; how far ‘it endangers the Conſciences, Liberties, Eſtates, and Perſons of all the ‘Leiges, and how eaſily and far more contentedly all the Subjects may ‘be kept in Order and Obedience to his Majeſty's Juſt Laws, *without ‘any terror of that kind*, We look that his Majeſty's Subjects, who have ‘uſed to obey according to the Laws, ſhall *be altogether delivered from ‘the High-Commiſſion*, as from a Yoak and Burden, which they feel and ‘fear to be more heavy than they ſhall be ever able to bear.

3. ‘Remembring by what ways the *Articles of Perth* were intro‘duced; how ſtrangely, and with what oppoſition they were carried ‘in the Aſſembly; upon what Narrative they were concluded; how ‘the *Ratification* in Parliament was not deſired by the Kirk, but ear‘neſtly ſupplicated and proteſted againſt; how they have bin intro‘ductory of the *Service-Book*, whereof they are now become Mem‘bers, and in their nature *make way for Popery*, &c. Whatſoever ‘hath bin the Intentions of the Urgers, and withal, what Troubles ‘and Diviſions they have cauſed theſe *twenty Years* in this *Kirk and ‘Kingdom*; and what Jealouſies between the King's Majeſty and his ‘Subjects, without any Spiritual Profit or Edification at all; as we can ‘ſee no reaſon why they ſhould be urged by Authority, ſo can we not ‘find but we ſhall be more unable to digeſt them than in the begin‘ning, when we had not as yet taſted and known how bitter and un‘wholſome they were.

But for further ſatisfaction, ſee the reſt of theſe Articles in *Hamilton*'s *Memoires*, p. 40, 41.

Before the Marqueſs begun his Journey from *London*, his Majeſty called to him the Arch-Biſhop of *Canterbury* and St. *Andrews*, alſo the Biſhop of *Galloway*, *Brechin*, and *Roſs*, into his Cloſet at *Whitehall*, and the King declared unto them the choice he had made of the Marqueſs, whom he intended to ſend to *Scotland*, with the Character of *High-Commiſſioner*, for eſtabliſhing the Peace of the Country, and the Good of the Church. And upon the *7th* of *May*, Letters were ſent into *Scotland*, giving notice of the King's Reſolution; and the Marqueſs wrote to his Friends and Dependors to meet him the *5th* of *June*.

May the 16*th*, the Marqueſs received his Inſtructions to the effect following.

C. R.

May 16. The ſubſtance of the Marqueſs's Inſtructions relating to his Commiſſion.

‘Before you publiſh the Declaration which We have ſigned, you ‘ſhall require all the Council to ſign it; and if you find that it ‘may conduce to Our Service, you ſhall make all the Council ſwear to ‘give their beſt aſſiſtance in the execution of the ſame; but this of ‘putting them to their Oaths, We leave to your diſcretion to do as you ‘ſhall find occaſion: But if you ſhall find it fit to put them to their ‘Oaths, thoſe that refuſe, muſt be diſmiſſed the Council till Our fur‘ther Pleaſure be known.

‘We give you power to cauſe the Council to ſit in whatſoever place ‘you ſhall find moſt convenient for Our Service, *Edinburgh* only ex‘cepted, and to change the meeting thereof as often as occaſion ſhall ‘require.

‘You

‘You may labour to prepare any of the Refractory Perſons to conceive aright of Our Declaration before it be publiſhed, ſo that it be privately and underhand.

‘If any Proteſtation be made againſt Our Declaration, the Proteſters muſt be reputed Rebels, and you are to labour to apprehend the chiefeſt of them.

‘If Petitions be preſented, to demand further ſatisfaction than that we have already given by Our Declaration, you are to receive them, and to give them a *bold Negative*, both in reſpect of the Matter and the Form, as being preſented from a Body which you are no ways to acknowledg.

‘You muſt admit of no Petition againſt the five Articles of *Perth*, but for the preſent you are not to preſs the exact execution of them.

‘When-ever the Town of *Edinburgh* ſhall depart from the *Covenant*, and petition for Our Favour, We will, That you bring back the Council and Seſſion to it.

‘All Acts of Council that enjoin the uſe of the New *Service-Book* are to be ſuſpended, and to be of no force hereafter.

‘You are to cauſe inſert ſix weeks in Our Declaration for the delivery up of the *Covenant*, and if you find cauſe, leſs.

‘You ſhall declare, That if there be no ſufficient Strength within the Kingdom to force the Refractory to Obedience, Power ſhall come from *England*, and that my Self will come in Perſon with them, being reſolved to hazard my Life, rather than to ſuffer Authority to be contemned.

‘You may likewiſe declare, (if you find cauſe) That as We never did, ſo by God's Grace We never will ſtop the courſe of Juſtice by any private Directions of Ours, but will leave Our Lords of Seſſion, and other Judges, to adminiſter Juſtice, as they will be anſwerable to God and Us.

‘If you cannot (by the means preſcribed by Us) bring back the Refractory and Seditious to due Obedience, We do not only give you Authority, but command all Hoſtile Acts whatſoever to be uſed againſt them, they having deſerved to be uſed no otherwiſe by Us but as a Rebellious People: For the doing thereof, We will not only ſave you harmleſs, but account it as acceptable Service done Us.

And on the 20*th* of *May* he received his Commiſſion as followeth.

May 20. The King's Commiſſion to Marqueſs *Hamilton*, under the Great Seal of *England*.

Carolus Dei Gratia Magnæ Britaniæ, Franciæ, & Hiberniæ Rex, Fideique Defenſor: Omnibus probis hominibus ſuis ad quos preſentes literæ pervenerint, ſalutem. Sciatis nos conſiderantes magnos in hoc Regno noſtro Scotiæ non ita pridem exortos tumultus, ad quos quidem componendos, multiplices Regiæ noſtræ voluntatis declarationes promulgavimus, quæ tamen minorem ſpe noſtra effectum hactenus ſortitæ ſunt: Et nunc ſtatuentes, ex pio erga dictum antiquum Regnum noſtrum affectum, ut omnia gratioſè ſtabiliantur & inſtaurentur, quod (per abſentiam noſtram) non alia ratione commodius effici poteſt, quam fideli aliquo Delegato conſtituto, cui poteſtatem credere poſſimus tumultus ejuſmodi conſopiendi, aliaque officia preſtandi, quæ in bonum & commodum dicti antiqui Regni noſtri

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noſtri eidem Delegato noſtro imperare nobis videbitur: Cumq; ſatis compertum habeamus obſequium, deligentiam, & fidem prædilecti noſtri conſanguinei & conſiliarii Jacobi Marchionis Hamiltonii, Comitis Arraniæ & Cantabrigiæ, Domini Aven & Innerdail, &c. eundemque ad imperata noſtra exequenda ſufficientèr inſtructum eſſe: Idcircò feciſſe & conſtituiſſe, tenoreque præſentium facere & conſtituere præfatum prædilectum noſtrum conſanguineum & conſiliarium Jacobum Marchionem de Hamilton,&c. noſtrum Commiſſionarium ad effectum ſubſcriptum: Cum poteſtate dicto Jacobo Marchioni de Hamilton,&c. dictum Regnum noſtrum adeundi, Ibidemq; præfatos tumultus in dicto Regno componendi, aliaque officia a nobis eidem committenda in dicti Regni noſtri bonum & commodum ibi præſtandi: Eoque conſilium noſtrum quibus locis, & temporibus ei viſum fuerit convocandi, ac rationem & ordinem in præmiſſis exequendis ſervandum declarandi & præſcribendi: Et quæcunque alia ad Commiſſionis hujus capita pro commiſſa ipſi fide exequenda, eandemque ad abſolutum finem perducendam, et proſequendam conferre poſſunt tam in Conſilio quam extra Conſilium noſtro Nomine efficiendi & præſtandi: Idque ſimilitèr & adeo liberè acſi Nos in Sacroſancta Noſtra Perſona ibidem adeſſemus. Et hac præſenti noſtra Commiſſione durante Noſtro Beneplacito duratura ac ſemper et donec eadem per nos expreſſe inhibeatur. In cujus rei teſtimonium præſentibus magnum Sigillum noſtrum apponi præcepimus. Apud caſtrum noſtrum de Windſore vigeſimo die menſis Maii, anno Domini milleſimo ſexcenteſimo trigeſimo octavo, et anno Regni noſtri decimo quarto.

Per Signatum manu S. D. N. Regis ſupraſcriptum.

At the ſame time thoſe *Biſhops* who ſtayed in *Scotland*, ſent up their Complaints and Grievances alſo to ſuch Biſhops of *Scotland* as were at Court, to the effect following.

Articles of Information to Mr. Andrew Learmouth *for my Lord Arch-Biſhop of St.* Andrews, *the Biſhop of* Roſs, &c. *And in their abſence for my Lord Arch-Biſhop of* Canterbury *his Grace.*

The Biſhops Articles of Information to other Biſhops at *London*.

1. ‘YOU ſhall ſhew their Lordſhips how they have changed the ‘Moderator of the Preſbytery of *Edinburgh*, and are going ‘on in changing all the Moderators in the Kingdom.

2. ‘How they have abuſed Dr. *Ogſtone* the 9th of *May* in *Edinburgh*; Mr. *George Hannay* at *Torphichen* the 6th of *May*; Dr. *Lammond* at *Marckinch* the 9th of *May*; Mr. *Robert Edward* at *Kirkmichael*, whom *Kilkerni* is forced to entertain at his own Houſe.

3. ‘That the Preſbytery of *Haddington* have given Impoſition of ‘Hands to Mr. *John Ker*’s Son to be his Colleague without the know‘ledge of the Biſhop; and likwiſe the Preſbytery of *Kircaldy* to Mr. ‘*John Gilleſpy*’s Son, to the Church of the *Weems*; and the Preſbytery ‘of *Dumfrieze* to one Mr. *John Wyer* to the Church of *Morton*, within ‘two miles of *Drumlenerick*; and that they of *Dumfermling* have ad‘mitted Mr. *Samuel Row* (a Miniſter baniſhed from *Ireland*) to be ‘Helper to Mr. *Henry Macgill*; and they of *Aire* Mr. *Robert Blair* to ‘be Helper to Mr. *William Annand*; and that the Town of *Dumfrieze* ‘have made choice of Mr. *James Hamilton* to be their Miniſter; and

the Town of *Kirkudbright* one Mr. *John Macklennon*, all of them baniſhed from *Ireland*; and Mr. *Samuel Rutherford* is returned, and ſetled in his Place; and they intend to depoſe Mr. *John Trotter*, Miniſter of *Darlinton*: and how they intended to uſe the Regents.

4. ‘That the Council of *Edinburgh* have made choice of Mr. *Alex. Henderſon* to be Helper to Mr. *Andrew Ramſey*, and intend to admit him without the Advice or Conſent of the Biſhop.

5. ‘That the Miniſters of *Edinburgh* who have not ſubſcribed the Covenant are daily reviled and curſed to their faces, and their Stipends are withheld, and not paid; and that all Miniſters who have not ſubſcribed, are in the ſame caſe and condition with them.

5. ‘That they hound out raſcally Commons on Men who have not ſubſcribed the Covenant; as Mr. *Samuel Cockburn* did one *John Shaw* at *Leith*.

7. ‘That his Majeſty would be pleaſed by his Letter to diſcharge the Biſhop of *Edinburgh* to pay any Prebends Fee to thoſe who have ſubſcribed the Covenant; as alſo by his Royal Letter to diſcharge the Lords of Seſſion to grant any Proceſs againſt the Biſhop for their Fees.

8. ‘That his Majeſty would be pleaſed in the *Articles of Agreement* with the Nobility, to ſee Honeſt Men, who ſhall happen in this Tumultuous time to be depoſed from their Places, reſtored, and ſetled in them; and others, that are violently thruſt in, removed; and that the Wrongs done to them be repaired.

9. ‘That if it ſhall happen his Majeſty take any violent courſe for repreſſing theſe Tumults and Diſorders, (which God forbid) that in that caſe their Lordſhips would be pleaſed to ſupplicate his Majeſty that ſome ſpeedy courſe may be taken for ſecuring the Perſons of thoſe Honeſt Men who ſtand for God and his Majeſty.

Signed

Da. Edin. | *Ja. Hannay.*
Ja. Dumblanen. | *Da. Mitchel.*
Ja. Liſmoren. | *Da. Fletcher.*

The *Marqueſs* takes leave of the King.

The *Marqueſs* having received his *Inſtructions* and *Commiſſion*, took leave a few days after of the *King*; and his Majeſty ordered him to write often to Him, and to the Arch-Biſhop of *Canterbury*, (being the only Engliſh Perſon entruſted with the Secrets of the Scotiſh Affairs.)

The Marqueſs arrives at *Berwick*,

Meets with ill News of Diſcouragement.

Saturday *May* 26 the *Marqueſs* began his Journey, and on the 3d of *June* he arrived at *Berwick*, where the Earl of *Roxbrough* met him, who told him in what diſorder all People were, and how ſmall hopes there remained of prevailing upon the Grounds he was to go on, for that they would never give up the Covenant; that they would have the *Articles* of *Perth* aboliſhed; Epiſcopacy limited, ſo that it ſhould be little more than a Name. And if theſe things were not granted them, and a General Aſſembly and Parliament ſuddenly called, they would call an Aſſembly themſelves before the great Crouds at *Edinburgh* were ſcattered. But the *Marqueſs* reſolved to go on, and try what his Authority as *High Commiſſioner* would do.

The *Marqueſs* when he came to *Berwick*, expected a great Appearance of Noblemen and others to attend him, as the King's *High-*

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Commiſſioner, to *Hally-Rood Houſe* at *Edinburgh*, and eſpecially his own Kindred and Relations, Attendants and Vaſſals; but all failing, except ſome very few who had not ſubſcribed the Covenant, and they inconſiderable: for the Tables of the *Covenanters* required that none who had taken the *Covenant* ſhould give any attendance upon the *Marqueſs*: Yet when he came near *Dalkeith*, he was Nobly and Honorably received and conducted to *Dalkeith* by all the Secret Council, moſt of the Lords of the Seſſion, who are the Judges of the Law, great Troops of the Nobility and Gentry who had not ſubſcribed their Covenant.

A little after the *Marqueſs*'s arrival at *Dalkeith*, the Citizens of *Edinburgh* ſent certain *Commiſſioners* unto him with a Supplication, That he would be pleaſed to repair to the King's Palace at *Hally-Rood Houſe*, where they might more conveniently attend his Grace's Directions. To which the *Marqueſs* returned this Anſwer;

'That if they would undertake to be Maſters and Governours of 'their own City; that their Citizens would behave themſelves as good 'and dutiful Subjects; and take Order that the Multitudes now preſent in their City, who called themſelves *Covenanters*, ſhould do ſo too; 'and that the Guards about the Caſtle of *Edinburgh* ſhould be diſmiſſed 'and diſcharged, then he would within a day or two repair to the 'King's Palace at *Hally-Rood Houſe*, otherwiſe not: for that he did 'hold it not agreeable to the King's Honour, that he his Majeſty's *Commiſſioner* and *Council*, ſhould reſide at the ſaid Palace, which is ſituated at the one end of the City, when the Caſtle ſeated at the other 'end of the ſame, ſhould be blocked up with Guards. All which theſe *Commiſſioners* undertook to perform, and by their words deſired to approve themſelves moſt loyal Subjects, hoping to clear themſelves from many Aſperſions laid upon them, when his Grace would be pleaſed to hear and examin their Proceedings.

Whereupon the *Marqueſs*, according to his Promiſe, did remove himſelf from *Dalkeith* to the King's Palace at *Hally-Rood Houſe*, attended by all the Secret Council, abundance of Nobility, Gentry, and others, and about two or three miles from *Edinburgh* was met with the whole Body of the Nobility and Gentry of the *Covenanters* then reſident at *Edinburgh*, who were all mounted on Horſback, and conſiſted of divers thouſands; and beſides, at a nearer diſtance from *Edinburgh*, he was attended by Miniſters on foot, conſiſting of many hundreds.

The *Marqueſs* being ſetled at *Hally-Rood Houſe*, with the Aſſiſtance of the King's Council, he deſired the *Covenanters* to diſmiſs their great Multitudes, which accordingly they did. And then the two main Propoſitions which he offered to their conſideration were theſe.

Firſt, *What they ſhould expect to hear in the King's Name for accommodating their Grievances.*

Next, *What might be expected from them for returning to their former Obedience, eſpecially in renouncing and delivering up their late Covenant.*

Both which Propoſitions they received: but nothing but a General Aſſembly and a Parliament would give ſatisfaction; and thereupon new Guards were clapt upon *Edinburgh* Caſtle, and the Guards and Watches of the City multiplied.

The Preachers adviſed the People to take heed of *crafty Propoſitions*; and when the *Marqueſs* deſigned to go to the King's Chappel to hear Divine Service and Sermon at *Hally-Rood Houſe*, they ſent him word not to read the Engliſh Service-Book, and nailed up the Organs; and the Miniſters Covenanters proceeded ſo far, as to write a Letter to the Marqueſs, and every one of the Council, admoniſhing them to ſubſcribe their Covenant; which Letter followeth in theſe words.

May it pleaſe your Lordſhip,

VVE the Miniſters of the Goſpel, convened at this ſo neceſſary a Time, do find Our ſelves bound to repreſent, as unto all, ſo in ſpecial unto your Lordſhip, what comfortable experience We have of the wonderful favour of God, upon the renewing of the Confeſſion of Faith *and* Covenant; *what Peace and Comfort hath filled the Hearts of all God's People; what Reſolutions and Beginnings of Reformation of Manners are ſenſibly perceived in all parts of the Kingdom, above any Meaſure that ever We did find or could have expected; how great Glory the Lord hath received thereby, and what confidence We have (if this Sun-ſhine be not eclipſed by ſome ſinfull Diviſion or Defection) that God ſhall make this a bleſſed Kingdom, to the contentment of the King's Majeſty, and joy of all his good Subjects, according as God hath promiſed in his good Word, and performed to his People in former Times: And therefore We are forced from Our Hearts, both to wiſh and entreat your Lordſhip to be Partaker and Promover of this Joy and Happineſs by your ſubſcription, when your Lordſhip ſhall think it convenient. And in the mean while, that your Lordſhip would not be ſparing to give a free Teſtimony to the Truth, as a timely and neceſſary expreſſion of your tender Affection to the Cauſe of Chriſt, now calling for help at your hands: Your Lordſhip's profeſſion of the true Religion as it was reformed in this Land, the National Oath of this Kingdom ſundry times ſworn and ſubſcribed, obliging us who live at this time; the Duty of a good Patriot, the Office and Truſt of a Privy-Counſellor; the preſent Emploiment to have place amongſt thoſe that are firſt acquainted with his Majeſty's Pleaſure; the conſideration that there is the time of trial of your Lordſhip's affection to Religion; the reſpect which your Lordſhip hath unto your Fame both here and hereafter, when things ſhall be recorded to Poſterity; and the Remembrance, that not only the eyes of Men and Angels are upon your Lordſhip's Carriage, but alſo that the Lord Jeſus is a ſecret Witneſs now to obſerve, and ſhall be an open Judg hereafter to reward and confeſs every Man before his Father, that confeſſeth him before Men: All of theſe, and each of them, beſides your Lordſhip's perſonal and particular Obligations to God, do call for no leſs at your Lordſhip's hands, in the cauſe of ſo great and ſingular Neceſſity. And we alſo do expect ſo much at this time, according as your Lordſhip at the hour of Death would be free of the Terror of God, and be refreſhed with the comfortable remembrance of a word ſpoken in ſeaſon for Chriſt Jeſus, King of Kings, and Lord of Lords.*

The Marqueſs perceiving this violent Humour in the People, not to hear of any Proclamations, unleſs with the diſcharge of the *Service-Book*, and Book of *Canons*, &c. durſt not adventure to publiſh his Majeſty's Declaration, knowing it would be affronted with a Proteſtation; whereupon the Marqueſs forbore the ſame, and gave the King an accompt how he found things; letting the King know, That he muſt either reſolve to yield to all their Demands, or haſten down his Fleet quickly, with Land Souldiers in it; and to put Souldiers into *Berwick* and *Carliſle*, and to reſolve to follow in Perſon with a Royal Army; yet withal moved his Majeſty, That he would conſider how far in his Wiſdom he would connive at the madneſs of his own poor People, and how far in Juſtice he would puniſh their Folly.

On the 15*th* of *June* the Marqueſs received an Anſwer from the King, to the Account which he ſent to his Majeſty from *Berwick*, dated at *Greenwich*, *June* 11. to the effect following.

HAMILTON,

I Expect not any thing can reduce that People to Obedience, but Force only: In the mean time your care muſt be how to diſſolve the Multitude; and (if it be poſſible) to poſſeſs your ſelf of my Caſtles of Edinburgh and Sterling, (which I do not expect); and to this end I give you leave to flatter them with what hopes you pleaſe, ſo you engage not me againſt my Grounds, and in particular, that you conſent neither to the Calling of Parliament, nor General Aſſembly, until the Covenant be diſavowed and given up, your chief end being now to win time until I be ready to ſuppreſs them.

But when I conſider that not only now my Crown, but my Reputation for ever lies at Stake; I muſt rather ſuffer the firſt, that time will help, than this laſt, which is irreparable. This I have written to no other end, than to ſhew you, I will rather die than yield to theſe impertinent and damnable demands (as you rightly call them); for it is all one as to yield to be no King in a very ſhort time. So wiſhing you better ſucceſs than I can expect, I reſt,

Greenwich, *June* 11.
1638.

Your aſſured conſtant Friend,

C. R.

POSTSCRIPT.

As the Affairs are now, I do not expect that you ſhould declare the Adherers to the Covenant Traitors, until (as I have already ſaid) you have heard from Me that my Fleet hath ſet ſail for Scotland, tho your ſix weeks ſhould be elapſed. In a word, Gain time by all the honeſt means you can, without forſaking your Grounds.

The Rude *Covenanters* rail againſt the Marqueſs.

But all the Miniſters hearing the *Covenant* muſt be given up, or no Treaty made, their Pulpits did ring with it, and all declared they would never quit the *Covenant* but with their Lives. A Proteſtation was alſo reſolved on when-ever the Declaration ſhould be publiſhed; which made it be delaied a little longer, and the Marqueſs writ to the King not to proceed in his Warlike Preparations till things were more deſperate. To which Letter, the Marqueſs afterwards received this Anſwer.

1. *That he had gained a conſiderable Point, in making the heady Multitude begin to diſperſe.*

2. *That he will take his advice to ſtay publick Preparations for Force, but in a ſilent way; but (by your leave,* ſaith the King) *I will not leave to prepare, that I may be ready upon the leaſt advertiſement.*

On

The *Covenanters* declare they will be no longer delaied.

On the 16th of *June*, the *Covenanters* came and preſented their Petition to the Marqueſs, craving a preſent redreſs of their Grievances, for *they would be no longer put off by delays*; and deſired that he would propoſe the Matter to the Council, and give them a ſpeedy Anſwer. To which the Marqueſs replied, That *he did reſolve to call both an Aſſembly and Parliament for the redreſs of all Grievances.* They went away no ways ſatisfied with this Anſwer; and the Marqueſs found all the Lords of the Council inclined to the granting of what the *Covenanters* demanded; ſo that he durſt call no Council about it, leſt they ſhould have ſided with the *Covenanters*. Of which he advertiſed his Majeſty; and that they preſſed him to repreſent to his Majeſty, That the Covenant was not illegal; and that if his Majeſty would allow of the Explanation of the Bond of *Mutual Defence*, which they offered, *that they meant not thereby to derogate any thing from the King's Authority*, and ſo all things might be ſetled without more trouble, either to the King or Country.

The Marqueſs fears the Council will incline to the *Covenanters*; And informs the King thereof.

And of the Explanation of the *Covenanters*.

And as to the Explication of the *Covenant*, this Draught following was made, by the Arch-Biſhop of St. *Andrews*.

The Explication.

WE the Noblemen, Barons, Burgeſſes, Miniſters, and others, that have joined in a late Bond or Covenant for the maintaining of the true Religion and Purity of God's Worſhip in this Kingdom, having underſtood that Our Soveraign Lord the King's Majeſty is with this Our doing highly offended, as if We thereby had uſurped his Majeſty's Authority, and ſhaken off all Obedience to his Majeſty, and to his Laws: for clearing Our ſelves of that Imputation, do hereby declare, and in the preſence of God Almighty, ſolemnly proteſt, That it did never ſo much as enter into Our thoughts, to derogate any thing from his Majeſty's Power and Authority Royal, or to diſobey and rebel againſt his Majeſty's Laws: And that all Our proceedings hitherto by Petitioning, Proteſting, Covenanting, and whatſoever other way, was and is only for the maintaining of the true Religion by us profeſſed; and with expreſs reſervation of Our Obedience to his moſt Sacred Majeſty, moſt humbly beſeeching his Majeſty ſo to eſteem and accept of Us, that he will be graciouſly pleaſed to call a National Aſſembly and Parliament for removing the Fears We have not without cauſe (as We think) conceived, of introducing in this Church another form of Worſhip than what We have bin accuſtomed with; as likewiſe for ſatisfying Our juſt Grievances, and the ſetling of a conſtant and ſolid Order to be kept in all time coming, as well in the Civil as Eccleſiaſtical Government: Which if We ſhall by the Interceſſion of your Grace obtain, We faithfully promiſe (according to Our bounden Duties) to continue in his Majeſty's Obedience, and at Our utmoſt Powers to procure the ſame during Our Lives.

The Marqueſs ſent again a new Diſpatch to the King, and gave his Majeſty a large account of the *Explanation* which was offered to that Part of the *Covenant*, by which they were bound to *Mutual Defence*, and to which his Majeſty wrote this following Anſwer.

Greenwich, 25 *of* June, 1638.

The ſubſtance of the King's Anſwer to the Explanation.

As concerning the Explanation of their Damnable Covenant, (whether it be with or without Explanation) I have no more Power in Scotland, than as a Duke of Venice; which I will rather die than ſuffer: Yet I commend the giving ear to the Explanation, or any thing elſe to win time, which now I ſee is one of your chiefeſt Cares, wherefore I need not recommend it to you. And for their calling a Parliament, or Aſſembly, without Me, I ſhould not much be ſorry, for it would the more loudly declare them Traitors, and the more juſtify My Actions: Therefore in My mind, My Declaration would not be long delaied; but this is a bare Opinion, and no Command.

The Marqueſs threatned the *Covenanters* to leave them, and would beg liberty of the King for leave to wait on his Majeſty with their Deſires, and return them an anſwer within three Weeks or a Month: But the true Reaſon that moved him to deſire Permiſſion to go up, was that thereby he ſhould gain ſo much time, and ſee in what forwardneſs the King's Preparations were; but chiefly to try what he could prevail about eſtabliſhing the *Confeſſion of Faith*, which had paſſed in Parliament 1567, hoping that it might give full ſatisfaction to all, that there ſhould be no Innovation in Religion.

The King gives the Marqueſs leave to come to Court, and to bring with him all their Demands.

And accordingly the King, by his Letter dated at *Greenwich* the 29*th* of *June*, gives him leave to come up, and to bring with him all the Demands of the *Covenanters*, whereby to gain more time; and adviſed him not to mediate for any thing that is againſt his Grounds, and that no more Subſcriptions be urged upon any, eſpecially of the Council or Seſſion.

Before the Marqueſs took Journey, he did on the 4*th* of *July*, preſent the King's Declaration to the Council, and got it ſigned by them all: And an Act paſſed, That the Subjects ought to reſt ſatisfied with it, and was immediately ſent to the Market-Croſs and Proclaimed; but notwithſtanding it met with a Proteſtation; which Declaration and Proteſtation followeth.

Greenwich, *June* 28. the King's Declaration.

CHARLES by the Grace of God, King of *Scotland*, *England*, *France*, and *Ireland*, Defender of the Faith. To Our Lovits, Heralds, Meſſengers, Our Sheriffs in that Part conjunctly and ſeverally, ſpecially conſtitute, greeting.

The King promiſeth to call a free Aſſembly, and a Parliament, and diſcharge all Acts of Council concerning the *Service-Book*.

Foraſmeikle as We are not ignorant of the great Diſorders which have hapned of late within this Our ancient Kingdom of Scotland, occaſioned, as is pretended, upon the introduction of the Service-Book, Book of Canons, and High-Commiſſion, fearing thereby Innovation of Religion and Laws. For ſatisfaction of which Fears, We well hoped that the two Proclamations of the eleventh of

December, and the nineteenth of February, had bin abundantly ſufficient. Nevertheleſs finding that Diſorders have daily ſo increaſed, that a powerful rather than a perſwaſive way, might have bin juſtly expected from Us; yet We out of Our innative indulgence to Our People, grieving to ſee them run themſelves ſo headlong into ruin, are graciouſly pleaſed to try if by a fair way We can reclaim them from their Faults, rather than to let them periſh in the ſame; and therefore once for all We have thought fit to declare, and hereby to aſſure all Our good People, that We neither were, are, nor by the Grace of God ever ſhall be ſtained with Popiſh Superſtition; but by the contrary, are reſolved to maintain the true Proteſtant Religion, already profeſſed within this Our Ancient Kingdom. And for further clearing of Scruples, We do hereby aſſure all Men, That We will neither now, nor hereafter, preſs the practice of the Service-Book, or the foreſaid Canons, nor any thing of that nature, but in ſuch a fair and legal way as ſhall ſatisfy all Our loving Subjects, That We neither intend Innovations in Religion or Laws; and to this effect have given order to diſcharge all Acts of Council thereanent. And for the High-Commiſſion, We ſhall ſo rectify it, with the help and Advice of Our Privy-Council, that it ſhall never impugn the Laws, nor be a juſt Grievance to Our Loyal Subjects; and what is further fitting to be agitated in General Aſſemblies and Parliament, for the Good and Peace of the Kirk, and peaceable Government of the ſame, in eſtabliſhing of the Religion preſently profeſſed, ſhall likewiſe be taken into Our Roial Conſideration, in a free Aſſembly and Parliament, which ſhall be indicted and called with Our beſt conveniency: And We hereby take God to Witneſs, That Our true meaning and intention is, Not to admit of any Innovations, either in Religion or Laws, but carefully to maintain the purity of Religion already profeſſed and eſtabliſhed, and no ways to ſuffer Our Laws to be infringed. And though We cannot be ignorant, that there may be ſome diſaffected Perſons, who will ſtrive to poſſeſs the Hearts of Our good Subjects, that this Our Gracious Declaration is not to be regarded; yet We do expect that the behaviour of all Our Good and Loyal Subjects will be ſuch, as may give teſtimony of their Obedience, and how ſenſible they are of Our Grace and Favour, that thus paſſeth over their Miſdemeanours, and by their future carriage make appear, that it was only fear of Innovation that hath cauſed the Diſorders which have happned of late within this Our Ancient Kingdom, and are confident that they will not ſuffer themſelves to be ſeduced and miſled, to miſconſtrue Us or Our Actions, but reſt heartily ſatisfied with Our Pious and Real Intentions, for maintenance of True Religion & Laws of this Kingdom. Wherefore We require, and heartily wiſh all Our good People carefully to advert to theſe dangerous Suggeſtions, and not to permit themſelves blindly, under pretext of Religion, to be led in Diſobedience, and draw on infinitely, to Our grief, their own Ruin, which We have and ſtill ſhall ſtrive to ſave them from, ſo long as we ſee not Royal Authority ſhaken off; and moſt unwillingly ſhall make uſe of that Power which God hath endued Us with, for reclaiming of diſobedient People.

Per Regem.

The PROTESTATION *of the Noblemen, Barons, Gentlemen, Burrows, Miniſters, and Commons, &c.*

Proteſtation againſt the King's Declaration, dated *Jun.* 28. 1638.

‘WEE *Noblemen, Barons, Gentlemen, Burrows, Miniſters* and *Commons*, That whereas We his Majeſty's true and loyal Subjects, who have ever eſteemed it our greateſt happineſs to live under a Religious and Righteous King, and our greateſt Glory to teſtify our beſt Affections to our gracious Sovereign, have been in his Majeſty's abſence from his Native Kingdom *heavily preſſed* for a long time paſt, and eſpecially of late, with divers *Innovations*, which both in themſelves, and in the way wherein they have been urged, do manifeſtly tend to the prejudice of the King's Honour, and of our Religion, Laws and Liberties; And by which We have been brought to ſuch extremity, that there was no way left betwixt the Rock of *Excommunication*, and the high pain of *Rebellion* on the one part, and the *deſperate danger* of forſaking the *Way of True Religion*, and the *breach of our Covenant with God* on the other, but to preſent our Caſe, and preſent our Supplications to the *Lords of Secret Council*, that being equally pondered by them, they might either be anſwered by themſelves, or by their Recommendation might aſcend to his Majeſty's own Conſideration: And therefore We did in all humble manner to this effect ſupplicate their Lordſhips. We were not willing (for the modeſt following of our Supplications) to obey their Directions in chooſing Commiſſioners for the great number of Supplicants, who flocked together from all parts of the Kingdom; were careful to order our ſelves in all quiet and Chriſtian carriage, and againſt the many and tedious delays did wait for a long time with very great Patience, till at laſt they were pleaſed to receive our Supplications, Complaints and Bills; and conceiving them to contain weightier matters then could by themſelves be determined, they did promiſe and undertake to repreſent and recommend the ſame, according to their more than ordinary importance, unto his Majeſty's Royal Conſideration, and to report his Majeſty's Anſwer.

‘While his Majeſty's good Subjects of all ranks throughout the whole Kingdom, had their minds weakned, and their hearts filled with the expectation of a *gracious* and *ſatisfactory Anſwer*, worthy his Majeſty's pious and equitable Diſpoſition; in the month of *February* laſt, incontinent a rumour flies through the Country, and fills all Ears, That the Lords of his Majeſty's *Secret Council* were commanded to make ſuch a Proclamation concerning the *Service-Book*, Book of *Canons*, and the *Peaceable Meetings* of his Majeſty's good Subjects in time coming, as we were perſwaded to have been procured by the ſecret working and malignant miſinformation of our Adverſaries, ſeeking for their own private ends, without reſpect to his Majeſty's Honour, and welfare of this Kirk and Kingdom, to ſtop the courſe of our legal Proceedings, and to eſcape their own due Cenſure; and therefore intending to make known to the Lords of the *Secret Council*, what was noiſed concerning the *Proclamation*, how far the whole Kingdom had been by ſome ſiniſtrous miſinformation fruſtrate of their hopes, and their conſtant deſire to have ſome courſe taken by their Lordſhips Advice, how his Majeſty being further informed, might deliver his good Subjects from ſo great Greivances and Fears, and eſtabliſh a ſure Peace in this Country for the time to come: we found our ſelves tied by order of Law, to decline thoſe againſt whom we had made our Complaint, unleſs we would admit our Judges to be parties; and in caſe our *Declinator* ſhould not be accepted, we behoved to proteſt that we might have immediate recourſe to the King himſelf *&c.*

‘Thereafter, in the month of *March*, finding by the aforeſaid Proclamation the Innovations ſupplicated againſt were approven, our lawful Proceedings condemned, our moſt neceſſary *Meetings prohibited*, there being no other way left unto us, we were neceſſitated to renew the *National Covenant* of this Kirk and Kingdom, thereby to reconcile us to God, provoked to wrath againſt us, by the breach of his Covenant within this Land, to clear our Sovereign's mind from all jealouſies and ſuſpicions, ariſing from our Adverſaries miſ-informations of our intentions and carriage, and ſo to make way for his acceptance of our humble Supplications, and grant of their lawful remedies, to guard this Land in defence of Religion, Authority, and Liberty, againſt inward diviſion,and external violences. And that our actions might be anſwerable to our holy Profeſſion, We afterwards drew up an humble Supplication, containing our *Greivances*, and deſires of the ordinary remedies thereof, to have been delivered to the King himſelf: in the mean time,we were directed by thoſe, who were intruſted by his Majeſty, to attend his Declaration here in *Scotland*, which would free us from all fears of *Innovations* of Religion, and prove ſatisfactory. And leſt for want of true information of our juſt Grievances and Deſires, it ſhould fall out otherwiſe, We expreſſed to them with the greateſt modeſty we could, our Deſires in ſome few *Articles*, and with great patience have attended his Majeſty's Pleaſure thereanent; and all this Month by-gone being frequently convened to hear the ſame delivered by his Majeſty's *Commiſſioner*, the Right Noble Lord, *James* Marqueſs of *Hamilton*, *&c.* We preſented a new *Petition* to his Grace, as his Majeſty's Commiſſioner, craving moſt humbly the *indiction of an Aſſembly* and *Parliament*, as the only Remedies thereof. Like-as finding a Miſinformation or *miſtake* of our Covenant with God, as if it had been an *unlawful Combination*, to be the main hindrance of obtaining our Deſires in a *new Supplication*, We have fully *removed that Impediment*, renewed our Deſires of thoſe *ſupreme Judicatories*, to be indicted with diligence for ſetling of the Kirk and Kingdom; but being only *anſwered with delays* after theſe *nine months attendance*, and with this *Proclamation*, that contained his Majeſty's Declarations of his Pious Intentions, not to admit *any Innovations in Religion* or *Law*,nor any ſtain of *Popiſh Superſtition*; but on the contrary,to be reſolved to *maintain the true Chriſtian Religion* profeſſed in this Kingdom; which We were ever ſo far from calling into queſtion, as in our Supplications, Complaints and Bills; We uſed the ſame as one cauſe of our Deſires, one ground of our Confidence of a *gracious Anſwer*, and Argument of our *Adverſaries* malignant Miſinformation of ſo Religious a King; and now moſt humbly (on *bended Knees* and *bowed Hearts*) thank our gracious Sovereign for the ſame, wiſhing and praying the Lord of Heaven truly and fully to inform his Majeſty how far theſe Books, Judicatories, and all our other Evils and Grievances, are full of *Idolatrous Superſtitions* and *Popiſh Errors*, deſtructive of the Reformation of Religion in

An. 1638.

‘this Land, and of the Laws and Liberties of this Church and Kingdom, and ſo directly contrary to his Majeſty's Pious Intention and Declaration: Yet ſeeing that no *Proclamation* could ſufficiently remove the preſent Evils, nor ſettle our Fears, nor ſecure us from the *re-entry of any Evil* or *Innovation*, which it ſeemed to diſcharge, or prevent the like in time coming, nor ſatisfy our humble Supplications, craving the *Indiction* of a *free Aſſembly* and *Parliament*, as the *only Remedies* of our Evils, and means to prevent the like. And ſeeing this *Proclamation* doth not ſo much as make mention, or acknowledg any of our Supplications, Complaints and Grievances, or any juſt cauſe thereof, except under the name of the great increaſe of Diſorders, Faults and Miſdemeanors, but only our Fears of ſome future *Innovation* of Religion or Laws, occaſioned only (as is pretended) by the Introduction of the *Service-Book*, Book of *Canons*, and *High-Commiſſion*; which Fears his Majeſty hoped to have been abundantly and ſufficiently ſatisfied by his two former Proclamations, of the 9th of *December*, and the 19th of *February*, and by this his preſent Declaration, unleſs his Subjects be (under pretext of Religion) blindly led unto Diſobedience, *doth misken*, paſs over, and ſo in effect deny all our Supplications, Bills, Articles, and Deſires, eſpecially our *Complaints againſt the Prelats* our Parties. And that once for all, in a fair and perſuaſive way, even after the receipt of our laſt Supplication, clearing us from the Calumny of *unlawful Combination*, doth not diſallow nor diſcharge any of the *Innovations* and Evils complained upon, but only aſſureth that his Majeſty will not preſs their practice but in ſuch a fair and legal way as ſhall ſatisfy his Subjects of his Intentions; which (joined with the other clauſe, *allowing and confirming the Proclamation of the 19th of February*) evidenceth the liberty left to any Prelat or Perſons to practiſe the ſame, and by all other fair ways to perſwade others thereunto; and his Majeſty's Reſolution to preſs their practice in a fair and legal way, and alſo confirmeth the former Declaration, that the *Service-Book* is a ready mean to maintain the true Religion already profeſſed, and to beat out all Superſtition, and no ways to be contrary to the Law of this Kingdom, but to be compiled and approved for the univerſal uſe and edification of all his Majeſty's Subjects; doth not aboliſh, but promiſeth to rectify the *High-Commiſſion*, with the Advice of his Privy-Council, implying the King's Power, with conſent of his Council, to eſtabliſh this or any Judicatory within this Kingdom, *without conſent of the three Eſtates convened Parliament*, contrary to the fundamental and expreſs Laws thereof; and by conſequent with the like Reaſon, to eſtabliſh Laws and *Service-Books* without conſent of the *Aſſembly* and *Parliament*; which is contrary to the *main ground of our Supplications* againſt the manner of their introduction; doth only promiſe to take into his Conſideration in an Aſſembly and Parliament, which ſhall be called at his beſt convenience, while, as the evident and urgent neceſſity for ſetling the *Combuſtions*, threatning the total diſſolution and deſolation of this Church and State, excuſeth Our inceſſant and importunate calling for theſe preſent Remedies; doth inſinuate the continuance and execution of any pretended Laws for theſe Innovations in Worſhip, and Corruptions of Church-Government, and Civil Places of Church-men, which by our *Covenant* we have obliged Our ſelves to forbear, and the reſtabliſhment of theſe Evils in 'an Aſſembly and Parliament which he will call in his beſt conveniency, to wit, for that end, and ſatisfying of his Subjects Judgments anent the *Service-Book* and Book of *Canons*, doth condemn our former Proceedings, even our *ſupplicating*, *complaining*, *proteſting*, and *ſubſcribing* of our *Covenant*, together with our continual Meetings, as great Diſorders, increaſe of great Diſorders, deſerving juſtly a powerful rather than a perſwaſive way; a running headlong into Ruin; a periſhing in our Faults; a blind Diſobedience under pretext of Religion; and doth threaten and denounce, now once for all, if We be not heartily ſatisfied, and give teſtimony of our Obedience after this Declaration, but continue, as by our former Proceedings, to draw on our own Ruin, that although unwillingly, he muſt make uſe of that Power which God hath endued him with, for reclaiming ſo diſobedient People.

'Therefore We in our own Name, and in the Name of all who will adhere to the *Confeſſion* of *Faith*, and *Reformation* of *Religion* within this Land, are forced and compelled out of our bounden Duty to God, Native Country, our King, our Selves, and our Poſterity, leſt our Silence ſhould be prejudicial to ſo important a Cauſe, as concerns God's Glory and Worſhip, our Religion and Salvation, the Laws and Liberties of the Church and Kingdom, or derogatory to our former Supplications, Complaints, Proteſtations, Articles, and Proceedings, or unanſwerable to our ſolemn Oath of our National Covenant with God, to declare before God and Man, and to proteſt;

'*Primo*, That we do and will conſtantly adhere, according to our Vocation and Power, to the ſaid Reformation in Doctrine, uſe of Sacraments, and Diſcipline, and that notwithſtanding of any Innovations introduced therein either of old or late.

'*Secundo*, We Proteſt we adhere to the Greivances, Supplications, and Proteſtations, given in at Aſſemblies and Parliaments, to our late Supplications, Complaints, Proteſtations, and other lawful Proceedings againſt the ſame, and particularly againſt the *Service-Book*, and *Book* of *Canons*, as main Innovations of Religion and Laws, and full of Popiſh Superſtition, and ſo directly contrary to the King's Declaration, and againſt the *High Commiſſion*, as a Judicatory eſtabliſhed contrary to the Laws and Liberties of this Church and Kingdom, and deſtructive of other lawful Judicatories, which both in reſpect of the nature of it, and manner of Introduction, without conſent of the three Eſtates in Parliament, cannot any ways be rectified, but abſolutely diſcharged.

'*Tertio*, We proteſt that we adhere with our Hearts to our Oath and Subſcription of the *Confeſſion of Faith*, the ſolemn *Covenant* betwixt God, this Church and Kingdom, and the particular Clauſes therein expreſſed and generally contained; and to Our laſt *Articles* for the Peace of this Kirk and Kingdom, drawn out of it, and to all the matters therein contained, and manner therein of Remedy deſired.

'*Quarto*, We proteſt that this *Proclamation*, or Act of Counceil, or any other Act or Proclamation, or Declaration, or Ratification thereof, by Subſcription, or Act, or Letter, or any other manner of way whatſoever, or any *Precondemnation* of our Cauſe or Carriage, before the ſame be lawfully heard and tried in the Supreme Judicatories of this Kirk and Kingdom, the only proper Judges to National Cauſes and

‘Proceedings, or any Certification or Threatning therein denounced, ſhall be no way prejudicial to the *Confeſſion of Faith*, Laws and Liberties of this Kingdom, nor to our Supplications, Proteſtations, Complaints, Articles, lawful Meetings, Proceedings, Purſuits, Mutual Defences, nor to our Perſons or Eſtates; and ſhall be no way diſgraceful, either in Reality or Opinion, at Home or Abroad, to Us or any of Us. But on the contrary, any Letter, or Act, or Subſcription of the Council, carrying the approbation of the Declaration, and condemnation of our Proceedings, *indicta Cauſa*, is and ought to be reputed and eſteemed unjuſt, illegal, and null, as here before God and Man we offer to clear, and to verify both the juſtneſs of our Cauſe and Carriage, and the injuſtice of ſuch Acts againſt Us, in the face of the firſt General Aſſembly of the Church and Parliament of Eſtates; unto whom, with all Solemnities requiſite, We do publickly appeal.

‘*Quinto*, We proteſt, That ſeeing Our former Supplications, laſt Articles, and Our laſt Deſire and Petition to his Majeſty's Commiſſioner, which petitioned for a preſent Indiction of a free General Aſſembly and Parliament, according to the Law and Cuſtom of all Nations, and of this Nation in the like caſe, to hear the Deſire, eaſe the Grievances, and ſettle the Fears of the Body of the Church and Kingdom, are thus delaied, and in effect refuſed: To wit, once for all, till his Majeſty's conveniency for the end contained in this Proclamation, that We continue by theſe Preſents to ſupplicate his Majeſty again and again for granting the ſame; and whatſoever trouble or inconveniency fall out in this Land in the mean time, for want of theſe ordinary Remedies, and by the practice of any of theſe Innovations and Evils, contrary to our Supplications, Articles, and Confeſſion, it be not imputed unto Us, who moſt humbly beg theſe lawful Remedies; but alſo that it is, and ſhall be lawful unto Us to defend and maintain the Religion, Laws and Liberties of this Kingdom, the King's Authority in defence thereof, and every one of Us one another, in that Cauſe, of maintaining the Religion, and the King's aforeſaid Authority, according to our Power, Vocation, and Covenant, with Our beſt Counſel, Bodies, Lives, Means, and whole Strength, againſt all Perſons whatſoever, and againſt all external and internal Invaſion menaced in this Proclamation, like-as that in the great exigency of the Church, neceſſitating the uſe of the ordinary and lawful Remedies, for ſetling the Commotion thereof; it is and ſhall be leathſome unto Us to appoint, hold, and uſe the ordinary means, Our lawful Meetings and Aſſemblies of the Church, agreeable to the Laws of God, and practice of the Primitive Times of the Church, the Acts of the General Aſſemblies and Parliaments, and the Example of Our worthy Reformers in the like caſe.

‘*Sexto*, We proteſt, That Our former Supplications, Complaints, Proteſtations, Confeſſions, Meetings, Proceedings, and mutual Defences of one another in this Cauſe, as they are and were in themthemſelves moſt neceſſary, and orderly means, agreeable to the Laws and practice of this Church and Kingdom, and in no wiſe to be ſtiled or accounted great Diſorders, Miſdemeanours, blind Diſobedience, under pretext of Religion, and running headlong into ruin, *&c.* ſo they proceeded only from Conſcience of Duty to God, Our

'King, Native Country, and our Poſterity; and do tend to no other end, but to the preſervation of the true Reformed Religion, the Confeſſion of Faith, Laws and Liberties of this his Majeſty's moſt Ancient Kingdom, and of his Majeſty's Authority in defence thereof, and ſatisfaction of Our humble Deſires, contained in Our Supplications, Complaints, and Articles; unto the which we adhere again and again, as We would eſchew the Curſe of Almighty God, following the breach of his Covenant; and yet We do certainly expect, according to the King's Majeſty's accuſtomed Goodneſs and Juſtice, that his Sacred Majeſty, after a true information of the Juſtice of our Cauſe and Carriage, will preſently indict theſe ordinary Remedies of a Free Aſſembly and Parliament, to Our juſt Supplications, Complaints, and Articles, which may be expected, and uſed to be granted, from ſo juſt and gracious a King, towards moſt loial and dutiful Subjects, calling for Redreſs of ſo preſſing Grievances; and praying heartily that his Majeſty may long and proſperouſly raign over us.

Before the Marqueſs's departure, the *Covenanters* yielded to an Explication of their Covenant, by way of Supplication, as followeth.

To His Majeſty's Commiſſioner:

The Supplication of the Noblemen, Barons, Burgeſſes, Miniſters, and Commons, here attending his Majeſty's Gracious Anſwer of Our former Petitions, Complaints, and Deſires.

Humbly ſheweth,

THat whereas We expecting from your Grace, as his Majeſty's Commiſſioner, a gracious Anſwer of Our former Supplications, Complaints, and juſt Deſires, have preſented to your Grace a Petition, humbly craving a free Aſſembly and Parliament, as the ordinary Remedy of our Grievances, and the only means to put this Kirk and Kingdom to quietneſs. It pleaſed your Grace to ſhew, that his Majeſty, from his princely care of this Kirk and Kingdom, would be moſt willing to indict a free General Aſſembly, and call a Parliament, for thoſe good Ends, but that your Grace, as his Majeſty's Commiſſioner, hath conceived the Confeſſion of Faith *and* Covenant, *lately renewed by us his Majeſty's Subjects, to be an unlawful Combination againſt Authority, thereby to caſt off Our dutiful Obedience, and not a Covenant for maintaining of True Religion, of his Majeſty's Perſon and Authority, and of the Laws and Liberties of the Kingdom. And we being moſt willing to remove that, as the main hinderance of the obtaining of Our Deſires therefore, and for clearing our Loyalty, and vindicating our Selves from ſo great an Imputation, We do now in all humility remonſtrate to your Grace, as his Majeſty's Commiſſioner, and declare before God and Men, That we are heartily grieved and ſorry that any good Man, but moſt of all Our dread Soveraign ſhould ſo conceive of Our doing. And that We were, and ſtill are ſo far from any thought of withdrawing our Selves from our dutiful Subjection and Obedience to his Majeſty's Government; which by the deſcent, and under the Raign of 107*

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Kings, is moſt chearfully acknowledged by Us and Our Predeceſſors, that We never had nor have any intention to deſire to attempt any thing that may turn to the diſhonour of God, or the diminution of the King's Greatneſs and Authority. But on the contrary, We acknowledg our Quietneſs, Stability, and Happineſs, to depend upon the ſafety of the King's Majeſty, as upon God's Vicegerent, ſet over Us for maintenance of Religion, and miniſtration of Juſtice, have ſolemnly ſworn, not only Our mutual Concurrance and Aſſiſtance for the Cauſe of Religion, but alſo to the utmoſt of Our Power with our Means and Lives, to ſtand to the defence of Our dread Soveraign the King's Majeſty, his Perſon and Authority, in the preſervation and defence of the True Religion, Liberties, and Laws of the Kingdom. And therefore We his Majeſty's Loyal Subjects, free from that and all other Imputations of that kind, moſt humbly beſeech your Grace to eſteem, That our Confeſſion of Faith *and* Covenant *to have bin intended, and to the largeſt teſtimony of our Fidelity to God, and loyalty to our King, and that hinderance being removed, muſt ſtill ſupplicate that your Grace would be pleaſed to indict a free General Aſſembly and Parliament, which will undoubtedly redreſs all our Evil, ſettle the Peace of the Kirk and Kingdom, and procure that chearfulneſs of Obedience which ought to be rendred to his Majeſty, carrying with it the offer of our Fortunes and beſt Endeavours for his Majeſty's Honour and Happineſs, as a real teſtimony of our Thankfulneſs, and our hearty Prayers to God, that his Majeſty may long and proſperouſly raign over us.*

At this time Marqueſs *Hamilton* told the *Covenanters*, That he had no Authority to indict an Aſſembly, unleſs ſome Particulars were agreed upon, both concerning the Conſtitution of the Aſſembly, and the preſent ſetling the Peace of the Kingdom; and delivered the Particulars of the King's Demands to the chief Lords of the *Covenanters* in ten Articles, which they utterly diſliked; and then the Marqueſs afterwards reduced them to theſe two, *viz.*

1. 'If the Lords and the reſt will undertake for themſelves and the reſt, that no *Laicks* ſhall have Voices in chuſing the Miniſters to be ſent from the ſeveral Presbyteries to the General Aſſembly, nor none elſe but the Miniſters of the ſame Presbytery.

2. 'If they will undertake that at the Aſſembly they ſhall not go about to determine of things eſtabliſhed by Act of Parliament, otherwiſe than by Remonſtrance or Petition to the Parliament, leaving the determining of Things Eccleſiaſtical to the General Aſſembly, and things ſetled by Act of Parliament to the Parliament, then I will preſently indict a General Aſſembly, and promiſe, upon my Honour, immediately after the Aſſembly, to indict a Parliament, which ſhall *Cognoſce* of all their Complaints.

This highly diſpleaſed the Heads of the *Covenanters*, who began preſently to think of the Election of Commiſſioners for the General Aſſembly. But the Marqueſs told them, That if they did proceed to the Election of any Commiſſioners for the Aſſembly before his return, he would not go his Journy at all, but leave them to their own ways. At laſt having conſulted with their *Tables*, they agreed that the Election of Commiſſioners ſhould be delaied until his return.

The Marqueſs by his Induſtry had got ſome of the Privy-Council, who were not ſatisfied with the Declaration, to be abſent from the

Divers of the Council who ſubſcribed to the Declaration, do retract the ſame.

Council that day; but divers of thoſe who had ſigned the Act, *That Subjects ought to reſt ſatisfied with the Declaration*, came afterwards to him, telling him, That upon ſecond thoughts, they found they had *wronged their Conſciences*, therefore they deſired he would call a New Council, that they might retract what they had done; and ſaid plainly, If he called not a Council, they would find another way to make their Retractation to be known, and that was, to *ſubſcribe the Covenant.* The Marqueſs imparting this to the whole Council apart, found that three parts in four would immediately fall off, if he gave them not ſatisfaction; and judging that ſuch a viſible breach in the Council would ruin the King's Affairs, and the Act ſo ſigned not being Regiſtred, but only Subſcribed, he thought it beſt to tear it before their Faces, by which means he got the Storm calmed.

This being done, the Marqueſs took his Journy on *July* the 6*th.*

The Marqueſs moves the King to renew the *Confeſſion of Faith.*

When the Marqueſs came to Court, he gave the King a full Account of all that had paſſed in *Scotland*, and of the Strength and Rage of the *Covenanters*, together with the unconſtancy of many of the Secret Council, and propoſed to his Majeſty to renew the *Confeſſion of Faith* ratified in Parliament 1567. And to that his Majeſty did readily conſent, and reſolved to enlarge his Inſtructions, which he did to the effect following.

London, July 27, 1638.

CHARLES *R.*

YOu ſhall try by all means, to ſee if the Council will ſign the Confeſſion of Faith, eſtabliſhed by Act of Parliament, with the New Bond joined thereunto: But you are not publickly to put it to voting, except you be ſure to carry it, and thereafter that probably they will ſtand to it.

If the Council do ſign it, though the Covenanters refuſe, you ſhall proceed to the indicting of a free General Aſſembly; and though you cannot procure the Council to ſign it, yet you are to proceed to the indicting thereof, if you find no other courſe can quiet Buſineſs at this time.

You ſhall labour by all fair means, that the ſitting of the Aſſembly be not before the firſt of November, or longer if you can obtain it. For the Place, We are pleaſed to leave it to your Election: For the manner of Indicting, you muſt be as cautious as you can, and ſtrive to draw it, as near as may be, to the former Aſſemblies in My Father's Time.

You muſt labour that the Biſhops may have Votes in Aſſemblies; which if you cannot obtain, then you are to proteſt in their Favours, in the moſt formal manner you can think of.

As for the Moderator in the Aſſembly, you are to labour that he may be a Biſhop; which though you cannot obtain, yet you muſt give way to their Election.

You are to labour, That the five Articles of Perth be held as indifferent: Strive that the Admiſſions of Miniſters may continue as they are. You may condeſcend that the Oaths of their Admiſſion be no other than is warranted by Act of Parliament.

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[illegible] Council also intended to the Declarati-on, do retract the ſame.

You are, if you find that it may any wiſe conduce to Our Service, to enact and publiſh the Order made at Hally-Rood-Houſe, by Our Council, the fifth of July laſt, for diſcharging the Uſe of the Service-Book, Book of Canons, and the Practice of the High-Commiſſion.

You are to proteſt againſt the Aboliſhing of Biſhops, and to give way to as few Reſtrictions of their Power as you can: As for the Biſhops not being capable of Civil Places, you muſt labour what you can to keep them free.

You may give way, that they ſhall be accountable to the General Aſſembly, which you ſhall indict at the riſing of this againſt that time twelve month.

As for the Biſhops Precedence, you are not to admit them of the Aſſembly to meddle therewith, it being no point of Religion, and totally in the Crown.

The Marqueſs moves the King to renew the Confeſſion of Faith.

If the Biſhop of St. Andrews, or any other, be accuſed of any Crime, you are to give way to it, ſo they may have a free Trial, and likewiſe the ſame of whatſoever Perſon or Officer of State.

It is left to your diſcretion what courſe Biſhops ſhall take, that are for the preſent out of the Country.

You are to adviſe the Biſhops to forbear ſitting at the Council, till better and more favourable times for them.

Notwithſtanding all theſe Inſtructions above mentioned, or any other accident that may happen, (ſtill labouring to keep up Our Honour ſo far as poſſibly you can) you are by no means to permit a preſent Rupture to happen, but to yield any thing, though unreaſonable, rather then now to break.

Beſides theſe Inſtructions, his Majeſty ordered the Marqueſs, That the Moderators named by the Biſhops in Preſbyteries, be again reponed and held neceſſary Members of the Aſſembly; that all Miniſters turned out ſince theſe Stirs began, might be again reſtored; and that all Miniſters admitted without the Biſhops, may not exerciſe their Function.

And the King wrote alſo by the Marqueſs to the Council, dated at *Oatlands*, *July* 30. taking notice that this Bond being not ſubſcribed by Roial Leave & Authority, as was that in the time of K. *James*, muſt needs be both *null* in it ſelf, and prejudicial to the Kirk and State; his Majeſty alſo declaring, That he hath ever bin fully ſatisfied in Judgment and Conſcience, both of the Reformed Religion, and againſt the Roman.

And his Majeſty alſo ſigned a Declaration to the ſame effect and purpoſe; not only to ſatisfy his loving Subjects, but all the Chriſtian World, and therefore ſigned the *Confeſſion of Faith*, eſtabliſhed by Act of Parliament with that Bond.

The King likewiſe ſigned a Declaration of the ſame date, expreſſing the Contents in the ſaid Letter, and that he will ever maintain the True Chriſtian and Reformed Religion eſtabliſhed in the Kingdom of *Scotland*; and to that end he hath ſigned the *Confeſſion of Faith*, eſtabliſhed by Act of Parliament 1557, with the Bond in defence of it.

July 23. Diſpute at *Aberdeen* about the Covenant.

But while the Marqueſs was buſy at Court, the *Covenanters* in *Scotland* were going on for more Subſcriptions to the Covenant; and becauſe the North were for the moſt part againſt the Covenant, ſome

Noblemen and Miniſters went on the 23d of *July* (being that day 12-month the Stool was thrown at the Biſhops head) to *Aberdeen*, hoping to convince the Doctors there of the Lawfulneſs of the Covenant. But the Doctors violently argued againſt the ſame, becauſe it was a Combination without Warrant or Authority. And the *Covenanters* gave out to the ſaid Doctors at *Aberdeen*, that the *Lord-Commiſſioner* was ſatisfied with the Covenant upon the offer of that Explication, (which is formerly mentioned) but at the Commiſſioner's Return he declared the contrary.

The Marqueſs at his Return to *Hally-Rood Houſe*, on the 10th of *Auguſt*, found things in a much worſe poſture than he had left them; for at a Convention of Buroughs, a few days before, they had enacted, That none might be Magiſtrates, or bear Office in any Burrough, except he had taken the Covenant. And the *Covenanters* were reſolved that *Biſhops ſhould have no Vote* in the Aſſembly, and that *Epiſcopacy ſhould be aboliſhed*, and the *Articles of Perth condemned*, and all under pain of Excommunication were to *ſign the Covenant*.

The *Marqueſs* at his Return finds things in a bad condition.

The Marqueſs being ſurpriſed with ſo great a change of the ſtate of Affairs, gave Account thereof to the King, and reſolved not to call a General Aſſembly till he firſt went in Perſon to aquaint his Majeſty with the hazard he was like to run.

And gives the King an Account thereof.

On the 13th of *Auguſt* the Covenanters came to demand his *Anſwer* to their *Petitions*. To whom he declared, that the King's *Anſwer* was ſo full of Grace and Goodneſs, that he will leave nothing undone that can be expected from a juſt Prince to ſave the Nation from Ruin; and that he finds they cannot be well ſetled without a Parliament and Aſſembly; and ſo delivered his Majeſty's Anſwer to them to that purpoſe.

The Marqueſs alſo aſſured them, that immediately upon their Obedience he ſhould indict an Aſſembly and Parliament, as he was inſtructed, *Order* and *Government* being firſt eſtabliſhed again in the Country as it was before theſe Combuſtions. But they continued ſtill treating about this till the 20th of *Auguſt*: Whereupon the Marqueſs craved again the ſpace of Twenty days to go to Court, and bring an Anſwer from his Majeſty. Which he did to gain more time, and to adviſe his Majeſty to break with them, or to give way to the violence of their Zeal; and in that time alſo to attend the diſpatch of Affairs at Court concerning the Kingdom of *Scotland*. So he took Journy on the 25th of *Auguſt* towards *London*.

The *Marqueſs* deſires twenty days time to go to the King and return.

The Marqueſs before his Journey thought fit to conſult with the Earl of *Traquire*, *Roxborough* and *Southeſk*; what Advice to offer his Majeſty. Who agreed upon Articles to be preſented to his Majeſty, ſome of which were to the effect following.

He conſults with 3 Lords, not *Covenanters*.

'Since the Cauſe and Occaſion of all the Diſtractions which of late 'have hapned both in Kirk and Polity, ſeems to proceed from the 'conceived Fears of *Innovation of Religion* and *Laws*, and that the *Service-Book*, *Book of Canons*, and the *unbounded Power of Biſhops* in the '*High-Commiſſion*, (never yet warranted by Law) was that which firſt 'gave ground and occaſion to the Subjects Fears; and ſeeing the ſaid 'Books are offered to be proved to be full of Tenets and Doctrines 'contrary to the Reformed Religion, profeſſed and eſtabliſhed within 'this Kingdom, and the ſame introduced againſt all Form and Cuſtom

Articles of advice offered to his Majeſty, to have the *Confeſſion of Faith ſigned by his Father*, to be revived.

An. 1638. ‘practiſed in the Church, it were an Act of Juſtice well beſeeming ſo gracious and glorious a King, abſolutely and fully to diſcharge the ſame.

‘And ſeeing likewiſe this *High-Commiſſion* hath given ſo great Offence to ſo many of your Majeſties good Subjects, and as is conſtantly affirmed, is of ſo vaſt and unlimited a Power, and contrary to expreſs Laws, by which all ſuch Judicatories not eſtabliſhed by Act of Parliament, are declared to be of no force; it would much conduce to the ſatisfaction of this People, if this *Judicatory were diſcharged* till the ſame were eſtabliſhed by Law.

‘The Practice of the *five Articles of Perth* hath been withſtood by the moſt conſiderable part of the Subjects of all qualities both Laity and Clergy, whereby great Diviſions have been in this Church, and are like to have an increaſe, if your Majeſty (in your accuſtomed Goodneſs and Care of this poor Kirk and Kingdom) ſhall not be graciouſly pleaſed to allow that the preſſing of theſe Articles may be forborn until the ſame may be conſidered of in an Aſſembly and Parliament. And although We conceive *Epiſcopacy* to be a Church-Government moſt agreeable with Monarchy, yet the *illimited* Power which the Lords of the Clergy of this Kingdom have of late aſſumed to themſelves in admitting and depoſing of Miniſters, and in divers other of their Acts and Proceedings, gives us juſt ground humbly to beg that your Majeſty may be pleaſed to *remit* to the Conſideration of the Aſſembly *this their unwarranted Power*.

‘The ſenſe and apprehenſion of theſe foreſaid Evils hath ſtirred up the Subjects without warrant of Authority to *join in a Bond and Covenant* to withſtand the foreſaid *Innovations*, and for maintenance of the *true Religion*, the *King's Majeſtie's Perſon*, and *of one another* in the defence thereof.

‘If Your Majeſty might be graciouſly pleaſed in ſupplement hereof, to allow or warrant ſuch a *Confeſſion of Faith*, with ſuch a *Covenant*, or *Bond* joined thereunto, *as that ſigned by Your Majeſty's Royal Father*, and by his Command by the *Council*, and moſt part of the Kingdom, We are very confident the ſame would be a ready and forcible mean to quiet the preſent Diſorders, at leaſt to ſatisfy moſt part. And if Your Majeſty ſhall condeſcend to the foreſaid Propoſitions, We are hopeful, if not confident, it ſhall give ſo *great content* to ſo conſiderable a number of your Majeſty's good Subjects of all qualities, that if any ſhall ſtand out, or withſtand your Majeſty's Royal Pleaſure, after the publication thereof, they may be overtaken by Your Majeſty's Power within this Kingdom, without the Help or Aſſiſtance of any Force elſewhere.

‘And becauſe it is to be hoped that all that hath paſt in this Buſineſs, and all the Courſes that have been taken herein by the Subjects, hath proceeded from the aforeſaid *fears of Innovations*, and not out of any *Diſloyalty* or *Diſſatisfaction to Soveraignty*; and that Your good People may ſtill taſte the fruits of your Grace and Goodneſs, We wiſh Your Majeſty may be graciouſly pleaſed, upon the *Word of a King*, to pardon what is paſt, *&c.*

Signed

Auguſt
1638. *Hamilton.* | *Roxborough.*
Traquaire. | *Southesk.*

When

14 Caroli.

The Marqueſs arrives at Court.

When the Marqueſs arrived at Court, he told his Majeſty, That unleſs he enlarged his Inſtructions, he was to treat no further; and ſince he ſaw the Contempt was like to have bin put on the laſt Inſtructions, ſo as he durſt not make uſe of them, leſt his Majeſty ſhould be expoſed to new Affronts. And told his Majeſty further, That nothing ſeemed ſo likely a courſe for removing of Jealouſies, and ſetling of things, as the *Authoriſing the Covenant*, that upon King *James* his command, was drawn up in the Year 1580, containing the renunciation of all the Articles of Popery, which was the ground of the preſent Covenant.

And now the King reſolved to try the utmoſt of yielding, for the recovery of his Subjects in *Scotland*, therefore again he diſpatched his Commiſſioner from *Oatlands*, on the 10th of *September*, with ample Inſtructions, to this effect.

Oatlands, September 9.

New Inſtructions to the Marqueſs, impouring him to revoke the *Service-Book*, *Canons*, &c.

CHARLES R.

The Marqueſs gets new Inſtructions.

1. YOu ſhall, in full and ample manner, by Proclamation or otherwiſe as you ſhall ſee cauſe, declare, That We do abſolutely revoke the Service-Book, the Book of Canons, and the High-Commiſſion.

2. You ſhall likewiſe diſcharge the practice of the Five Articles of Perth, notwithſtanding the Act of Parliament, which doth command the ſame: And in the ſaid Proclamation you ſhall promiſe, in Our Name, That if in the firſt Parliament to be held, the three Eſtates ſhall think fit to repeal the ſaid Act, We ſhall then give Our Roial Aſſent to the ſaid Act of Repeal.

3. You ſhall likewiſe declare, That We have enjoined and authorized the Lords of Our Privy-Council, to ſubſcribe the Confeſſion of Faith, and Bond thereto annexed, which was ſubſcribed by Our dear Father, and enjoined by his Majeſty's Authority in the Year 1580. And likewiſe have enjoined them to take order, that all Our Subjects ſubſcribe the ſame.

4. You ſhall likewiſe declare, That Our meaning and pleaſure is, That none of Our Subjects, whether Eccleſiaſtical or Civil, ſhall be exempted from Cenſures, and Trial of the Parliament, or General Aſſembly, thoſe Courts proceeding againſt them in due form and Order of Law.

5. You ſhall likewiſe declare, That We are graciouſly content, that the Epiſcopal Government already eſtabliſhed, ſhall be limited with ſuch Inſtructions as may ſtand with the Laws of this Church and Kingdom already eſtabliſhed.

6. You ſhall offer a Pardon by Proclamation, and promiſe in it a Ratification of the ſame in Parliament to all Our good Subjects who ſhall reſt ſatisfied with this Our gracious Declaration, and hereafter carry themſelves as becomes peaceable and dutiful Subjects.

7. You ſhall procure an Act of Council, wherein every Counſellor ſhall declare himſelf fully ſatisfied with this Our Declaration, and (if you can) they ſhall moreover ſolemnly Swear and Proteſt to adhere to Us; and with their Lives, Fortunes, and whole Means, aſſiſt Us in the puniſhing and repreſſing all ſuch as ſhall be found to be diſobedient, or perſiſt in turbulent and unpeaceable Courſes; and if any of Our Counſellors ſhall refuſe ſo to do, you ſhall preſently remove him from the place of a Counſellor.

8. You ſhall likewiſe require every Lord of the Seſſion to ſubſcribe the Confeſſion of Faith above mentioned, and the Bond thereunto annexed; as likewiſe to make the ſame proteſtation in all things, as in the laſt Inſtruction is required of a Counſellor; and if they ſhall refuſe to do it, you ſhall then certify to Us the Names of ſuch Refuſers.

9. You ſhall likewiſe declare that Our Pleaſure is, That a moſt Solemn Faſt be indicted upon a ſet Day throughout the whole Kingdom, which ſhall precede the General Aſſembly in ſome competent time. The Cauſes ſhall be declared, To beg God's Bleſſing on that Aſſembly; to beg of God a peaceable end to the Diſtractions of this Church and Kingdom; with the averſion of God's heavy Judgment from both. The form of indiction, We deſire to be according to the moſt laudable cuſtom of this Church in moſt extraordinary Caſes.

10. You ſhall labour as much as in you lieth, that both the Electors, and Perſons elected to be Commiſſioners at the General Aſſembly, ſhall be the ſame that were wont to be in My Father's Time, and the ſame Forms to be obſerved, as near as may be; but yet if that cannot be obtained, it ſhall be no let to you from indicting a General Aſſembly, but you ſhall go on it by all ſuch means as you ſhall find moſt advantagious to Me in that Service.

11. The Time and Place of the Aſſembly (Edinburgh only excepted) We leave to your Judgment and Pleaſure.

12. You ſhall likewiſe preſently indict a Parliament; the Time and Place We leave likewiſe to you.

13. Whether you ſhall firſt publiſh Our Gracious Offers, or firſt indict the Aſſembly, We leave it to your own Judgment as you ſhall ſee cauſe.

14. If you ſhall find the moſt conſiderable part of the Council not to acquieſce in this Our Gracious Declaration, and not to promiſe hearty and chearful Aſſiſtance to Us, as is above expreſſed, or not a conſiderable part of other Lords and Gentlemen, in caſe Our Council refuſe, then you ſhall neither indict Parliament nor Aſſembly, nor publiſh any of my Gracious Offers, except only the Aboliſhing of the Service-Book, Book of Canons, and High-Commiſſion, but leave them to themſelves, and to ſuch further order as We ſhall be forced to take with them; only if you foreſee a Breach, you ſhall give timely warning thereof to ſuch as have ſtood well-affected to Our Service, that ſo they may in due time provide for their ſafety, and your Self is to return to Us with expedition.

15. You muſt, by all means poſſible you can think of, infuſe into the Miniſters what a wrong it will be to them, and what an oppreſſion upon the freedom of their Judgment, if there muſt be ſuch a number of Laicks to over-rule them, both in their Elections for the General Aſſembly, and afterwards.

His Majeſty did alſo ſign Inſtructions for the Marqueſs his Behaviour with the Biſhops, to deſire the Biſhop of St. *Andrews* to leave his Chancellor's place, to accept of the ſum of 2500 *l. Sterling*, which ſhould be done without injury to himſelf, and more to his advantage.

Likewiſe to intimate to them, That his Majeſty intends to indict a General Aſſembly, and abſolutely to diſcharge the Books of *Service*, and *Canons*, and *High-Commiſſion*; and that the five Articles of *Perth* be eſteemed as indifferent; and that though his Majeſty will maintain Epiſcopacy, yet will be content that their Power be limited according to the Law.

The Marqueſs in his return met with the *Scotiſh* Biſhops, and communicated to them the Contents of the King's Commands.

The Marqueſs being thus again diſpatched at Court, took Journey for *Scotland*, and met the *Scotiſh* Biſhops in the way, paſſing through *York-ſhire*, to whom he ſignified his Majeſty's Pleaſure; that the King inclined to indict a General Aſſembly, and abſolutely to diſcharge the Books of *Service*, and *Canons*, and the *High-Commiſſion*; and that the five Articles of *Perth* be eſteemed as indifferent: and that though the King will maintain *Epiſcopacy*, yet he will be content that their Power be limited according to the Laws. But the Biſhops were no ways pleaſed with what the Marqueſs had ſaid unto them was the King's Pleaſure, and ſpoke againſt it with great vehemency: But the Arch-Biſhop of St. *Andrews* was the moſt moderate of any of them, and ſeemed to be willing to take 2500 *l. Sterling* Compoſition to quit his place of Chancellor.

The Biſhops ſorrowful.

On the 17*th* of *September* the Marqueſs arrived at *Hally-Rood-Houſe*, where he found Jealouſies begin to ariſe, between ſome of the wiſer Miniſters, and the Lords for the Covenant concerning the Lay-Ruling Elders.

Jealouſies between the Miniſters & Lay-Ruling Elders.

On the 20*th* the *Covenanters* ſent to the Marqueſs to know when they might wait on him to know his Majeſty's Pleaſure; and he appointed the next day, *Septemb.* 21. When they came, he told them, That the King had granted them all that they deſired; and more alſo, a Free Aſſembly, and a Parliament, which ſhould be immediately indicted, and opened the Particulars unto them; and they ſeemed reaſonably well ſatisfied therewith, only they preſſed him *to deſiſt from renewing the Confeſſion of Faith*, for they clearly ſaw that that would diſſatisfy a great many of their Party. But the Marqueſs having made moſt of the Privy-Council ſure before-hand, and that by Oath, reſolved to hear of no delay.

The *Covenanters* againſt the *Confeſſion of Faith*.

The next morning the Earl of *Rotheſs*, and many of the Covenanting Lords, deſired acceſs; and in the Name of the reſt ſaid, They heard the Council were to ſign the Old *Confeſſion of Faith*, and to publiſh a Declaration there-about, which they deſired might be delayed till *Monday* next, and they doubted not to be able to give good Reaſons why they ſhould not do it: And being called into the Council, they raiſed a long Debate which laſted about four hours; but in the end no delay of publiſhing the Declaration was granted, and it was carried by Vote in the Council, That the *Confeſſion of Faith* ſhould be preſently ſigned. Next, that the Proclamation of *Grace* ſhould be preſently publiſhed, and another Proclamation, that an *Aſſembly* ſhould

The *Covenanters* labour to hinder the publication of the *Confeſſion of Faith*, but in vain.

preſently meet at *Glaſcow* the 21 of *November*, and that a *Parliament* ſhould meet at *Edinburgh* the 15*th* of *May* next.

The Proclamation of the *9th* of *Sept.* was publiſhed, but met with a Proteſtation.

Then the Council paſſed an Act, declaring their full ſatisfaction with his Majeſty's Conceſſions, together with the Letter of Thanks to his Majeſty, expreſſing their full ſatisfaction, with large engagements to adhere conſtantly to his Service; and ſo they aroſe at four of the Clock, having ſat that day from ſeven in the morning. So the Proclamation of the *9th* of *September* following, was immediately ſent to the Croſs at *Edinburgh*, which met with a Proteſtation; and though the Council ſeemed diſpleaſed at it, yet they could not be perſuaded to paſs a Cenſure upon the Proteſtation as Seditious.

The Copy of a Proclamation made at Edinburgh, *Sept.* 22.

CHARLES, &c. To Our Lovits, Our Heralds, Meſſengers, Our Sheriffs in that Part conjunctly and ſeverally, ſpecially conſtitute, greeting.

By Proclamation, the King makes void & *null* all Acts of Council tending to eſtabliſh the *Service-Book, Canons*, &c.

FOraſmuch as the cauſe and occaſion of all the Diſtractions which have hapned of late, both in Church and Common-Wealth, of this our Antient Kingdom, have proceeded from the conceived Fears of Innovation of Religion and Laws. To free all our Good Subjects from the leaſt ſuſpicion of any intention in Us to innovate any thing, either in Religion or Laws; and to ſatiſfy, not only their Deſires, but even their Doubts, We have diſcharged, and by theſe preſents do diſcharge the Service-Book, Book of Canons, and High-Commiſſion, and the practice of them, or any of them; and by theſe Preſents annulls and reſcinds all Acts of Council, Proclamations, and other Acts and Deeds whatſoever that have bin made and publiſhed for eſtabliſhing them, or any of them; and declare the ſame to be null, and to have no force or effect in time coming. And being informed, that the urging of the practice of the five Articles of Perth-Aſſembly hath bred great Diſtraction and Diviſion in the Church and State; We have bin graciouſly pleaſed to take the ſame into our conſideration, and for the Quiet and Peace of Church and State, do not only diſpenſe with the practice of the ſaid Articles; but alſo diſcharge, like-as by theſe Preſents We diſcharge all and whatſoever Perſons from urging the practice thereof, upon either Laick or Eccleſiaſtick Perſon whatſoever. And We do hereby free all our Subjects from all Cenſure and Pain, whether Eccleſiaſtical or Secular, for not urging, practiſing, or obeying the ſame, notwithſtanding any thing contained in the Acts of Parliament, or General Aſſembly to the contrary. And becauſe it hath bin (to the diſgrace of Government) diſperſed and ſurmiſed throughout this our Kingdom, that ſome of our Subjects have exerciſed ſuch illimited and unwarranted Power, and have held themſelves exempt from cenſure or puniſhment, to which other Subjects are liable; We do by theſe preſents declare, That if any of our Subjects, whether Eccleſiaſtical or Civil, of whatſoever Quality, Title, or Degree, have, or ſhall at any time preſume to do any ſuch Act, or aſſume to themſelves any ſuch exemption or Power, that they ſhall, like as by theſe Preſents We make and ordain them to be liable to the Trial and Cenſure of Parliament, General Aſſembly, or any other Judicatories competent, according to the nature and quality of the Offence. And for free entry of Miniſters, that no other Oath be adminiſtred unto them, than that which is contained in the Act of Parliament. And to give our Subjects full aſſurance, that We never intend to admit of any Change or Alteration in the True Religion already eſtabliſhed and profeſſed in this our Kingdom. And that all our good People may be fully and clearly ſatisfied of the reality of our Intentions towards the maintenance of the Truth, and integrity of the ſaid Religion; We have thought fit and expedient to enjoin and authorize, like as We by theſe Preſents do require and command all the Lords of our Privy-Council, Senators of our College of Juſtice, and all Judges and Magiſtrates to Burrough and Land, and all other our Subjects whatſoever, to ſubſcribe and renew the Confeſſion of Faith, ſubſcribed at firſt by our dear Father and his Houſhold, in the Year of God 1580, thereafter by perſons of all Ranks, in the Year 1581, by Ordinance of the Lords of Secret Council, and Acts of the General Aſſembly. Subſcribed again by all ſorts of Perſons in the Year 1590, by a New Ordinance of Council, at the deſire of the General Aſſembly, with their General Bond of Maintenance of the True Religion, and the King's Perſon. And for that effect We do require the Lords of the Councell to take ſuch courſe anent the foreſaid Confeſſion and General Band, that it may be ſubſcribed and renewed throughout the whole Realm with all poſſible Diligence. And becauſe We will not leave in our Subjects minds the leaſt ſcruple, or doubt of our Roial Intentions, and Real Reſolutions; We have given Warrant to our Commiſſioner to indict a Free General Aſſembly to be holden at Glaſgow the 21 of November, in this preſent Year 1638, and thereafter a Parliament to be holden at Edinburgh, the 15th day of May 1639, for ſetling a perfect Peace both in Church and Common-Weal of this Kingdom. And becauſe it is likely that the Diſorders and Diſtractions which have hapned of late, have bin occaſioned through the conceived Fears of Innovations of Religion, and Laws, and not out of any Diſloyalty or Diſaffection to Soveraignty; We are graciouſly pleaſed abſolutely to forget what is paſt, and freely to forgive all By-gons to all ſuch as ſhall acquieſce to this our Gracious Pleaſure, and carry themſelves peaceably, as Loial and Dutiful Subjects; and We ſhall ratify and approve the ſame in our next enſuing Parliament. And that this Aſſembly may have the better ſucceſs, and more happy concluſion, Our Will is, That there be a Solemn Faſt proclaimed and kept by all our Loving Subjects of this Kingdom, fourteen days before the beginning of the ſaid Aſſembly; The cauſes thereof to be, A begging from God a Bleſſing upon that Aſſembly, and a peaceable end to the Diſtractions of this Church and Kingdom, with the averſion of God's heavy Judgment from both. And Our pleaſure is, That this Faſt be kept in the moſt ſolemn manner, as hath bin in this Church at any time heretofore, upon the moſt extraordinary occaſion. Our Will is therefore, and We charge you ſtraitly, and command, That incontinent theſe our Letters ſeen, ye paſs, and make publication hereof by open Proclamation at the

Market-Croſſes of the Head-Boroughs of this our Kingdom, wherethrough none pretend ignorance of the ſame.

Given under Our Signet, at Our Court of Oatlands, the 9th day of September, 1638.

At the ſame time when this Declaration was proclaimed, another was alſo proclaimed for indicting an Aſſembly at *Glaſgow*, *Novemb.* 21. and another for a Parliament at *Edinburgh* the 15*th* of *May*. The Proteſtation in anſwer to this Declaration doth follow; only for the preſent We inſert in this place ſo much of that Proteſtation as relates in anſwer to the *Confeſſion of Faith*, ordered by the King to be ſubſcribed unto; and afterwards in the *Appendix*, the reſt of this Proteſtation, being very long, is at large ſet down.

The Proteſtation of the Noblemen, Barons, Gentlemen, Burroughs, Miniſters, and Commons, &c. in anſwer to the King's Declaration of the 9th of September.

‘That this Proclamation commandeth all his Majeſty's Subjects, for maintenance of the Religion already eſtabliſhed, to ſubſcribe and renew the *Confeſſion of Faith*, ſubſcribed before in the Year 1580, and afterwards; and requireth the Lords of the Privy-Council to take ſuch courſe anent the ſame, and general Band of maintenance of the True Religion, and the King's Perſon, that it may be ſubſcribed and renewed throughout the whole Kingdom, with all poſſible diligence, which cannot now be performed by us: For although of late we would have bin glad that our ſelves, and other his Majeſty's Subjects had bin commanded by Authority to ſwear and ſubſcribe the General *Confeſſion of Faith* againſt Popiſh Errors and Superſtitions, and now would be glad that all others ſhould join with Us in our late Covenant and Confeſſion, deſcending more eſpecially to the Novations and Errors of the Time, and obliging Us to the Defence of Religion, and of the King's Majeſty's Perſon and Authority, and for theſe ends to the mutual defence every one of Us of another; Yet can We not now, after ſo neceſſary and ſo ſolemn a Specification, return to the General, for the Reaſons following.

1. ‘No means have bin left unaſſayed againſt Our late *Confeſſion of Faith* and *Covenant* ſo ſolemnly ſworn and ſubſcribed: for firſt, We were preſt with the rendring and reſcinding of our *Covenant*; next, an alteration in ſome ſubſtantial Point, was urged; thirdly, A Declaration was mentioned, which tended to the enervation thereof; and now We find in the ſame ſtrain, that We are put to a new Trial, and the laſt mean is uſed more ſubtil than the former. That by this new Subſcription to Our late Covenant and Confeſſion, may be quite abſorbed and buried in Oblivion, that where it was intended and ſworn to be an Everlaſting Covenant never to be forgotten, it ſhall be never more remembred, the one ſhall be cried up, and the other drowned in the noiſe thereof. And thus the new Subſcription now urged, (although in a different way) ſhall prove equivalent to the rendring of the Covenant, or what of that kind hath before bin eſſayed; like as

‘the Reaſons againſt the rendring of the Covenant, do militate directly ‘againſt this new Motion.

2. ‘If We ſhould now enter upon this new Subſcription, We would ‘think our ſelves guilty of mocking God, and taking his Name in ‘vain; for the Tears that began to be poured forth at the ſolemnizing ‘of the Covenant, are not yet dried up and wiped away; and the joiful noiſe which then began to ſound, hath not yet ceaſed; and there ‘can be no new neceſſity from Us, and upon our part, pretended for a ‘ground of urging this new Subſcription, at firſt intended to be an Abjuration of Popery upon Us, who are known to hate Popery with an ‘unfained hatred, and have all this Year by-gone, given large teſtimony of our Zeal againſt it. As We are not to multiply Miracles ‘on God's part, ſo ought We not to multiply ſolemn Oaths and Covenants upon our part; and thus to play with Oaths, as Children do ‘with their Toies, without neceſſity.

3. ‘Neither would We in giving way to this new Subſcription, ‘think our ſelves free of Perjury; for as We were driven by an undeclineable neceſſity to enter into a mutual Covenant, ſo are We ‘bound, not only by the Law of God and Nature, but by our ſolemn Oath and Subſcription, againſt all diviſive Motions, to promove and obſerve the ſame without Violation; and it is moſt manifeſt, that having already refuſed to render, alter, or deſtroy our Covenant, nothing can be more contrary and adverſe to our pious Intentions, and ſincere Reſolutions, than to conſent to ſuch a Subſcription and Oath, as both in the intention of the Urgers, and in the ‘nature and condition of the Matter urged, is the ready way to extinguiſh, and to drown in oblivion the Band of our Union and Conjunction, that they be no more remembred. In this caſe We ‘are called to lay ſeriouſly to our hearts; firſt, That We have ſworn ‘that We ſhall neither directly nor indirectly ſuffer our ſelves to be ‘divided and withdrawn from this bleſſed and loial Conjunction, ‘which conſiſteth not only in the *General Confeſſion*, but alſo in our ‘Explanation and Application thereof; but on the contrary, ſhall by ‘all lawful means labour to further and promove the ſame. 2ly, That ‘our Union and Conjunction may be obſerved without violation, ‘(and ſo without mutilation of our Application) we call the living ‘God to Witneſs, as We ſhall anſwer to Chriſt in the great Day, ‘*&c.*

4. ‘This new Subſcription, inſtead of performing our Vows, ‘would be a real Teſtimony and Confeſſion before the World, that ‘We have bin Tranſgreſſors in making raſh Vows; that We repent ‘our ſelves of former zeal and forwardneſs, againſt the Particulars expreſt firſt in our Supplications, Complaints, and Proteſtations; and ‘next abjured in our *Covenant*, that We in our judgment prefer ‘the *General Confeſſion* unto this, which neceſſarily was now made more ‘ſpecial; and that We are now under the fair pretext and honeſt cover of a New Oath, recanting and undoing that, which upon ſo ‘mature deliberation We have bin doing before. This beſides all ‘other Evils, were to make Way, and open a Door, to the re-entry ‘of the Particulars abjured, and to repent our ſelves of our chiefeſt ‘Conſolations, and to lye both againſt God and our own Souls.

5. ‘It hath bin often objected, That our *Confeſſion of Faith*, and ‘*Covenant*, was unlawful, becauſe it wanted the Warrants of publick

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‘Authority; and it hath bin anſwered by Us, That We were not deſtitute of the Warrant Civil and Eccleſiaſtical, which authorized the former Covenant. And although We could have wiſhed that his Majeſty had added both his Subſcription and Authority unto it, yet the leſs conſtraint from Authority, and the more liberty, the leſs hypocriſy and more ſincerity hath appeared. But by this new Subſcription urged by Authority, We both condemn our former Subſcription as unlawful, becauſe alleged to be done without Authority; and pre-condemn alſo the like laudable courſe in the like neceſſity to be taken by *Poſterity*.

6. ‘What is the uſe of Merch-ſtones upon Borders of Lands; the like uſe hath *Confeſſions of Faith* in the Kirk, to diſterminate and divide betwixt Truth and Error, and the renewing and applying of *Confeſſions of Faith* to the preſent Errors and Corruptions, are not unlike riding of Merches; and therefore to content our ſelves with the general, and to return to it, from the particular Application of the *Confeſſion* neceſſarily made upon the invaſion or creeping in of Errors within the borders of the Kirk, if it be not a removing of the Merch-ſtone from the own place, it is at leaſt the hiding of the Merch in the Ground that it be not ſeen, which at this time were very unſeaſonable for two Cauſes; one is, becauſe Popery is ſo pregnant and powerful in this Land, as We have learned of late. The other, becauſe the Papiſts, who upon the urging of the *Service-Book* and *Canons*, have preſumed of our return to *Rome*, will upon this our Subſcription return unto their ancient and wonted preſumption, none of us will deny; but the large *Confeſſion of Faith* regiſtred in the Acts of Parliament, doth by conſequence contain this ſhort *Confeſſion* and *Abjuration*: Yet were it not ſufficient againſt Popery to ſubſcribe the one with the other: How then ſhall we think that the more general *Confeſſion* and *Abjuration* at this time, when the urging of ſuch Popiſh Books have extorted from Us ſo neceſſary an Application, and doth ſtill call for a Teſtimony, to be compleat enough without it?

7. ‘The Papiſts ſhall hereby be occaſioned to renew their old Objections againſt Us, *Annuas & menſtruas fides de Deo decernunt*, That our Faith changeth with the Moon, or once in the Year. Other Reformed Kirks might juſtly wonder at our Inconſtancy in changing our *Confeſſion* without any real neceſſity, and that in one and the ſame Year it cometh forth larger and more particular, then ſhorter and more general: and our Adverſaries will not fail to traduce us, as troublers of the Peace of the Kirk and Kingdom without any neceſſary Cauſe.

8. ‘It will likewiſe prove a Confirmation of their Error, who think they may both ſubſcribe the *Confeſſion of Faith*, and receive the *Service-Book* and *Canons*; which is not only a direct ſcandalizing of them, but alſo a ready way to put a Weapon in their hands againſt our ſelves, who maintain and profeſs, that theſe and ſuch other Evils are abjured in the *Confeſſion of Faith*.

9. ‘If We ſhould now ſwear this *Confeſſion*, We ſhould be obliged by our Oath to maintain *Perth*-Articles, which are the Innovations already introduced in the Worſhip of God, and to maintain Epiſcopacy, with the Civil Places, and Power of Kirkmen, becauſe We are bound to ſwear this *Confeſſion* by virtue of, and conform unto the

‘King's Command, ſigned by his Sacred Majeſty, of the date *September* 9. 1638. (theſe are the very words ſubjoined to the *Confeſſion* and *Band*, and prefixed to the Subſcriptions). And it cannot be denied, but any Oath miniſtred unto Us, muſt either be refuſed, or elſe taken, according to the known Mind, profeſſed Intention, and expreſs Command of Authority urging the ſame. And it is moſt manifeſt, that his Majeſty's Mind, Intention, and Commandment, is no other, but that the *Confeſſion* be ſworn for the maintenance of Religion, as it is already or preſently profeſſed, (theſe two being coincident, altogether one and the ſame, not only in our common form of ſpeaking, but in all his Majeſty's Proclamations) and thus as it includeth, and containeth within the compaſs thereof, the foreſaid Novations and Epiſcopacy, which under that Name were alſo ratified, in the firſt Parliament holden by his Majeſty. And where it may be objected, That the Counſellors have ſubſcribed the *Confeſſion of Faith*, as it was profeſſed 1580, and will not urge the Subſcription in another ſenſe upon the Subjects. We anſwer, firſt, The Act of Council containing that Declaration, is not as yet publiſhed by Proclamation. Secondly, If it were ſo publiſhed, it behoved of neceſſity, either to be repugnant to his Majeſty's declared Judgment and Command, which is more than to ſwear without Warrant from Authority, (a fault, although unjuſtly often objected unto Us); or elſe We muſt affirm the Religion in the Year 1580, and at this time, to be altogether one and the ſame; and thus muſt acknowledg, that there is no Novation of Religion: which were a formal contradiction to that We have ſworn. Thirdly, By approving the Proclamation anent the Oath to be adminiſtred to Miniſters, according to the Act of Parliament, which is to ſwear ſimple obedience to the *Dioceſan* Biſhop, and by warning all Arch-Biſhops and Biſhops to be preſent, as having Voice and Place in the Aſſembly, they ſeem to determin, that in their Judgment, The *Confeſſion of Faith*, as it was profeſſed 1580, doth conſiſt with Epiſcopacy; whereas We by our Oath have referred the trial of this, or any other Queſtion of that kind, to the General Aſſembly and Parliament.

10. ‘This Subſcription and Oath, in the Mind and Intention of Authority, and conſequently in Our ſwearing thereof, may conſiſt with the Corruptions of the *Service-Book* and *Canons*, which We have abjured as other heads of Popery. For this preſent Proclamation, and his Majeſty's former Proclamations at *Linlithgow*, *Striveling*, *Edinburgh*; The Lords of the Privy-Council, in their approbation of the ſame, and the Prelates and Doctors who ſtand for the *Service-Book* and *Canons*, do all ſpeak plainly, or impart ſo much, That theſe Books are not repugnant to the *Confeſſion of Faith*, and that the introducing of them is no Novation of Religion or Law; and therefore We muſt either refuſe to ſubſcribe now, or We muſt confeſs contrary to our late Oath, and to a clear Truth, That the *Service-Book* and *Canons* are no Innovations in Religion. And though the preſent Books be diſcharged by Proclamation, yet if We ſhall, by any Deed of our own, teſtify, that they may conſiſt with our *Confeſſion of Faith*, within a very ſhort time, either the ſame Books, or ſome other like unto them, with ſome ſmall change, may be obtruded upon Us, who by our abjuration (if We adhere unto it) have freed both our ſelves, and the Poſterity of all ſuch Corruptions, and have

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11. 'Although there be indeed no ſubſtantial difference between that which We have ſubſcribed, and the *Confeſſion* ſubſcribed 1580, more than there is between that which is hid, and that which is revealed; a March-ſtone hid in the Ground, and uncovered; betwixt the Hand cloſed and open, betwixt a Sword ſheathed and drawn; or betwixt the large *Confeſſion*, regiſtrate in the Acts of Parliament, and the ſhort *Confeſſion*, or (if We may with reverence aſcend yet higher) between the *Old Teſtament* and the *New*; yet as to ſheath our Sword when it ſhould be drawn, were imprudence; or at the commandment of Princes, profeſſedly Popiſh in their Dominions, after the Subjects had ſubſcribed both Confeſſions, to ſubſcribe the firſt without the ſecond; or at the Will of a Jewiſh Magiſtrate, openly denying the *New Teſtament*, to ſubſcribe the *Old* alone, after that they have ſubſcribed both, were horrible impiety againſt God, and treachery againſt the Truth; Right ſo for Us to ſubſcribe the former apart, as it is now urged and framed, without the Explanation and Application thereof at this time, when Ours is rejected, and the Subſcribers of the former refuſe to ſubſcribe Ours, as containing ſomething ſubſtantially different, and urge the former upon us, as different from Ours, and not expreſſing the ſpecial abjuration of the Evils ſupplicated againſt by Us, were nothing elſe but to deny and part from Our former Subſcription, if not formally, yet interpretatively. Old *Eleazer*, who would not ſeem to eat forbidden Meat, and the Confeſſors and Martyrs of old, who would not ſeem, by delivering ſome of their Papers, to render the Bible, or to deny the Truth, may teach Us our Duty in this Caſe, although our Lives were in hazard for refuſing this Subſcription. And who knoweth but the Lord may be calling his People now, who have proceeded ſo far in profeſſing his Truth at this time, to ſuch Trials and Confeſſions as his faithful Witneſſes have given of old; that in this Point alſo Our doing may be a Document, both to the ſucceeding Ages, and to other Kirks, to whom for the preſent We are made a Spectacle.

12. 'If any be ſo forgetful of his Oath (which God forbid) as to ſubſcribe this *Confeſſion* as it is now urged, he doth according to the Proclamation, acquieſce in this Declaration of his Majeſty's Will, and doth accept of ſuch a Pardon as hath need to be ratified in Parliament, and thus doth turn our Glory unto ſhame, by confeſſing our guiltineſs, where God from Heaven hath made Us guiltleſs, and by the fire of his Spirit from Heaven, hath accepted of our Service, and doth depart from the Commandment of God, the practice of the Godly in former Times, and the worthy and laudable example of our Worthy and Religious Progenitors; in obedience whereof, and conform to which, We made profeſſion to ſubſcribe; for there is no particular Act required of Us, to whom the Pardon is preſented in this Proclamation, but this new ſubſcription allanerly.

13. 'The *General Band* now urged to be ſubſcribed, as it containeth many Clauſes not ſo fitting the preſent time as that wherein it was ſubſcribed, ſo is it deficient in a Point at this time moſt neceſſary, of the reformation of our Lives, that We ſhall, anſwerably to our Profeſſion, be Examples to others, of all Godlineſs, Soberneſs, and Righteouſneſs, and of every Duty We owe to God and Man, with-

out which We cannot now ſubſcribe to this *Confeſſion*, leſt We looſe the Bands to Wickedneſs, ſeem to repent of our former Reſolutions and Promiſes, and chuſe to have our portion with Hypocrites; profeſſing and ſwearing, That We know God, but in our Works denying him, being abominable, diſobedient, and unto every good Work reprobate.

14. 'Since the Narrative of the *General Band* is now changed, and ſome Lines, expreſſing at length the Papiſts and their Adherents, to be the Party from whom the danger to Religion, and the King's Majeſty, was threatned, are left out, and no deſignation made of the Party from whom the danger is now threatned, We are made either to think, that our Subſcription at this time is unneceſſary, or to ſuſpect that We who have ſupplicated and entred into Covenant, are underſtood to be the Party; eſpecially ſince the Lords of Council have, in the Act *Septemb.* 22. ratifying the Proclamation, found themſelves bound to uſe their beſt endeavours, That all his Majeſty's good Subjects may reſt ſatisfied with his Majeſty's Declaration; ſince alſo We have bin (although undeſervedly) challenged of Diſorders, Diſtractions, and Dangers to Religion, and his Majeſty's Authority; and ſince in the foreſaid Act, and in the Miſſive directed to his Majeſty, the Lords of the Council offer their Lives and Fortunes to his Majeſty, in repreſſing all ſuch as ſhall hereafter pleaſe to diſturb the Peace of this Kirk and Kingdom; which being expreſſed in a generality, is by many applyed to Us, and interpreted of our adhering to our Covenant. We ſhould therefore, by our ſubſcription of the Covenant, as it is now conceived, both do directly againſt our own Minds, in condemning our Selves, wherein We are Innocent, and ſhould conſent to our own hurt, to the ſuppreſſing of the Cauſe which We maintain, and to the repreſſing mutually one of us of another, directly contrary to our former ſolemn Oath and Subſcription.

15. 'The ſubſcribing of this *Confeſſion* by the Lords of his Majeſty's Privy-Council, who by their Place and high Employment, are publick Peacemakers; and by others who have not ſubſcribed the late *Confeſſion*, will make the Breach wider, and the lamentable Diviſion of this Kirk more deſperate than ever before; ſome having ſworn to labour, by all lawful means, to recover the former Liberty and Purity of Religion; and others maintaining that for Purity which is already eſtabliſhed; ſome believing and profeſſing, that the Evils ſupplicated againſt, are abjured in that *Confeſſion of Faith*; and others maintaining the *Confeſſion of Faith*: And theſe Corruptions (although for the preſent diſcharged by Authority) not to be inconſiſtent.

'And beſides this, many Diviſions and Subdiviſions will enſue, to the doleful renting of the Kirk and Kingdom, making way for the Wrath and many Judgments of God often threatned by his faithful Servants, which all the Godly ought to labour by all means to prevent.

'We repreſent alſo to the Honourable Lords of Privy-Council to be conſidered, that the Doctrine, Diſcipline, and Uſe of Sacraments are ſworn, and the contrary abjured, according to the Word of God, and the Meaning of the Kirk of *Scotland* in the Books of

'Diſcipline,

14 Caroli.

‘Diſcipline, and Acts of Aſſembly; and that in the Oath there is no place left to the generality of any Man's Conception of the true Faith and Religion, nor to any private Interpretation, or mental reſervation.

After this was proclaimed, the *Confeſſion of Faith*, as it was at firſt commanded by his Majeſty's Royal Father; as alſo the *Band* annexed, for defence of the Religion now eſtabliſhed, and of the King's Perſon and Authority, with the Subſcriptions of the Commiſſioner and Council to them both, do here follow.

*King's large Declaration, pag. 55.

As to the Confeſſion of Faith of the Kirk of *Scotland*, now ordered to be taken by his Majeſty, it is the ſame * *verbatim* with the Confeſſion of Faith mentioned before the Covenant ſubſcribed unto by the Covenanters; ſo the difference only is in the *Band* annexed to his Majeſty's *Confeſſion of Faith* ordered to be ſubſcribed unto, and here followeth:

The *Band* annexed to the King's *Confeſſion of Faith.*
* Memoires *Hamilton*, pag. 77.

‘WE underſubſcribing, and conſidering the ſtrait Link and Conjunction betwixt the True and Chriſtian Religion preſently *profeſt within this Realm, and our Sovereign Lord's eſtate and ſtanding, having both the ſelf-ſame Friends and common Enemies, and ſubject to the like event of ſtanding and decay; weighing therewithal the imminent Danger threatned to the ſaid Religion, the preſervation whereof being dearer to us than whatſoever we have deareſt to us in this Life. And finding in his Majeſty a moſt Honourable and Chriſtian Reſolution, to maniſeſt Himſelf to the World that Zealous and Religious Prince which he hath hitherto profeſſed; and to imploy the Means and Power which God hath put into his hands, aſwell to the withſtanding of whatſoever Foreign Force ſhall mean within this Land, for alteration of the ſaid Religion, or endangering of the preſent State, as to the repreſſing of the inward Enemies thereto amongſt our ſelves, linked with them in the ſaid Anti-chriſtian League and Confederecy; Have therefore in the preſence of Almighty God, and with his Majeſty's authorizing and allowance, faithfully promiſed, and ſolemnly ſworn, like as hereby we faithfully and ſolemnly ſwear, and promiſe, to take a true effauld, and plain part, with his Majeſty amongſt our ſelves, for diverting of the appearing danger threatned to the ſaid Religion, and his Majeſty's State and Standing, depending thereupon, by whatſoever Forraign or Inteſtine Plots or Preparations. And to that effect, faithfully, and that upon our Truth and Honour, bind and oblige us to others, to convene and aſſemble our ſelves publickly, with our Friends in Arms, or in quiet manner, at ſuch times and places as we ſhall be required by his Ma^{ties} Proclamation, or by Writ, or Meſſage directed to Us from his Majeſty; or any having Power from, and being convened and aſſembled, to join and concur with the whole Forces of our Friends and Followers, againſt whatſoever Foreign or Inteſtine Powers, or *Papiſts* and their Partakers, ſhall arrive or riſe within this Iſland, or any part thereof, ready to defend or purſue, as We ſhall be authorized or conducted by his Majeſty, or any others having his Power and Commiſſion, to join and hold hand to the execution of whatſoever Mean or Order ſhall be thought meet by his Majeſty and his Council, for ſuppreſſing the *Papiſts*, promotion of the true Religion, and 'ſetling of his Highneſs Eſtate, and Obedience in all the Countries and 'Corners of this Realm, to expoſe and hazard our Lives, Lands and 'Goods, and whatſoever Means God hath lent Us, in the defence of 'the ſaid True and Chriſtian Religion, and his Majeſty's Perſon and 'Eſtate, againſt whatſoever Jeſuits and Seminary or Maſs-Prieſts, condemned Enemies to God and his Majeſty, to their utter Wreck and 'Extermination, according to the Power granted unto Us by his Majeſty's Proclamation and Acts of Parliament, To try, ſearch, and ſeek 'out all Excommunicates, Practiſers, and other Papiſts whatſoever, 'within our Bounds and Shire where we keep reſidence, and dilate 'them to his Highneſs and his Privy-Council, and conform us to ſuch 'Directions as from time to time We ſhall receive from his Majeſty and 'his Council in their behalfs. And eſpecially ſo many of Us as preſently are, or hereafter ſhall be appointed Commiſſioners in every 'Shire, ſhall follow, purſue, and travel by all means poſſible, to take 'and apprehend all ſuch Papiſts, Apoſtates and Excommunicates, as 'We ſhall receive in Writ from his Majeſty. And We the Remanent 'within that Shire, ſhall concur and aſſiſt with the ſaid Commiſſioners, 'with our whole Friends and Forces to that effect, without reſpect of 'any perſon whatſoever, and generally to aſſiſt in the mean time, and 'defend every one of us another, in all and whatſoever Quarrels, Actions, Debates moved, or to be moved againſt us, or any of us upon 'Action of the preſent Band, or other Cauſes depending thereupon; 'and effauldly join in defence and purſuit againſt whatſoever ſhall offer or intend any injury or revenge againſt them, or any one of them, 'for the premiſſes, making his cauſe and part that is purſued, all our 'parts; notwithſtanding whatſoever privy grudg or diſpleaſure ſtanding betwixt any of us, which ſhall be no impediment or hindrance to 'our ſaid Effauld joyning in the ſaid Common Cauſe; but to lie over, 'and be misknown, till they be orderly removed and taken away by 'the Order under-ſpecified. To the which time, We for the better 'furtherance of the ſaid Cauſe and Service, have aſſured, and by the 'tenor hereof, every one of us taking the burden upon us for our 'ſelves, and all that We may let, aſſure each other to be unhurt, unharmed, or any ways to be invaded by us, or any our foreſaids for old 'Feid or new, otherwiſe than by ordinary courſe of Law and Juſtice: 'Neither ſhall We, nor any of our foreſaids, make any Provocation 'or Tumult, Trouble, or Diſpleaſure to others in any ſort, as We 'ſhall anſwer to God, and upon our Honours and Fidelity to his Majeſty.

'And for our further and more hearty Union in this Service, We are 'content and conſent, That all whatſoever our Feids and Variances 'fallen, or that may fall out, betwixt us, be within fourty days after 'the date hereof amicably referred and ſubmitted to ſeven or five indifferent Friends, choſen by his Majeſty, of our whole number, and 'by their Moderation and Arbitrement compounded and taken away. 'And finally, that We ſhall neither directly nor indirectly ſeparate nor 'withdraw us from the Union and Fellowſhip of the Remanent by 'whatſoever ſuggeſtion or private advice, or by whatſoever incident 'regard or ſtay ſuch reſolution as by common deliberation ſhall be taken in the Premiſſes, as We ſhall anſwer to God upon our Conſciences, and to the World upon our Truth and Honour, under the pain 'to be eſteemed Traitors to God and His Majeſty, and to have loſt all

Honour,

An. 1638.

‘Honour, Credit, and Eſtimation, in time coming. In Witneſs where-‘of, by his Majeſty's ſpecial Command, Allowance, and Protection ‘promiſed to us therein, We have ſubſcribed theſe Preſents with our ‘Hands at   1589.

The King's Commiſſioner, the day after the time prefixed for his return to *Scotland*, *viz.* on the 23 day of *September*, 1638. aſſembled the Council at the Palace at *Hally-Rood-Houſe*; and firſt delivered there to them this enſuing Letter from his Majeſty, dated *Septemb.* 9.

The King's Letter to be regiſtred. *Septemb.* 22.

The which day *James* Marqueſs *Hamilton*, his Majeſty's Commiſſioner, produced and exhibited before the Lords of the Privy-Council, the two Miſſives under-written, ſigned by the King's Majeſty, and directed to the ſaid Lords; which being read, heard, and conſidered by the ſaid Lords, they have ordained, and ordains the ſame to be inſerted and regiſtred in the Books of Secret Council, therein to remain, in futuram rei memoriam, whereof the Tenour followeth.

The KING'*s Letter.*

CHARLES *R.*

Sept. 9. 1638.

Right Truſty, &c. Being certainly informed, that the Diſtractions which have happened of late (both in Church and Common-Wealth) in this our Ancient Kingdom of Scotland, have much troubled the Minds of many of our Good and Loyal Subjects; and that theſe Diſtractions have bin occaſioned upon Jealouſies and Fears of Innovation of Religion and Laws, as tending to the Introduction of Popery; and not without ſome ſuſpicion, as if We our Selves were inclined that way. Upon occaſion whereof, many of our Subjects have of late ſubſcribed a Band or Covenant for preſerving the true Religion and Laws already eſtabliſhed, and for defending the King's Perſon, and each others in defence thereof. But the ſame not being warranted by Roial Authority, as that which was in our dear Father's Time, muſt needs of it ſelf, be ineffectual and much prejudicial to the Ancient Form and Cuſtom of Government kept within that our Kingdom of Scotland: Wherefore We, out of our inborn love to our Native Country, and for obviating theſe conceived Fears, and ſatisfying of you, and all our Loving People, have thought good to ordain the Confeſſion of Faith, and Band thereunto ſubjoined, of the Date at Edinburgh, Jan. 28. 1580. and ſigned by our Roial Father, to be renewed; and to that effect have given order to our Commiſſioner, with advice of our Council, to ſet down and ſettle ſome ſolid courſe, whereby the ſame may be ſubſcribed by our Council, Judges, Magiſtrates of Burroughs, and all our other People of that Kingdom. And for further clearing of our Self, We declare, That as We are, and ever have bin ſatisfied in our Judgment and Conſcience, for the Reformed Religion now eſtabliſhed, and againſt the Roman, So We purpoſe by God's Grace both to live and die in the practice of it, and to preſerve and maintain the ſame in full ſtrength and integrity, according to the Laws of that our Ancient Kingdom. What We have thought further fitting to be done at this time concerning the Particulars contained in our Subjects Petitions, you ſhall receive our full Pleaſure therein from our Commiſſioner; and that this our Declaration, containing our Self, and our pious Intention for ſetling the Reformed Religion within that our Kingdom, may appear to Poſterity, Our pleaſure is, That theſe Preſents be regiſtred in the Books of Council.

Oatlands, Sept. 9. 1638.

After this the Marqueſs, and the Lords of Secret Council, do ſwear and ſubſcribe the *Confeſſion of Faith*, in manner following, dated *Sept. 9*.

WE James Marqueſs of Hamilton, Earl of Arran and Cambridg, Lord Evon and Evondail, his Majeſty's High Commiſſioner; and Lords of his Majeſty's Privy-Council under-ſubſcribing, by virtue, and conform to a Warrant and Command ſigned by his Sacred Majeſty, of the date of 9 Sept. 1638. and regiſtred in the Books of Council, upon the 22 day of Sept. the ſaid month, ſwear, and with our Hearts, and humble Affections to God, Truth, and to his Sacred Majeſty, ſubſcribe the Confeſſion of Faith, of and according to the Date and Tenour above-ſpecified; and alſo renew, ſwear, and ſubſcribe the aforeſaid General Band of the Tenour above-written, for preſervation of True Religion, and maintenance of his Sacred Majeſty's Authority, according to the Tenour thereof, and ſiclike, as ample as the ſame was conceived in favours of his Majeſty's umwhile bleſſed Father of eternal Memory, by the ſaid Band. In Witneſs whereof, We have ſubſcribed theſe Preſents with our Hands, at Hally-Rood-Houſe,

Septemb. 22. 1638. Sic ſubſcribitur.

HAMILTON,

Traquair, Roxborough, Marſheal, Marre, Murray, Linlithgow, Perth, Wigton, Kinghorne, Tullibardin, Haddingtoun, Annandail, Lauderdail, Kinnowl, Dumfrees, Southeſk, Belheaven, Angus, Lorn, Elphinſtoun, Napier, Dalyell, Amont, John Hay, Sir Tho. Hope, Sir Will. Elphingſton, Ja. Carmichael, J. Hamilton, Blackhall.

Likewiſe the Marqueſs on the 22 of *Septemb.* did publiſh his Majeſty's Pleaſure, That a Free and General Aſſembly be indicted, kept, and holden at *Glaſgow*, the 21 of *November* next.

FOraſmuch as it hath pleaſed the King's Majeſty, out of his pious and religious Diſpoſition to the True Religion, and out of his Fatherly Care for removing of all Doubts, Fears, and Scruples, which may ariſe in the Minds of his Subjects, for preſervation of the purity thereof; and upon divers great and weighty conſiderations, importing the Glory of God, the Peace of the Kirk and Common-Wealth of this Kingdom, to appoint and give order, That a Free General Aſſembly be indicted, kept, and holden at the City of Glaſgow the 21 of November next. Therefore the Lords of the Privy-Council,

Council, ordains Letters to be directed, charging Macers, and Officers of Arms, to paſs and make publication hereof, by open Proclamation at the Market-Croſs of Edinburgh, and the head Burroughs of this Kingdom, and other places needful; and to warn all and ſundry Arch-Biſhops, Biſhops, Commiſſioners of Kirks, & others having Place and Vote in the Aſſembly, to repair and addreſs to the ſaid City of Glaſgow, the ſaid one and twentieth day of November next to come, and to attend the ſaid Aſſembly during the time thereof, and aye and while the ſame be diſſolved. And to do and perform all which to their Charges in ſuch Caſes appertaineth, as they will anſwer the contrary at their higheſt peril.

Immediately after this, Proclamation was made for the Indiction of a Parliament to meet at *Edinburgh* the 15th of *May*.

FOraſmuch as it hath pleaſed the King, out of his pious and religious Diſpoſition to the True Religion, and out of his fatherly Care for removing all Doubts, Scruples, and Fears, which may ariſe in the Minds of his Subjects, for preſervation of the Purity thereof, and upon divers other great and weighty Cauſes, importing the Glory of God, the Peace of the Kirk, and Common-Wealth of this Kingdom, to appoint and give order, That the Soveraign and High Court of Parliament, ſhall be holden at the City of Edinburgh upon the fifteenth day of May next to come, with continuation of days. Therefore the Lords of Secret Council ordain Letters to be directed to Macers and Officers of Arms, charging them to paſs to the Market-Croſs of Edinburgh, and other places needful, and there by open Proclamation to make publication of the holding of the ſaid Parliament; and to warn all and ſundry Noblemen, Prelates, and Commiſſioners for the Barons, and Burroughs, and all others having Voice and Place in the ſaid Parliament, that they and every one of them, in their moſt decent and comely manner, make their Addreſs to the ſaid Parliament, await and attend thereat during the time thereof, and to diſcharge that Duty which is incumbent to them, and each one of them, as they will anſwer on the contrary at their higheſt peril.

And laſt of all was publiſhed and proclaimed, the Act of the Lords of the Council, requiring all the King's Subjects to ſubſcribe the *Confeſſion of Faith*, and *Band* annexed, as followeth.

September 24. 1638.

A Warrant ſigned by the King the *9th* of *September*, ordaining the ſwearing of the *Confeſſion*.

THe which day a Noble Earl, James Marqueſs of Hamilton, Earl of Arran and Cambridg, his Majeſty's Commiſſioner, having produced and exhibited before the Lords of the Secret Council, upon the twenty ſecond day of this inſtant, a Warrant ſigned by his Majeſty, of the date of the ninth of September inſtant; wherein among other of his Majeſty's Gracious and Roial Expreſſions for preſervation of the purity of Religion, and due obedience to his Majeſty's Authority in the maintenance thereof, his Majeſty did Will and Ordain, that the Lords themſelves ſhould ſwear the Confeſſion and General Band mentioned in his Majeſty's ſaid Warrant; and alſo ſhould take ſuch order, as all his Majeſty's Lieges may ſubſcribe the ſame. And the ſaid Lords of the Secret Council acknowledging his Majeſty's pious and gracious Diſpoſition and Affection to the purity of God's Truth, did, upon the two and twentieth of September inſtant, unanimouſly, with all humble, hearty, and ſincere Affection, ſwear and ſubſcribe the Confeſſion of Faith, dated the ſecond of March 1580, according as it was then profeſſed within this Kingdom; together with the foreſaid General Band, dated in Anno 1589. And now to that effect, that all his Majeſty's Lieges may give the like Obedience to his Majeſty's ſo pious a deſire; therefore the ſaid Lords have ordained, and ordains, that all his Majeſties Lieges, of whatſoever Eſtate, Degree, or Quality, Eccleſiaſtical or Civil, do ſwear and ſubſcribe the ſaid Confeſſion, dated the ſecond of March, 1580. And that according to the ſaid Date and Tenour thereof, and as it was then profeſt within this Kingdom, together with the ſaid General Band, dated in Anno 1589, as they will anſwer the contrary upon their Obedience; and ordains Officers at Arms to paſs to the Market-Croſs at Edinburgh, to make publication hereof, and at all other Places needful, wherethrough none can pretend ignorance of the ſame.

An Act of the Secret Council, approving the King's diſcharge of the Service-Book, *&c.*

Sept. 22. 1638.

The Lords of Secret Council having read, and maturely conſidered his Majeſty's Letters, and particular Declaration of his Pleaſure anent the anulling of the Service-Book, Book of Canons, and High-Commiſſion, diſcharging the preſſing of the practice of the five Articles; making all Perſons, Eccleſiaſtick or Civil, of what Title or Degree ſoever, liable to the Trial and Cenſure of Parliament, General Aſſembly, and other Judicatories competent, anent the not adminiſtring to Miniſters at their Entry any other Oath, than that which is contained in the Act of Parliament, anent the ſubſcribing and renewing the Confeſſion of Faith, ſubſcribed by his Majeſty's Father, of bleſſed Memory, and his Houſhold, in Anno 1580, and Band following thereupon, anent the indiction of a General Aſſembly to be holden at Glaſgow the 21 of November, 1638, and Parliament at Edinburgh the fifteenth day of May 1639, and anent his gracious Goodneſs in forgetting and forgiving all by-gons, and an indiction of a Faſt, for craving God's bleſſing to this Aſſembly; find themſelves ſo fully ſatisfied therewith, and the ſame to be ſatisfactory for removing all the Fears of the Subjects anent Innovation of Religion or Laws, that We hold our ſelves bound in Duty, not only to acquieſce therewith, as the beſt mean to ſecure both Religion and Laws, but alſo to uſe our beſt endeavours, that all his Majeſty's Good Subjects may likewiſe reſt ſatisfied therewith; and that they with Us, and We with them, may teſtify our thankfulneſs for ſo great a Grace and Goodneſs, with all the hearty expreſſions of Dutifulneſs and Loialty. And that our true ſenſe hereof may the more clearly appear to our Sacred Soveraign, We do by theſe humbly and heartily make offer of our Lives and Fortunes in defending and aſſiſting of his Majeſty's Sacred Perſon and Authority, in the maintenance

tenance

An. 1638.

tenance of the foreſaid Religion **and** Confeſſion, **and repreſſing all ſuch as ſhall hereafter preſs to diſturb the Peace of this Kirk and Kingdom.**

In Witneſs whereof, We have heartily and freely ſubſcribed theſe Preſents with our Hands at Hally-Rood-Houſe, **the** 22 **day of** September, 1638, **by the Perſons** ut ſupra.

The Letter of the Secret Council, giving thanks to the King for his diſcharge of the *Service-Book*, &c.

Moſt Sacred Soveraign,

IF ever Faithful and Loyal Subjects had reaſon to acknowledg Extraordinary Favours ſhown to a Nation, and in a moſt ſubmiſſive and hearty manner, give real demonſtration of the Grace vouchſafed, then do We of your Majeſty's Council of this your ancient Kingdom unanimouſly profeſs, That ſuch Acts of Clemency vouchſafed Us, cannot proceed from any Prince, ſaving him who is the lively Image on Earth of the Great God, Author of all Goodneſs, for return of ſo tranſcendent Grace, fortified with the real Expreſſions of unparallel'd Piety, Roial inclination to Peace and univerſal Love; not only to thoſe of Our number, but likewiſe to all your Majeſty's Loial Subjects, We do all in one Voice, with all reſentment can be imagined, in all humility, render our moſt bounden Thanks, and offer in Teſtimony of our full ſatisfaction and acquieſcence herewith, to ſacrifice our Lives and Fortunes in ſeconding your Sacred Majeſty's Commandments, and repreſſing all ſuch as ſhall hereafter preſs to diſturb the Peace of the Kirk and Kingdom. And for ſome ſmall ſignification of our alacrity and diligence in your Sacred Majeſty's Service, We have all, without the leaſt ſhadow of any ſcruple, ſubſcribed the Confeſſion of Faith, *and* Band, *appointed to be received by all your Majeſty's Loial Subjects, ſince the Act paſſed in Council, with our other Proceedings, which We do moſt humbly preſent to your Roial view; and We beſeech your Majeſty to be pleaſed, to be perſuaded of the inviolable devotion of all her Subſcribers, who do all in humility pray for your Majeſty's happy and moſt flouriſhing Raign, by the Perſons* ut ſupra.

The Letter of the Provoſt, Bailiffs, and the Council of *Glaſgow*, giving thanks to his Majeſty for the diſcharge of the *Service-Book*, &c.

Moſt Honourable, and our very good Lord,

HAving received a Letter directed from your Grace to Us, with this Bearer your Grace's Couſin; and having read the ſame, and heard and weighed his Majeſty's Gracious Proclamation, which was this day proclaimed within this City, to the great joy of all the Hearers, We cannot but praiſe God, who hath endued his Sacred Majeſty, our dread Soveraign, with ſuch Wiſdom, Piety, Clemency, and Fatherly Care of this Church and Kingdom, and pray God for a long and happy Raign to his Sacred Majeſty, and his higheſt Poſterity over Us and ſucceeding Generations, and ſhall ever endeavour to approve our ſelves his Majeſty's moſt

Loial Subjects, and wiſh from our Hearts, all Happineſs to your Grace, and Graces moſt Noble Family, for the well-wiſhing to this City, and eſpecially for the great pains taken by your Grace in ſo weighty Imploiment, hoping and praying to God, that the ſame may obtain the wiſhed for accompliſhment, and ſhall ever remain,

Glaſgow, *this 24th of*
Septemb. 1638.

Your Graces moſt Humble
and Obedient Servants,

James Stewart, *Provoſt.*
John Anderſon, *Bailiff.*
Colme Campbell, *Bailiff.*
Ninian Anderſon, *Bailiff.*
Gabriel Cunningham.
William Stewart.
Mat. Hamiltoun.
Colme Campbell.

John Barnes.
Richard Allane.
Walter Stirling.
Gavine Neſbitt.
John Anderſon.
Robert Homer.
Patrick Bell.

The Letter of the Miniſters to the ſame effect.

Moſt Honourable, and Our very Good Lord,

Septemb. 24.

Having received the Letter directed from your Grace, *and having heard and conſidered his Majeſty's moſt Gracious Proclamation, publiſhed this day in this City, with joiful Acclamations univerſally of the Hearers, as We of the Miniſtry and Univerſity of* Glaſgow, *who were preſent, with great contentment and joy of Heart applauded thereto; and do praiſe God, who hath inſpired our Dread Soveraign with ſuch Wiſdom, Piety, Clemency, and Fatherly Care of this Church and Common-Wealth of this Kingdom, as is abundantly maniſeſted in the ſaid Proclamation; ſo We would gladly teſtify, by what means We can, our thankfulneſs to his Majeſty, our Crown of Rejoicing, and the Breath of our Noſtrils: Not omitting our bounden Duty to your Grace, whom God and his Majeſty hath appointed ſo fit and happy Inſtrument in this great Errand, for your ſingular Prudence, rare Piety and Zeal to God, your Prince, and Country, and incredible pains in this honourable and weighty Imploiment; which We pray God may ſtill proſper in your hands, until it be brought to a full and bleſſed concluſion, being willing for our part, to contribute what lieth in our poor power, by our earneſt Prayers, and beſt Endeavours.*

Your Graces moſt Humble
and Obedient Servants,

Glaſgow, Sept. 24.
1638.

Mr. Blair.
Jo. Strang.
John Maxwell.
Will. Wilkie.
Pa, Maxwell.

John ———
Mr. Ro. Wilkie.
Mr. Maxwell.
Mr. Bell, *younger.*
Mr. Ja. Forſythe.

The

An. 1638.

The Marqueſs promotes the Proclamation and Confeſſion of Faith.

The Marqueſs at this time writ to all the King's Friends throughout *Scotland*, to ſee his Majeſty's Proclamation publiſhed, and to get in as many Subſcriptions to the Confeſſion of Faith as was poſſible, and to have an eye to the Election of Commiſſioners to the *Aſſembly*, that they be well conſidered of in order to this Service. The Marqueſs did cheriſh Marqueſs *Huntly*, and the Doctors of *Aberdeen*, who were well-affected to his Majeſty; and the ſaid Doctors the only perſons then in *Scotland* fit to undertake the defence of *Epiſcopacy*.

The Covenanters ſtil oppoſe the Confeſſion of Faith.

Many did at firſt offer to ſigne the Confeſſion, which the Covenanters perceiving, they endeavoured to perſwade the People that all this was done only to avoid the preſent Storm, which would be no ſooner calm'd, but they might expect worſe uſage then ever, and with this they added a great many Reaſons to perſwade all that it was *Perjury for ſuch as had taken the Covenant, to Sign the King's Confeſſion.*

The Marqueſs conſults the Nullities of the Aſſembly.

The Marqueſs ſeeing how things were carried about Elections, begun to draw up the *Nullities of the Aſſembly*, ſending the particulars to the King as he had them, adviſing his Majeſty withal to go on more frankly with his Preparations, ſince he ſaw it impoſſible to prevent a Rupture at *Glaſgow*.

At this time the King's Declaration for ſubſcribing the Confeſſion of Faith was publiſhed throughout all the Shires in *Scotland*, in ſome it met with Proteſtations from the *Tables*.

And upon *October 5th* the Biſhops and Doctors of *Aberdeen* ſigned the Confeſſion of Faith with theſe Reſtrictions following.

‘First, We do heartily abhor and condemn all Errors truly *Popiſh*, or Repugnant to the holy Scripture, and conſequently to the Uniform Doctrine of the Reformed Kirks, and to our National Confeſſion, Regiſtred in Parliament, *An.* 1567.

‘2. We do no ways hereby abjure or condemn Epiſcopal Government, as it was in the days, and after the days of the Apoſtles in the Chriſtian Kirk for many hundred of years, and is now conform thereto reſtored in the Kirk of *Scotland*.

‘3. We do not hereby condemn nor abjure the five Articles of *Perth*, or any thing lawful of that ſort which ſhall be found by the Church conduceable at any time for good Policy and Order, or which is practiſed by any ſound reformed Kirk.

‘4. We ſtill hold to that Clauſe of our great National Confeſſion (Chap. 20. Art 21.) that the General Councils, and conſequently the National Kirk of *Scotland*, have no Power to make any perpetual Law, which God before hath not made.

‘5. By the adhering to the Diſcipline of the Reformed Kirk of *Scotland*, we mean not any immutability of that Presbyterial Government which was *An.* 1581, or of any humane Inſtitution: but we do hereby underſtand that the Eccleſiaſtical Juriſdiction and Diſcipline of the Kirk of *Scotland* doth not depend on the Pope of *Rome*, or any other Forraign Power; and hereby we do confeſs our conſtant Obedience to the Kirk of *Scotland* in all her lawful Conſtitutions.

‘6. We do not preſume by this our Perſonal Oath, either to prejudge the liberty of the Kirk of *Scotland*, to change and reform this foreſaid ſhort Confeſſion in ſome Ambiguities and obſcure expreſſions thereof, whereupon ſome Men have builded inconvenient Interpretations and Doctrines, or to exime our ſelves from Obedience to the Kirk in that caſe.

'7. By this our perſonal Oath we do not take upon us to lay any further Bond upon our Poſterity, than the Word of God doth, recommending only our Example to them ſo far as they ſhall find it agreeable to God's Word.

'In this ſence as is ſaid, and no otherwiſe do we ſubſcribe the ſaid *Confeſſion* and the *General Bond* annexed thereunto at *Aberdene*, *October* 5th, 1638.

Signed,

Ad. Aberdonen.
John Forbes, D. & P. of Div.
Al. Roſs, D. D.
Ja. Sibbald, D. D.
Al. Scrogie, D. D.
Will. Leſſey, D. D.

The King againſt proroguing the Aſſembly.

The Marqueſs was preſſed by the Biſhops to prorogue the *Aſſembly*, with which he acquainted the King, who writ to the Marqueſs,

'That he ſhould receive a particular Anſwer by my Lord of *Canterbury* of all his Propoſitions touching the Aſſembly. As for the opinions of the Clergy to prorogue this *Aſſembly*, his Majeſty utterly diſliked them, for that it would more hurt his Reputation by not keeping it, than their mad Acts could prejudice his Service; wherefore he commanded the Marqueſs to hold the Day: But (as the Marqueſs writ) if he can break them by proving Nullities in their Proceedings, nothing better. Laſtly, concerning *Aſſeſſors*, his Majeſty likes their Names, and (as the Marqueſs writ) *he muſt not ſuffer his Majeſty to loſe his Privilege.*

The Covenanters move the Marqueſs for a Warrant to cite the *Biſhops* to appear; but he leaves them to the Law.

In the end of *October* the Earl of *Rothes*, with the other Covenanters, petitioned for a *Warrant* to cite the *Biſhops* to appear before the *Aſſembly*. The Marqueſs anſwered, *the Law was open* for citing all ſuch as were either within or without the Country; but for him to give Warrants for that Procedure, was without Precedent, and ſo could not be granted; for it was enough that he did not protect them againſt Trial. Whereupon the *Covenanters* addreſſed themſelves to the Preſbytery of *Edinburgh*, who gave Warrant accordingly for a Summons: but thoſe whoſe Judgments were for Epiſcopacy, ſaid it was a moſt *ſcandalous Summons* that ever was heard of in a Chriſtian Church, all the Biſhops being cited as guilty of *Hereſy*, *Simony*, *Perjury*, *Inceſt*, *Adultery*, *Fornication*, breach of *Sabbath*, *&c.* and they ordered this to be read in the *College* Church of *Edinburgh* after Communion, and ordered to be read in all Churches in *Scotland*, which was accordingly done. They alſo ſent Orders through all *Scotland* to ſearch into the Biſhops Converſations, that all their Eſcapes and Faults being gathered together, and Witneſſes cited to *Glaſgow*, they might find pretence of Juſtice againſt the Biſhops.

The Seſſion ſat down at *Edinburgh*.

Moſt of the Judges ſign the Confeſſion.

Upon the firſt of *November*, the *Seſſion* or *Term* ſat down at *Edinburgh*; and the Marqueſs having dealt with all the Lords of the Court before-hand, went thither to get them ſign the *Confeſſion of Faith*, and at length nine of fifteen ſigned it; two were abſent, and four refuſed, but thoſe who ſigned it, durſt hardly walk the Streets.

The Marqueſs having received his Inſtructions as to his deportment at the Aſſembly appointed to meet at *Glaſgow*; and the King having peruſed the Speech the Marqueſs was then to make, he began his Journey towards *Glaſgow* on the 16*th* of *November*, and required the King's Advocate to prepare himſelf there to defend Epiſcopacy to be according to the Laws of *Scotland*; but his Anſwer was, That *it went againſt his Conſcience ſo to do, and that he judged Epiſcopacy both contrary to the Word of God, and to the Laws of this Church and Kingdom*; So he prevailed with the Advocate not to go to *Glaſgow*.

On the 17*th* of *November* the Marqueſs arrived at *Glaſgow* in a quiet and peaceable manner, none of the Train carrying with him any prohibited Arms; there met him a Letter from the Biſhops of *Roſs* and *Brechin*, informing him that they had given Dr. *Hamilton* Directions and Deputations to act on their behalf, and that his Name is inſerted in the Procuratory, which is in the cloſe of the Declinator; and deſires the Marqueſs, That the Proteſtation that they have prepared and ſent, may be ſecretly kept, and ſeaſonably preſented, before either the Cauſe, or they that are Biſhops ſuffer wrong. There met him all the Privy-Council, except the Biſhops, according to a Letter which the King had writ to them, to aſſiſt him at the time of his being there, with their beſt Concurrence and Counſel.

We deſire here leave to break off as to *Scotiſh* Affairs, becauſe the Account which we give of the Proceedings of that Aſſembly, and the ſubſequent Paſſages afterwards, are of ſome length: and therefore to divert the Reader, we will return to Affairs in *England*; and firſt to mention the Trial of *Claxton* and *Lilburn*, which was omitted in our *Collections* in *Auguſt* laſt.

Ralph Claxton, Demandant, }
Richard Lilburn, Tenant, } Before Judg *Barkley*.

Durham ſſ. Auguſt 6.

THE *Demandant*, the firſt day of the Seſſion or Court of *Pleas*, the 6*th* of *Auguſt*, did appear about ten of the Clock in the Forenoon, by *Richard Matthew* his Attorney, and brought in his Champion *George Cheney* in Array, who caſt his Gantlet into the Court with five ſmall Pence in it.

The *Tenant* likewiſe appeared by *William Sedgwick* his Attorney, and brought in his Champion *William Peverell* in Array, who caſt his Gantlet into the Court with five ſmall Pence in it.

After ſome examination of the Proceedings in the Cauſe, the Parties and their Champions were adjourned till three of the Clock in the Afternoon of the ſame day.

At that hour the *Demandant* was called, and appeared by his Attorny with his Champion. So did the *Tenant* and his *Champion*.

Then after Diſcourſe had of it by the Judg, and ſome examination of the Champions, the Judg did adjourn them over till eight of the Clock on *Tueſday* the 7*th* Inſtant. At which time the Parties and their Champions appeared as before, and were adjourned till three of the Clock after Dinner.

At which hour the Parties and their Champions appeared, and were adjourned over till *Wedneſday* at eight of the Morning.

At which day and hour the Parties and their Champions appeared as before, and put in their Pledges (as at the Court holden the *7th* of *July*) to appear at the next Court of *Pleas* to be holden the 15*th* of *September* next.

Memorandum; That the Champions were committed to the cuſtody of two Bailiffs, by direction of the Judg, and continued in their hands until eight of the Clock on *Wedneſday* the *8th* of *Auguſt*, when they put in their Pledges to appear at the next Court.

The 15*th* of *Auguſt* 1638, I received this Copy from Mr. *John Stephen*.

John Morland.

Concerning Claxton *and* Lilburn *their Trial by Battel.*

HIS Majeſty this day ſitting in Council, was made acquainted, That there had bin ſeveral days appointed for determining by Battel the *Queſtion of Right*, which had long depended between *Claxton* Demandant, and *Lilburn* Tenant, for certain Lands in the *County Palatine* of *Durham*. And that by the late Appointment, the ſame was to be tried by the ſaid Parties Champions the 22 *Decemb.* next. It was by his Majeſty ordered, That the Judges of that Circuit, upon conference with their Brethren, ſhould be thereby prayed and required to take the ſame Caſe into due and ſerious conſideration; and if they could find any juſt way by Law how the ſaid Combat might be put off, and the Cauſe put into another way of Trial; for his Majeſty, out of his pious care of his Subjects, would have it ſo, rather than to admit of a Battel. But otherwiſe, ſince *Lilburn* had a Judgment upon a Demurrer again *Claxton*, and alſo Coſts from the Board for his Vexation, and ſince that *Claxton* had brought a new Action, upon which *Lilburn* had waged Battel, his Majeſty would not deny the Trial of Laws, if it could not be legally prevented.

Afterwards both Parties brought their Champions into the Court of *Durham*, having *Sand-bags* and *Battoons*, and ſo tendred themſelves in that fighting poſture: But the Court upon the reading the Record, found an Error in it, committed by a miſtake of the Clerk, (ſome thought wilfully done) whereupon the Court would not let them join Battel at that time.

Thus did the Court ſeveral times order to avoid Battel by deferring the Matter, though Champions on both ſides were ever preſent in Court at all Meetings to join Battel.

This proved an *Omen* to what the next Year produced, by a greater appearance of a Battel, when the King's Army was at the Camp at *Berwick*, and the *Scots* on the other ſide of *Tweed*, yet both Armies parted alſo without Battel.

This *Richard Lilburn* Tenant in this Cauſe, was Father to *John Lilburn*, who was Cenſured in *Star-Chamber*.

Here followeth the Opinion of the Judges in this Cauſe of Trial by a Battel, upon a *Writ of Right*.

An. 1638.

Claxton *verſus* Lilburn.

A Writ of Right in Durham.

Judges Opinions as to the Trial by Battel between *Claxton* and *Lilburn*.

‘THe *Tenant* waged Battel, which was accepted; and at the day to be performed, *Berkley* Juſtice there, examined the Champions of both Parties, whether they were not hired for Mony? And they confeſſed they were: Which Confeſſion he cauſed to be recorded, and gave further day to be adviſed. And by the King's direction, all the Juſtices were required to deliver their Opinions, whether this was cauſe to de-arraign the Battel by theſe Champions? And by *Bramſtone* Chief Juſtice, *Davenport* Chief Baron, *Denham*, *Hutton*, *Jones*, *Cook*, and other Juſtices, it was ſubſcribed, *That this Exception coming after the Battel gaged, and Champions allowed, and Sureties given to perform it, ought not to be received.*

Directions to the Lord Lieutenants concerning the Trained Bands.

‘THe uſual Directions of the Board heretofore given, and eſpecially of late Years, concerning the Trained Bands of this Kingdom, have bin ſo full and exact, as might make his Majeſty and the Board confident, both of the ſufficiency of your Arms, and of the skill and readineſs of the Men that are to uſe them. Nevertheleſs, leſt the aforeſaid Directions and Commands ſhould not have bin ſo effectually purſued as was required and expected, his Majeſty in the watchfulneſs of the defence of his Kingdom, and for the ſafety of his People in theſe times of Action, hath ſignified his expreſs Will and Pleaſure to be, That inſtantly, upon receipt hereof, you cauſe an exact View and Muſter to be taken and made of all the Arms and Trained Forces, both Horſe and Foot, within the County of under your Lieutenancy; and to ſee that the ſaid Arms be ſerviceable and compleat; And that by the Muſter-maſters, and other fit and experienced Officers, you cauſe all the Trained Souldiers of the aforeſaid County, to be forthwith trained, and perfectly inſtructed in their Arms, and the like courſe to be continued from time to time; and that the Commanders and Officers apply themſelves alſo to know and perform the Duties of their ſeveral Charges; And that you take eſpecial care that both Commanders, Officers, and Souldiers, be very able and ſufficient Men. That you take order, that all the Trained Bands be ſo in readineſs, as to be fit to repair to their Colours, or place of Randezvous, which ſhall be aſſigned them, upon any occaſion, with their Arms and Proviſions, upon a days warning. And that all the Able Men within that County, beſides thoſe of the Trained Bands, from the Age of ſixteen to threeſcore, be alſo liſted and inrolled, that upon any ſudden Occaſion, ſuch Levies may be made likewiſe of them as ſhall be required; and the Copy of the ſaid Liſt, or Inrolement, to be forthwith returned to the Board. That you deal ſeriouſly and effectually with the better ſort of Men, to provide themſelves with Arms for their particular uſe; to the end, that with the help of thoſe, and ſuch other Arms and Weapons as ſhall be found within the aforeſaid County, as many of the untrained Men as is poſſible, may (as there ſhall be occaſion and direrection from his Majeſty or the Board) be alſo furniſhed and exerciſed,

‘ciſed, and reduced into Bands under Captains and Officers, That your Lordſhip take eſpecial care, that the proportion of Powder, Match and Lead appointed for that County reſpectively, be forthwith provided and put in Magazins, to be in readineſs upon all occaſions of Service. That you cauſe the Beacons to be forthwith made up and repaired with proviſion of Wood, and other Materials requiſit to be in readineſs, to give Fire unto them, and to cauſe them to be diligently watched by diſcreet and ſufficient Men. That you appoint ſome able and meet Perſon to be Provoſt Marſhal within the aforeſaid County, (for the apprehending and puniſhing of ſuch vagrant and idle Perſons, as live not in any lawful Vocation, and in Times of Suſpicion or Trouble may by Tales and falſe Rumours *diſtract the Peoples minds*; or otherwiſe in fact to commit Inſolencies and Outrages. And to the end that we may be duly and ſpeedily informed of all ſuch things concerning this Service, and which are neceſſary for Us to underſtand for the advancement thereof, and the applying of fit Remedies where any Defects ſhall be found, We do pray and require your Lordſhip to give us an exact Account of the ſtate of the Forces of the aforeſaid County, and of the performance of theſe our Directions with all poſſible diligence and expedition. And ſo we bid, *&c.*

Poſtſcript.

‘Where your Lordſhip ſhall find it inconvenient, either in reſpect of the unſeaſonableneſs of the weather, or any other conſiderable circumſtance, to draw together from remote places, and to exerciſe the Trained Bands in compleat Bodies, We leave it to your diſcretion, (povided that the work be ſufficiently done) to take view of the Arms upon the place or places, and to exerciſe the Men apart, and in ſmaler Bodies within their ſeveral Diviſions.

CHARLES Rex.

Jan. 26. The Kings Letter, certifying his Reſolution of going in perſon into the North with an Army againſt the *Scots*, directed to moſt of the Nobility.

RIght Truſty and Right Welbeloved Couſin, We greet you well. The late Diſorders in Our Realm of Scotland, began upon pretence of Religion, but now appearing to have been raiſed by Factious ſpirits, and fomented by ſome few ill and traiterouſly affected particular Perſons, whoſe aim hath been by troubling the Peace of that our Kingdom, to work their own private ends, and indeed to ſhake off all Monarchial Government, though We have often aſſured them, that We reſolved to maintain conſtantly the Religion eſtabliſhed by the Laws of that Kingdom, is now growen to that height and dangerous conſequence, that under thoſe ſiniſter pretences, they have ſo far ſeduced many of our People there, as great and conſiderable Forces are raiſed and aſſembled in ſuch ſort, as we have reaſon to take into conſideration the Defence and Safety of this Realm of England; and therefore upon due and mature conſultation with the Lords of our Council, We have reſolved to repair in our Roial Perſon to the Northern parts of this our Realm, there (by the help of Almighty God, and the aſſiſtance of our good Subjects) to make reſiſtance againſt any Invaſion that may happen.

And to the end that this Expedition, may be as effectual as we deſign, to the Glory of God, the Honour and ſafety of Us, and of this our

An. 1638.

our ſaid Kingdom of England, We have directed that a conſiderable Army both of Horſe and Foot, ſhould be forthwith levied out of all the Shires to attend Us in this Action, wherein we nothing doubt, but the Affection, Fidelity, and Courage of our People ſhall well appear.

In the mean time, we have thought fit, hereby to give you notice of this our Reſolution, and of the ſtate of our Affairs, and withall hereby to require You to attend Our Royal Perſon and Standard at Our City of York, by the firſt day of April next enſuing, in ſuch Equipage, and ſuch Forces of Horſe, as your Birth, Honour, and your Intereſt in the publick Safety do oblige you unto, And as we do and have reaſon to expect from yon. And this our Letter ſhall be as ſufficient and as effectual a Warrant and Diſcharge unto you for the putting of your ſelf, and ſuch as ſhall attend you, into Arms, and Order as aforeſaid, as if you were authoriſed thereunto by our Great Seal of England. And we do require you to certifie Us under your hand within fifteen days next after the receit hereof, what Aſſiſtance we ſhall expect from you herein, and to direct the ſame to one of our Principal Secretaries of State. Given under our Signet at our Palace of Weſtminſter the 26th day of January in the fourteenth Year of our Raign.

Exam. *P. Warwick.*

At the Court at *Whitehall*,
the 27th of *January*, 1638.

Preſent,

The King's moſt Excellent Majeſty.

Lord Arch-Biſhop of *Canterbury.*
Lord Keeper.
Lord Treaſurer.
Lord Privy-Seal.
Lord Duke of *Lenox.*
Lord Marqueſs *Hamilton.*
Lord High Chamberlain.
Earl Marſhal.
Lord Admiral.
Lord Chamberlain.

Earl of *Dorſet.*
Earl of *Saliſbury.*
Earl of *Holland.*
Lord *Cottington.*
Lord *Newburgh.*
Mr. Treaſurer.
Mr. Comptroller.
Mr. Vice-Chamberlain.
Mr. Secretary *Cook.*
Mr. Secretary *Windebanck.*

This day was read at the Board (His Majeſty ſitting in Council) the Draught of the Writ hereafter mentioned, and by His Majeſty's expreſs Command, it was ordered, That Mr. Attorney-General ſhould be hereby required forthwith to ſend Writs accordingly to the Lord William Howard, the Lord Clifford, the Lord Wharton, the Lord Grey of Wark, Sir Richard Lumly Knight, Vicount Waterford in Ireland. Mr. Attorney is to take care not to fail to iſſue out theſe Writs.

By which Writs they were required to repair into thoſe Parts with their Families and Retinues, ſufficiently arm'd, for the ſafety and defence thereof, under the penalty of having their Lands, Goods and Chattels in thoſe Counties ſeiſed into his Majeſty's hands, by the Revenue whereof he will maintain others for the guarding of thoſe Parts in their default. See the Writs at large in the *Appendix*.

Writs ſent to the Mayors of *Hull* and *Newcaſtle*.

In like manner Writs were ſent to the Mayors of the Towns of *Hull* and *Newcaſtle*, for the fortifying of thoſe Towns at the charge of the Inhabitants, according to the practice of former times.

Voluntiers permitted to arm themſelvs.

Many old Souldiers which imbraced the War as their Profeſſion, many Voluntiers of the Gentry tendred their Service to the King; which being repreſented to the Privy-Council, It was reſolved that all Subjects who voluntarily deſired to arm themſelves either at home, or from abroad, ſhould for Themſelves and their Aſſociates therein, have all Liberty and Encouragement; as likewiſe for their Aſſembling, Exerciſing, and Diſciplining all Voluntiers that ſhall offer their Service in this kind; and that Licence in this behalf be given them under the hand of the Earl Marſhal of *England*, which ſhall be to them a ſufficient Warrant.

Rendezvous to be at *Selby*, *April* 1.

The Privy-Council ſent forth Orders to the Lords Lieutenants of the Counties, for the levying of Foot-men, to be conducted to the Town of *Selby* upon *Owſe* near *York*, there to be delivered to the Captains and Officers ready to receive them by the firſt of *April* next, the Counties being to defray the charge of Conduct, which ſhould be repaid out of the King's Exchequer.

——Alſo a certain number out of the Trained-Bands appointed to be ſelected, exerciſed, and kept in readineſs, were called for, whereof two parts were Muskets, and a third Pikes, to be conducted, as before expreſſed, to their place of Rendezvous, where they entred into the King's Pay.

Likewiſe certain Preſt-men ordered to be ſent into *Holland*, to ſupply the rooms of ſo many old Souldiers to be brought from thence, to be made inferiour Officers.

March 23. Lords Lieutenants, &c. to remain in their Country.

All Lords-Lieutenants and Deputy-Lieutenants were ordered by the Council to remain within the Limits of their Lieutenancies.

The Earl of *Bridgwater* was commanded to go into his Preſidency in *Wales*, and to give notice to all Governours of Iſlands and Forts, to repair to their Commands; or, in caſe they were otherwiſe imployed in his Majeſty's Service, to ſend able Deputies. And all Captains and Commanders of Forts and Caſtles were required to reſide in their reſpective Charges.

The Lord Deputy of *Ireland* his Letter to the King, dated *Feb.* 10. 1638. concerning *Scotiſh Affairs*.

The Lord Deputy of *Ireland*'s Letter to the King.

May it pleaſe your Sacred Majeſty,

'HAving of late in a ſhort ſpace written ſundry Letters, I choſe hitherto to forbear anſwering thoſe of the 28th of *December*, leſt my Liberty might ſeem a violence to the modeſty and Reverence I ought and ſhall ever obſerve, ſo often as I have the Honour to appear before your Majeſty be it in Perſon or Writting.

'But now the Acknowlegements of your Princelely Aſpect toward your abſent Servant break forth from me.

‘First, In a moſt humble ſenſe of your gracious admitting me the Honour to perform unto the Queen a ſmall Service, in the Suit I laſt mentioned, and thereby expreſs my ambition to be commanded ſomething by her Majeſty.

‘And next, the comfort I have to find my ſelf under the protection, and ſhelter of your Majeſties moſt excellent Judgment and Juſtice, all along that ſtorm raiſed in my Country (when I leaſt looked for it) by the Earl of *Holland*, and others.

‘The Paſſages indeed I have underſtood from Mr. *Raylton*, for which I moſt humbly thank your Majeſty.

‘It ſeemeth the Earl of *Holland* now ſaith, That he never refuſed to be examined; excepting only againſt the looſeneſs of the Interrogatories. Sure his Lordſhip hath thought better of it of late; for, either I have bin ſtrangely miſinformed, or at firſt his Lordſhip inſiſted poſitively, That by his Priviledg of a Peer and Counſellor, he ought not to be examined at all, and laboured to procure an Order at the Council-Board it ſelf to ſettle it accordingly.

‘Then your Majeſty conceives, I ſhould have looked ſo into the Interrogatories, as might have rendred them without exception. I have bin heretofore thrice *Defendent* and twice *Plantiff* in that Court; and upon my Faith, Sir, never read over any Interrogatory in all my Life, this being the Work of the Sollicitor and Counſel, and not of the Client; and ſo having given Direction, nothing ſhould paſs of that kind, but under the Eye of your Majeſty's Attorney General, and Sollicitor; I held my ſelf by that means ſafer, and in a more perfect way, than any poor advice or ſkill of mine own could have ſet me, albeit I had bin preſent upon the place.

‘As for that which your Majeſty with ſo much tenderneſs above any merit, or conſequences of my poor Services, mentions in the latter part of this gracious Letter concerning Sec. *Win.* 182. I beſeech your Majeſty believe, that I have ſo intirely aſſigned my Will and Affections to your Pleaſure; am ſo perfectly delighted to follow and ſerve you your own way, how much ſoever my private Opinion might elſe lead me into your Paths; that there is neither Perſon, nor Thing, that I ſhall not readily and chearfully join hands withal, where your Majeſty is pleaſed once to ſignify it is fit for your Service to have it ſo, how much more than with this Lady, againſt whom I proteſt I never had the leaſt Exception for any private intereſt of my own.

‘And here having anſwered the former, I receive your Majeſty's other Letter of the 28*th* of *January*, this 5*th* of *February*.

‘By the Bleſſing of Almighty God, theſe *five hundred Men*, provided in all reſpects as becomes your Service, ſhall be at *Carliſle* by the firſt of *April*, according to your Majeſty's appointment, nothing but croſs Winds to hinder; for that favourable, I will have them all on Board, and moving thitherward by the 20*th* of the next month, provided of fifteen days Bread and Beef, for Cheeſe this Place affords none: But ſtill, under favour, me-thinks the Gariſon of *Carliſle* would not be leſs than 200 Horſe and 1000 Foot, and that of *Berwick* 400 Horſe and 2000 Foot.

‘I congratulate exceedingly the forwardneſs of your Engliſh Subjects, the readineſs of your Army, and your gracious Purpoſe of going in Perſon to *York*, as paſſing wiſe and noble, will give infi-

'nite chearfulneſs to your Army, countenance and advantage to all 'your Affairs; yet I truſt there is no thought of your going any 'further. It will be ſufficient the reſt under your Majeſty's Directions 'be managed by ſuch as have that Charge committed to them.

'The Seaſon of this Year is ſo paſt, as nothing can be done in pre'ſent, but againſt the next Winter. If I knew the Proportions, I 'conceive I might, at good Rates, victual *Carliſle* with Beef, Butter, 'Corn, or Bisket, and Herring, to be delivered at *White-haven*, and ſo 'carried thirty miles over Land to *Carliſle*; and after I underſtand 'your Pleaſure, ſhall attend that Service, as all other your Gracious 'Commands, with my uttermoſt care and pains.

'My Lord of *Antrim* doth not by one word make known his deſire 'to me for Arms, which is adviſedly done; his Lordſhip perceiving 'I am not ignorant of his great want of Mony; his credit to be ſo 'low, as not able to take up, at this very inſtant, in this Town poor '*three hundred pounds*, therefore his great Undertakings are more like 'to be believed on abroad, then they would be nearer home. I ſhall 'be able to furniſh him with Arms, when the Supply comes We 'have ſent for into the *Low-Countries*, if it be your Pleaſure to have 'it ſo: But I crave to know who it is your Majeſty purpoſeth ſhall 'pay for them.

'Yet I might accuſe my ſelf, ſhould I not humbly certify your Ma'jeſty, I am altogether of opinion, his Lordſhip in ſo great a ſtreight 'of his own Fortune, is not a Perſon at all to trouble the Earl of *Ar'gile* now come back again into *Cantire*, or in preſent much conſide'rable to your Majeſty's Affairs; and confident I am this will appear 'moſt true, how great ſoever his deſires on that ſide are expreſſed, and 'I may believe them to be to ſerve the Crown.

'The Secrets your Majeſty gives me in charge, ſhall never be diſco'vered to any Creature; yet that I be not thought upon for other 'Mens faults, I ſend incloſed a paſſage that I my ſelf read in a Letter 'writ thence to Captain *Biron*. The Writer is one Mr. *Daniel Neal*, 'a very ſlight and buſy Perſon. His principal dependance on the 'Earl of *Antrim*; and if I be not miſtaken, very converſant at *Arun'del*-Houſe: Nevertheleſs my hands once freed of this Packet, I ſhall 'ſo colour the Matter, as to take away all thoughts of going to '*Carliſle*.

'Mr. *Raylton* informs me, There are Summons gone out for all the 'Nobility to attend your Majeſty at *York*, Letters made ready for 'me among the reſt, which your Majeſty was pleaſed to order the 'ſtay of, for which I thus return my moſt humble Thanks.

'Were I not really and importunately fixed by my Emploiment, as 'a decent Complement at leaſt to the Peace and Safety of the Affairs 'on this ſide, I ſhould be moſt mightily out of countenance to be 'found in another place, than at your Majeſty's Feet, to receive and 'execute your Commands, to the utmoſt of my Power and Life.

'Yet, Sir, I am your moſt obliged Creature, why ſhould I be cared 'for, or conſidered, where your greateſt Intereſts are in queſtion? 'Hence it is, that I thought of ſending thither fifty of my Horſe-'Troop, but that they are not to be ſupplied again on this ſide, nor 'durſt I disfurniſh your Service of them here, and to furniſh ſo many 'there, my ſelf abſent, and in ſo ſhort a time, I am out of hope: 'yet have I thought of another Expedient, which perchance may

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‘prove as much for your Service, as good in the Example, which I humbly crave may be accepted.

‘Therefore, if it ſhall not pleaſe God to put the *Scotiſh* Subjects into their right Wits again, that they do not humbly and repentantly conform to your Majeſty's Will: I ſhall give order that for this next Year, there be paid at *York* to Sir *William Udall*, your Treaſurer for the Wars, as my Rents come in, one thouſand Pounds at *Midſummer*, and one thouſand pound at *Chriſtmaſs*; and if this be not ſufficient, I do moſt humbly beſeech your Majeſty command all I have there to the uttermoſt Farthing.

‘Nor, have I on this ſide more Friends than three, that have Lands there; and I am deſired, by the Maſter of the *Rolls*, and Sir *George Radcliff*, that 500 *l.* betwixt them may be accepted upon the ſame terms, and ſome days of paiment: And in like manner a young Captain of your Majeſty's, my Brother, that hath ſome Fortune by his Wife there, 100 *l.*

‘Our Sons are all Children; but if they were able to bear Arms, we ſhould ſend the young *Whelps* to be entred in your Majeſty's *Militia*, Judg it to be their greateſt honour it might be ſo; and for a Concluſion, ſo as it might be better for your Service, hang up the old *Dogs*.

‘Above all, I beſeech your Majeſty intend your Horſe, and make your ſelf as ſtrong in them as poſſibly can be effected in this ſhort time; For as it will be no great difficulty to your Majeſty to overtop your Rebels, and Maſter them in Horſe; ſo ſhall that Point gained, and fortified alone, ſecure your Kingdom of *England* from the prejudice it might otherwiſe ſuſtain, if they went forth to ſuch Inſolence, as to make an Offenſive War upon the Crown.

‘My next Work, I fear, will be to trouble your Majeſty with a Letter touching my own Particular. I beſeech you vouchſafe to read it; and after, rather than diſquiet your Majeſty, or your Affairs, burn it, and command Mr. *Raylton* to go on with the Examination, as it is already directed; only, Sir, there is a Credit, which among Men, I ought ſo far forth to care for, as it may enable me to fulfil your Commands with more Effect and Honour, which I truſt howſoever will plead my excuſe. The Great God of Battels long and long preſerve your Majeſty.

Dublin, Feb. 10.
1638.

Your Majeſty's
moſt faithful, and moſt humble
Subject and Servant,
WENTWORTH.

The Arch-Biſhop of *Canterbury*'s Letter to the Clergy, to contribute freely to the War againſt the *Scots*.

After

Feb. 11. The A. Biſhop of Canterbury's Letter to the Clergy.

After my hearty Commendations, &c.

I Have received a Warrant from the Lords of his Majeſty's moſt Honourable Privy-Council, which requires me to write to all the Biſhops in my Province to call their Clergie together, and put them in mind of the great danger this Kingdom is in, by the traiterous Conſpiracies of ſome ill-affected in Scotland. *Theſe Seditious Perſons have begun, and continued hitherto their foul Diſloialty under the pretence of Religion, which by factious Spirits in all times is made the Cloak to cover and hide, (if it might be) their Deſigns. But now it appears clearly to the State, that they daily ſtrengthen themſelves by Arms and Ammunition, and other Preparations for War. And though his Majeſty hath graciouſly condeſcended to more than they could juſtly ask in all things concerning their Religion and their Laws, yet they go on ſtill, and are ſatisfied with nothing but their rebellious Diſobedience, and have no leſs aim than to invade or annoy* England. *The Letters to the ſeveral Biſhops I have ſent, as I was commanded, and I doubt not but they and the Clergie in general, will give very freely towards this great and neceſſary Defence of the Kingdom. And becauſe this great and common Danger cannot be kept off, but by a common Defence; and for that the Reverend Judges, and others of the Common Law have bountifully expreſſed themſelves already; I am required to write to you alſo, that you calling to you the reſt of the Doctors of the Commons, propoſe to them now while moſt of them are together, this great and weighty Buſineſs belonging as much to their Defence as to other Mens; and let every Man ſet down what he will give to this Service: when this is done, I will acquaint his Majeſty with it, and yours and their forwardneſs herein. And it is expected that you haſten this with all convenient ſpeed. So to God's bleſſed Protection I leave you, and reſt,*

Lambeth, *Feb.* 11. *Your very loving Friend,*
1638.

W. CANT.

POSTSCRIPT.

You muſt ſend to ſuch Chancellors and Officials as are not at the Commons, but at their ſeveral Reſidences; and if you give them a good example here, I doubt not but they will follow it.

You ſhall not need to call to Sir Henry Martin, *for his Majeſty will ſend to him himſelf, and looks for a greater Sum than in an ordinary way.*

The Scots underſtanding that the Parliament was to meet in *England* the 13*th* of *April*, diſperſed among the People of *England*, eſpecially in *London*, a Pamphlet containing a Scotiſh Declaration to ſatisfie *England* of the ſincerity of their Intentions and Actions, which was publiſhed by order of the General Aſſembly of *Scotland*, Entituled,

An Information to all good Chriſtians within the Kingdom of England, from the Noblemen, Barons, Barrows, Miniſters of the Kingdom of Scotland, *for vindicating their Intentions and Actions from the unjuſt Calumnies of their Enemies, as followeth.*

Feb. 4. 1638. but 'tis 1639 in Scotland.

'THe work of Reformation now renewed and far advanced in this Kingdom, hath in the whole progreſs met with all the oppoſitions which the ſubtil malice of *Rome*'s Emiſſaries could plot: But God hitherto has diſappointed all their Intentions, and turned *Achitophel's* Wiſdom into folly. And now when they cannot beat down the Walls of *Jeruſalem*, they labour to undermine it with Calumnies, according to the damnable Maxim, *Calumniare audacter, & ſemper aliquid herebit.* And, like *Tobias*, *Sanballat*, and ſuch like, will not be wanting to oppoſe mightily the Building of *Ezra* and *Nehemiah*, by ſaying to the King, *Why is the Rebellious City builded?*

'The ſame ſteps are now traced by the Authors of Innovations in this Church, who taking the advantage of their opportunity (which We want, to our great regret) and being greatly aſſiſted and ſtirred up by ſome of their own Coat, who are pernitious and Popiſhly affected, do thereupon preſume to whiſper unto his Sacred Majeſty, and ſpread abroad in their Neighbour Kingdom of *England* moſt untrue and damnable Aſperſions, (over and above the Particulars laid to our charge in the Proclamation of the 18*th* of *December*, which are largely anſwered in our proteſtation lately publiſhed) venting with equal impudency and malice, that we do only pretend Religion, but do intend to ſhake off the moſt lawful yoak of Authority, by changing the form of Civil Government; that we intended invade our neighbour Kingdom of *England*, and enrich our ſelves with the ſpoils thereof; although our Conſciences bear us teſtimony againſt thoſe untruths, and make us think ſo charitably, that no Man underſtanding rightly Religion and Policy, will give belief unto theſe Aſperſions, forged againſt the Body of our Church and Kingdom: yet being certainly informed, that the Authors of our Innovations and the arch-enemies of Reformation, have laboured to poiſon his Majeſties ſacred Ears with thoſe Imputations, and have diſperſed the ſame with open mouth among the Subjects of *England*. We are forced to vindicate our innocency, and wipe away all impreſſions which thoſe Challenges might make in the behalf of any: Firſt, by our Supplication given in to the Lords of Secret Council 31*ſt* of *January*, and now by our Anſwer, and publick Declaration unto the World, whereby we take God to witneſs, That Religion is the only Subject, Conſcience the motive, and Reformation the aim of our Deſigns, for attaining whereof, we have never ſtrayed from the humble and loyal way of petitioning his Majeſty for a legal Redreſs. And do yet according to our bounden Duty, beg the conſummation of our happy beginnings by the holding of the *Parliament* for the Ratification of the *Aſſembly* indicted by his Royal Majeſty. And as We have often heretofore profeſſed in our Supplications, religiouſly ſworn in our ſolemn Covenant with God Almighty, and publickly declared before God and Men in all our Proteſtations made in the view of Heaven and Earth, That We had never the leaſt intention to caſt off our dutiful Obedience unto his Majeſty's moſt lawful Authority: So We do hereby renounce the

Aug. 6. 1639, the Aſſembly met at Edinburg.

‘ſame, and ſolemnly declare, That our loyal Breaſts have never harboured any thought againſt our gracious Sovereign his Perſon or Government, for whom We daily and earneſtly pray the King of Kings to grant a long and happy Reign over us; and when he ſhall be crowned with Immortality, that there never want one of his Seed rightly to rule us, and to ſit upon his Throne ſo long as the Sun and Moon endureth: For We acknowledge that he is the Lord's Vicegerent ſwaying the Septer of this Land, tranſmitted to him by the ſucceſſion of ſo many Royal Anceſſors, as no other King in the World can parallel the ſame, and no other Nation compare with us in the glory of Antiquity, under that lawful ſubjection to one Line of Native born Princes, which we will never deface by any unnatural and impious cogitations againſt the Lord's Anointed, but heartily wiſh that Shame and Confuſion may be printed upon the face of his Enemies, And that We may be happy in the occaſion to expoſe our Lives and Fortunes to the greateſt hazard, for maintenance of the Perſon and Authority of our dread Sovereign, and increaſe of his Honour. *Let Mercy and Truth preſerve the King.*

‘As for our Intention towards *England*, We atteſt the ever-living God, (who is conſcious of our moſt ſecret thoughts) that We never had any ſuch Deſign or motion to offend, or wrong in the ſmalleſt meaſure any other Nation, much leſs our Neighbour Kingdom, living in one Iſle, under one King, with as little controverſy, and with as much affection, as hath been betwixt two Nations once at variance, but now happily reconciled and tied together by the moſt ſtrict Bonds, which We deſire rather to encreaſe than diminiſh by any act of unjuſt Hoſtility. And albeit we are confident that the improbability of this Challenge will ſtop the way of all credit to it, yet to confound theſe Reporters in their malice, we will ſhortly relate our Regrets and Fears, our Deſires and Reſolutions with that freedom and ſincerity, which may evidence our brotherly reſpect to the Subjects of *England*, and controul the falſe Surmiſes of our intentions againſt them. We regret together with our dear Chriſtian Brethren of our neighbour Nation, that we ſhould have ſo evident and ſenſible experiences of the dangerous Plots ſet on foot, and entertained by the Church-Men of the greateſt power in *England*, for introducing Innovations in Religion, by corrupting the Doctrine, changing the Diſcipline, daily innovating the External Worſhip of God, Preaching publickly and maintaining points of *Arminianſm* and heads of Popery, defending and advancing Preachers and Profeſſors of that Judgment, and allowing Books ſtuffed with that Doctrine, Fining and Confining and Baniſhing all ſuch, as in Conſcience of their Duty to God labour to oppoſe the Doctrine, Diſcipline or Worſhip of the Church of *Rome*, by their incroaching and uſurping upon the King's Prerogative, tyrannizing over the Conſciences, Goods and Eſtates of Perſons of all qualities within that Kingdom: And not being content to keep within their own Precincts, did induce, aſſiſt, and encourage the pretended Arch-Biſhops and Biſhops of this Kingdom, to preſs not only a Conformity of this our Church, with that of *England* in matter of Ceremony, but alſo with the Church of *Rome* in the Points moſt ſubſtantially erroneous, as appeareth by the *Book of Common-Prayer* and *Canons*, found to be a maſs of Popiſh Superſtition, falſe Doctrine and Tyranny, which was

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‘confeſſed to have been firſt plotted, then corrected and interlined in
‘*England*, and ſent down to their Aſſociats the pretended Archbiſhops
‘and Biſhops of this Kingdom, to be printed, and preſſed upon the whole
‘Church here without order or conſent, as the only Form of Divine
‘Worſhip and Government of the Church, to make us a leading Caſe
‘to *England*. And by their Letters to Stateſmen, Noblemen and Borows
‘(to further the advancement thereof) perſwaded his Gracious
‘Majeſty to declare theſe Books, which are full of Popiſh Superſtition,
‘to be free of it, and to be fit means of Edifying this Church,
‘and cauſed his Majeſty to prohibit the lawful Meetings and humble
‘Supplications of his Subjects under pain of Treaſon, and to eſteem of
‘his good Subjects as of Traitors and Rebels, for a diſcovering this
‘wicked Plot, and complaining thereof; And for their renewing of
‘their *National Covenant* with God, and their Allegiance to his Majeſty,
‘did threaten them by publick Proclamation with utter extermination
‘and ruin, and have by their Calumny moved his Majeſty to diſcharge
‘under the pain of Treaſon, the ſitting of our free General Aſſembly,
‘indicted by his Majeſty after ſo many Supplications, and to engage
‘his Royal Word of a Prince, to defend all diſobeyers of the Church,
‘to threaten and prepare for an inward War againſt this his moſt ancient
‘loyal native Kingdom, to diſtruct all our Supplications, Oaths and
‘Declarations ingenuouſly and humbly made, and thereby they have
‘endeavoured, ſo far as in them lies, to alienate his Majeſties heart from
‘his People, and eſtrange their due bound Affections from him if it were
‘poſſible. And in the end for the full accompliſhment of their wickedneſs
‘(as we are informed) have made his Majeſty follow the advice
‘and counſel of profeſſed Papiſts, and to intruſt them with the
‘chiefeſt Offices of the Armies and Arms now preparing, for the threatned
‘Invaſion of this Kingdom: and ſtill intend to raiſe Jealouſies
‘in the Body of the one Kingdom againſt the other, and ſo to commit
‘them together, which we beſeech God to prevent, and hope it
‘ſhall be above their Malice, the Lord opening the eyes of our Soveraign
‘and of our neighbour Nation, to diſcover that Treachery whereby
‘nothing is intended, but to join the two Kingdoms in bloudy War,
‘that ſo Reformed Religion may be extinguiſhed and Popery introduced,
‘which then may be eaſily effected when both ſides are weakned,
‘and ſo may be eaſily ſuppreſſed by the Papiſts, having all Power and
‘Offices in their hands, being already too ſtrong in *England*, and encouraged
‘with expectation of Foraign help, ready to accept that advantage,
‘ſo much prejudicial to his Majeſties Honour, Power and manifold
‘Declarations for the maintenance of the Reformed Religion,
‘whereof he is the Defender. We have alſo Reaſon to regret, that any
‘within the Kingdom ſhould give more credit to falſe Calumnies, cunningly
‘invented to foment their jealouſies, and make them prepare
‘for invading their Brethren, than to our ſolemn Proteſtations, Supplications,
‘Declarations and Covenant with God himſelf; yet we are fully
‘confident that ſuch are drawn thereunto, partly through the Information
‘of our Adverſaries, and particularly for lack of clear Information
‘concerning our moſt Loyal and Chriſtian Proceedings: and therefore
‘do moſt heartily wiſh, they may with Wiſdom and Charity ſuſpend
‘any further giving credit to things of that kind, till they may
‘have occaſion to receive full Information of the truth. And we regret
‘that any ſhould think the ſtanding of Epiſcopacy in the Church
of

'of *Scotland* juſt ground for Invading of, and making War againſt this 'Nation, and conſequently to raiſe up the Old National Bloodſhed 'and Quarrels, which are now happily changed unto a ſweet peaceable conjunction of Hearts and Affections, ſeeing Epiſcopy in this 'Church is contrary to our Ancient Reformation, *Confeſſion of Faith*, 'and Oath of this Church and Kingdom, whereby that Government 'was abjured, which cannot reaſonably offend any other State or 'Church, who may be ruled by their own Laws and Warrant. But 'as in every Matter which falleth in deliberation to be put in Execution, Juſtice ſhould be the Mover and Efficient, and Profit and 'Honour uſed to be the End: So eſpecially in this weighty Buſineſs 'it ſhould be well pondered, if this Act of Invading us by War, for 'keeping our Oath to God, and obeying the lawful Conſtitutions of 'our Church and Kingdom, be juſt upon the part of the Invader; or 'if the benefit of *Reeſtabliſhing the Biſhops* upon us, will recompence 'the loſs of ſo much Chriſtian Blood, and the hazards of Diſſention 'and War, whereof the Event dependeth upon the Lord of Hoſts. 'But it is obvious to every Man's Conſideration, That this War is by 'our Adverſaries intended for another end, and hath a more deep 'and dangerous reach, otherwiſe the Prelates (if either good Chriſtians or Patriots) would rather quit their Minion, Ambition, and 'worldly Pomp, than engage two Kingdoms with the hazard of true 'Religion.

'And that none may ſuſpect the ſincerity of our Intentions, the 'lawfulneſs of our Proceedings, or the truth of our Declarations 'or Accuſations againſt the Enemies of our Reformation and Peace, 'We are able, and wiſh to have occaſion to juſtify the ſame before 'the World: For unleſs we ſhould have cloſed our own Light, and 'reſiſted the known Will of God, acknowledged, ſubſcribed, and 'ſworn by his Majeſty's Father (of ever bleſſed Memory) to our 'Predeceſſors, in a ſolemn Covenant with God, and ſo often confirmed and ratified by Acts of this Church and Kingdom ſince the 'Reformation, we could not omit any thing which we have done. 'And albeit we be one Church and Kingdom, as free, ancient, and 'independent as any other in the World, yet for clearing of the 'Mind of our Neighbour Nation from all miſinformation and miſconſtruction of our Intentions and Proceedings, and to verify the lawfulneſs and abſolute neceſſity of our Actions and Acts of the late 'Aſſembly, We do aſſure our ſelves, that if the States of the Parliament of *England* were Convened, and the whole progreſs of this 'Buſineſs faithfully repreſented unto them, they would without doubt 'be ſo far from cenſuring or condemning what we do, that they 'would be moved to become Petitioners to his Sacred Majeſty on our 'behalf, and approve of the equity and loialty of all our Proceedings in this Cauſe. And therefore in the mean time we intreat, That 'no true Engliſh Heart entertain any Jealouſies of Us, who are confident of the innocency of our Proceedings and Intentions, and free 'hitherto of all Blemiſhes againſt our Soveraign and our Neighbour 'Nation, as we beg the occaſion of manifeſting the ſame to them and 'to all the World, as we have upon the knowledg of theſe miſ-reports 'of us, cleared our ſelves of any ſuch Intention by our great Oaths 'every one to other, at our moſt frequent Meetings.

‘The obtaining of this our ſo peaceable and juſt deſire, ſhall not only be comfortable to us their Chriſtian Brethren, ſerving as a further tie to unite our Affections in time to come, and to ſtir us up to pour out our hearty Prayers to God on their behalf; but without all queſtion, the Righteous Judg of all the World ſhall make you reap the Fruit thereof one day, and who knoweth how ſoon.

‘In the mean time our care ſhall be upon all occaſions, to make it appear clearly to all the World, how far it hath always bin (and by the Grace of God ever ſhall be) from our Intention firſt or laſt, to offer the leaſt Act of Hoſtility to our Neighbour Kingdom, excepting ſo far as we ſhall be neceſſitate in our own Defence. And though (as God forbid) we ſhould be forced thereunto, yet ſhall we remain unwilling to conceive things of that kind to flow from the Body of that Kingdom, with whom we intend no National Quarrel, neither mind to wrangle with them, except in the caſe of Invaſion from them, but rather that this Stir hath bin contrived and ſet forward by ſome ill-affected Perſons to both Kingdoms; with whom only our queſtion is, and to whom alone we may juſtly intend according to their deſert, as Men who are ſet to engage both Kingdoms in ſo bloody a War for their own baſe ends. And although a Party raiſed from among our ſelves, that are fomented and maintained from abroad, whence we find the Sinews of that Body within our ſelves to be derived and maintained which might juſtly ſtir us; yet the vanity and weakneſs of our Inteſtine Adverſaries, even in this caſe of Offence, is ſo far from making us take Fire, without manifeſt Hoſtility offered, or ingaging us in any violent courſe that may interrupt the Brotherly Love and Concord of theſe two Kingdoms, or blemiſh our holy Profeſſion in the leaſt degree, as we are confident no malicious miſreports of our common Adverſaries, will induce our dear Brethren to quarrel with us for ſeeking to enjoy our Religion in purity, and our Laws and Liberties, according to the Fundamental Conſtitutions of our Church and State, when we are ſo well affected to them, as we are truly ſenſible of their grievous Burdens, and intolerable Sufferings from the Tyranny of their Hierarchy, and the fearful Bondage they undergo from the wicked Counſel of that Clergy ſuggeſted from *Rome*, and producing ſo dangerous Innovations both in Religion and Policy.

‘The ſincere manifeſtation of our real Intentions, We find our ſelves obliged to publiſh, for ſatisfying all good Subjects in our Neighbour Nation, being confident they are alſo deſirous to be confirmed in their good opinion of us, and ſo to be armed againſt all Slanders and Calumnies of thoſe that endeavour the final overthrow, and utter extermination of the Kingdom of *Chriſt Jeſus* from this whole Iſland, whereof we pray God to avert the Danger, and grant us Peace and Purity, which is the height of our deſire; for procuring whereof we ſhall imploy no other Weapons (except we be enforced) but Faſting and Prayer to God Almighty, and humble Supplications to our Gracious Soveraign.

Reviſed according to the Ordinance of the General Aſſembly,
by Mr. *Archibald Johnſton*, Clerk there. At *Edinburgh* the
14*th* of *February* 163$^{8}_{9}$.

February

February 14.

Star-Chamber

The Biſhop of *Lincoln*, together with *Lambert Osbaldſton* Schoolmaſter of the Grammar School at *Weſtminſter*, was charged by Information in this Court of *Star-Chamber*, to have plotted together to divulge falſe News and Lies, to breed a diſturbance in the State, and difference between two great Perſons, and Peers of the Realm, *viz.* the late Lord Treaſurer *Weſton*, and the preſent Arch-Biſhop of *Canterbury*. The Charge was grounded upon theſe following Paſſages written by Mr. *Osbaldſton* to the Biſhop of *Lincoln*.

My dear Lord,

I *Find for certain, which I report* ſub ſigillo, *that the great* Leviathan, *and the little* Urchin, *are a great ſtorm in* Chriſtmaſs-*weather, and are at a very great diſtance one with another, inſomuch that your Lordſhip hath bin inquired of more than once, if you were come, and when you will? And the great Man was heard to juſtify the words which you were queſtioned for, namely,* That you had as good a right to the Deanery of *Weſtminſter*, as the King to his Crown. *And he was heard to ſay, That they were no more than he himſelf would ſay. The jealouſie grows great and ſharp between the* Leviathan, *and the little medling* Hocus-Pocus; *and if it increaſe, there is hopes your Lordſhip will injoy the Bleſſing of the King's Grace. Your Lordſhip will hear, that the Lord's Grace of* Canterbury *is come to lodg in Court, ſo is the Lord Treaſurer; Your Lordſhip, I hope, will pick out my meaning.*

Weſtminſter-Colledg, *Jan.* 9. 1633.

In another Letter.

M*Y dear Lord, I cannot be quiet but I muſt write to your Lordſhip. The Sport is grown Tragical, any thing would be given for a ſound and thorough Charge to puſh at and confound the little* Urchin. *The* Spaniards *and the* Hollanders *are both approvedly and firmly joined to effect the ſame, if your Lordſhip lend your Aſſiſtance, which I am bound to implore and require. Let them in the mean time ſcratch one another to the Bones. I uſe freedom of heart, it is ſomething of revenge that a brave Soul (as your Lordſhip is) hath ſome hopes of ſupport in the midſt of a Flood of Deſtruction.*

Weſtminſter-School, *Jan.*30. 1633.

Likewiſe there was produced the Biſhop's Letter of the ſecond of *February*, to a Friend, to this purpoſe.

M*R.* Osbaldſton *reported to me by Letters, That it was deſired that I ſhould contribute my endeavours to be uſeful to the Lord-Treaſurer againſt the little great Man, and aſſured me that they were mortal Enemies. But for my part I refuſe to meddle with any ſuch thing; yet I pray you learn whether it be ſo or no, leſt ſome have gulled* Mr. Osbaldſton *in his three laſt Letters. If the Lord Treaſurer would be ſerved by me, he muſt*

free

An. 1638. *free me from the Bonds of the* Star-Chamber, *otherwiſe let them fight it out for me.*

It was anſwered in the behalf of Mr. *Oſbaldſton*, That what was done by him, was done in private Letters, ſealed to an honourable Friend. And it was confeſſed to be Error in him to uſe ſuch familiarity in ſome Paſſages therein expreſſed. That he doth deny, That by the Appellations therein mentioned, he did mean the Arch-Biſhop's Grace, or the Lord-Treaſurer. But he meant thereby one *Spicer*, which took upon him to be a Doctor and was none; that he had divers times uſed, between jeſt and earneſt, to call him *little Vrchin, Vermin, little Hocus Pocus in the Velvet Jerkin*, and that there were ſome differences between him and the Biſhop of *Lincoln*; and by *Leviathan*, he meant, Chief Juſtice *Richardſon*, who had formerly committed *Spicer* (in *Weſtminſter-Hall*); and he confeſſed he did merrily uſe that Name, the Perſon being apt to take a Jeſt in good part.

On the Biſhop of *Lincoln's* part it was offered, That if any ſuch Letters were ſent by Mr. *Oſbaldſton*, yet he denied the receit of them; and for the interpretation of thoſe Appellations, he conceived the Writer was the beſt Interpreter; that he had many times heard Mr. *Oſbaldſton* call *Spicer* by the Name of *Hocus Pocus*, and he uſed to call *Richardſon* by the name of *Leviathan*, and denieth the publiſhing of any ſuch Letters, or ſo much as the ſpeaking of any ſuch at his Table.

The Attorney General urged, That the Interpretation given by the Defendents would not ſerve their turn. That thoſe Letters of Mr. *Oſbaldſton* were found in a Box in the Biſhop's Houſe at *Bugden*; and when the Biſhop heard they were found, he ſaid, *Oſbaldſton* was undone. That the Biſhop's Secretary *Walker*, and the Clerk of his Kitchen had heard their Maſter diſcourſe of the ſubject Matter of theſe Letters, and that theſe Names of Appellation were frequent, between the Biſhop and *Oſbaldſton*, and that by them was meant the Arch-Biſhop and the Treaſurer.

But it was further offered, in the behalf of Mr. *Oſbadſton*, That the Interpretation made by others, ſhould not be the ruin and deſtruction of the Defendents. That the Biſhop's ſaid Secretary and Clerk of his Kitchen (Witneſſes againſt him) were lately cenſured in this Court for tampering with Witneſſes, and were Perſons expecting the Mercy of the Court; and Witneſſes were heard on the behalf of *Oſbaldſton*, that he frequently called Dr. *Spicer* the *little Hocus Pocus*, and the *little Vrchin*; and the Reaſon was, becauſe *Spicer* had made many promiſes to give a Library worth 40 *l.* to the School at *Weſtminſter*, but failed in the performance. And it was further proved, that he frequently called the Lord Chief Juſtice *Richardſon*, *Leviathan*, who had committed Dr. *Spicer* in *Weſtminſter-Hall*.

And in the defence of the Biſhop of *Lincoln* it was further urged, That his ſaid Secretary, *Walter Walker*, did frequently receive, and had commiſſion to open his Letters in his abſence; and what Letters he received he could not tell; and if thoſe Letters were found at his Houſe, they were laid up and concealed by his Secretary.

And further the Biſhop petitions the Court, informing them how unable he was to make his defence, being his Majeſty's cloſe Priſoner in the *Tower*. After which Mr. Attorny General replied.

Sir

14 *Caroli.*

Sir John Banks *his Reply about the Cenſure of my Lord Biſhop of* Lincoln, *and Mr.* Osbaldſton, *the* 14*th of* February, *in the* Star-Chamber, 1638.

Interlocutory Paſſages.

'MY Lords, The Defendents Counſel in their defence, does except againſt the Charge of the Information, and they laboured much to tie the Matters charged in the Information to the very day of the Month, ſeeking thereby to eſcape the Charge, contrary to their Judgments and the common courſe of Juſtice.

'Alſo they made queſtion where thoſe Letters ſhould be found: but if they will, they may know that they were found at my Lord Biſhop of *Lincoln*'s Houſe at *Bugden*, as is manifeſt by their own Witneſſes Interrogatories. 1. & 71.

'In the anſwer to which Interrogatories, three Witneſſes do all ſay, That they heard they were found in a Band-Box in my Lord of *Lincoln*'s Wardrobe.

Mr. *Recorder.*

'My Lords, We have examined four Witneſſes, which do all depoſe, That there were no Letters found in the Band-Box, and that his Lordſhip did never leave any Letters to be kept there.

Mr. *Herbert.*

'It appears by their own Witneſſes, that there were ſuch Letters found; but this is not to the purpoſe where they were found, but now they are found, the hainouſneſs of them is the point in hand.

Lord *Keeper.*

'It may be that ſome of the Lords may find ſome things in the Depoſitions that may ſerve one way or other, therefore I think it good they ſhould be read; but for my own part, I am ſatisfied in my judgment.

Mr. Attorney General further proceeded, ſaying;

'My Lords, the Defendents Counſel have made two Defences, one for Mr. *Osbaldſton*, and the other for the Biſhop of *Lincoln*.

'The Counſel for Mr. *Osbaldſton* except againſt the Witneſſes that prove the interpretation of the Letters, and would have Mr. *Osbaldſton* to expound his own meaning, and if this ſhould be allowed, every Libeller would thereby eſcape the Cenſure of the Court.

'Firſt, They except againſt *Cadwallader Powel*, becauſe he was before ſentenced in the *Star-chamber*: But, my Lords, his Cenſure in the *Star-chamber* was not for any matter of Perjury, or Crime that ſhould take away his Teſtimony; and the ſame thing for which he was Sentenced, was my Lord Biſhop himſelf Sentenced at the very ſame time.

An. 1638.

‘Secondly, The ſecond Exception was, that Mr. *Powel* and Mr. *Walker* were made Defendents in this Court to take away their Teſtimony in this Cauſe, and the reaſon why they were not proceeded againſt (ſaid the King's Atturney) was, my Lords, becauſe my Lord Biſhop of *Lincoln* would not perfect his Examination, by which we ſhould have the better proceeded againſt them, and when my Lord Biſhop hath perfected his Examination, they ſhall be proceeded againſt.

‘Again, They except and ſay, that *Walker*, being Secretary to my Lord Biſhop of *Lincoln*, he ought not to be Witneſs againſt my Lord of *Lincoln*.

‘My Lords, when a Secretary is called and examined upon Oath, he ought to diſcover the truth of what he is examined upon, and not to perjure himſelf.

‘Again, they ſay, that there are no expreſs words in the Letters, whereby it doth certainly appear, that theſe words were not mean of my Lords Grace of *Canterbury*.

‘My Lords, this ſticks at all Cauſes of Juſtice: for if they ſhall be ſuffered to interpret their own words, by this means all Libellers would eſcape puniſhment.

‘The third part of the Defence is this: That Mr. *Osbaldſton* ſhould call Doctor *Spicer*, *Vermin*, *Hocus Pocus*, *Urchin*, and the like: therefore ſay they, thoſe terms in theſe Letters are not to be applied to the Archbiſhop of *Canterbury*, but to Dr. *Spicer*. This is no excluſion, for I ſhall ſhew that thoſe words muſt needs be intended and ſpoken againſt the Arch-Biſhop of *Canterbury*, and not of Dr. *Spicer*.

‘In the Letter of the *9th* of *Jan.* the words cannot be applied to be ſpoken of ſo mean a Man as Dr. *Spicer*: and ſo likewiſe in the Letter of the *30th* of *Jan.* wherein he deſires, that it ſhould be kept ſecret: and if theſe words had been ſpoken of Dr. *Spicer*, they needed not be kept ſo ſecret. For *Hocus Pocus* and *Vermin* being ſpoken of Dr. *Spicer*, were publiſhed in *Weſtminſter Hall*, and other places thereabouts, and therefore needed no ſecreſie.

‘And that by the *great Leviathan*, it ſhould be underſtood to be meant of the Lord *Richardſon*, there is no colour for it, my Lords.

‘As for *Osbaldiſton*, he hath long bin a turbulent Medler, and a falſe Intelligencer of the Affairs of State; I may ſay he is *Hocus Pocus*, and a Jugler in the Affairs of State; and yet I am ſorry that I ſhall charge him with that which is worſe than the Charge laid againſt him in the Information, for he is guilty of groſs and wilful Perjury, for he hath denied upon Oath that which was plainly proved againſt him.

‘Another Argument is, This *Osbaldſton* is now run away, which in our ſenſe doth ſhew a guiltineſs of the Offence. 25. *H.* 5. *One being indicted for Felony, if he runs away, he then forfeits his Goods.*

‘As for my Lord Biſhop of *Lincoln*, he ſtands upon three things.

‘Firſt, That he received not the Letters.

‘Secondly, That he did not publiſh them.

‘Thirdly, That he did not entertain them.

‘For the firſt, It is proved by Witneſſes, That two dayes after *Twelve-tide* he gave order that his Letters ſhould be opened that concerned his Law Suits, ſo that thereby he might colour the Matter, that they might not come into his own Hands. Again, he doth not ſay, That he did not receive the Letter of the *9th* of *January*, beſides his own Letter of the ſecond of *January*, makes mention of three Letters which he received from Mr. *Osbaldſton:* In one of which he ſhould contribute Mony to the uſe of the Lord Treaſurer for the ruin of the *little great Man:* So that it is confeſſed by his own Writings that he did receive them. And the Letter of the 30*th* of *January* was ſent by a ſpecial Meſſenger to *Lincoln*, therefore its moſt probable that he received it, and your Lordſhips have heard *Cadwallader Powel* ſay, That my Lord of *Lincoln* demanding of him, Whether any of *Osbaldſton*'s Letters were found? And he anſwering that they were. Then ſaid the Biſhop, *Osbaldſton* is undone: So that I conceive your Lordſhips will not think, but that his Lordſhip received the Letters.

'But it is objected, That this is no Offence; For, ſay they, it's no Offence to receive Libellous Letters, and to keep them private. And as for my Lord of *Lincoln*, he did never publiſh any of them; and there is difference betwixt *Osbaldſton*'s Caſe, and my Lord Biſhop of *Lincoln*'s, for they were only ſent to my Lord of *Lincoln*, but he did never contrive nor publiſh any of them.

'It is evident that he did publiſh theſe, for they were ſpoken of by *Powel* and *Walker*, and the Women did talk of them in the Market.

'But they ſay, That ſome of his Attendants never heard him publiſh any ſuch Speeches at his own Table.

'It is like he did not make it his Table-Talk: But, my Lord, under favour, my Lord of *Lincoln* hath bin too forward to entertain and publiſh libellous Letters.

'If any receive libellous Letters, the receiving is not a publiſhing of them, as it is in 9 *Report. fol.* 59.

'In the 5*th Report*, there is defference betwixt Words and Letters, which concern a private Man and a publick Officer.

'If they do concern a private Man, it is no offence in him that conceals them: but if they concern a publick Officer, he that doth conceal them, is guilty, and ſhall be puniſhed for a Libeller.

'And I conceive my Lord of *Lincoln* to be guilty of Perjury in this Cauſe; and, my Lord, that Perjuries are puniſhable in this Court, (though they are not charged in the Information) doth appear, *Hill.* 2. *Eliz.* & *Hill.* 4. *Eliz.*

'My Lords, I do wiſh that this Age that is ſo much infected with deviſing and divulging ſcandalous Letters and Words, that ſome exemplary Example might be made, that we might hear no more of ſuch ſcandalons Matters.

'My Lords, before the Conqueſt they had very ſtrict Laws againſt Libellers, (as to have their Tongues ſlit); And in the time of *Ed.* 1. and *Ed.* 2. there were ſpecial Commiſſioners appointed to enquire after Libellers, as in the cloſe, *Roll.* Parliament, and ſo I humbly leave them to your Lordſhips.

The Court proceeding to Sentence, declared in general, 'That they had received ſatisfaction that Mr. *Osbaldſton* was the Contriver, Writer, and Publiſher of thoſe odious Appellations of thoſe two great Perſons. That his Defence was ridiculous, and that his End was the ruin of the Arch-Biſhop of *Canterbury*.

‘ As for the Biſhop of *Lincoln*, they ſaid, He was a Perſon of Quality, Parts, and Abilities, and one that once ſat as Judg in this Court: That he ſhewed himſelf very indiſcreet in concealing thoſe Letters, and had thereby made himſelf guilty of a high Crime.

But for further ſatisfaction, take theſe Speeches following made in Court at the ſaid Cenſure.

Sir John Finch, *Lord Chief Juſtice of the* Common Pleas, *ſpake firſt, the Lord* Cottington *being abſent.*

My Lords,

‘THere are two Defendents, ſo there are two Charges in the Information againſt them.

‘ Firſt, They are charged with giving *Nick-names* unto two Honourable Perſons of this Realm.

‘ Secondly, They are charged to *Plot*, and contrive to work an utter ruin and overthrow to my Lord Arch-Biſhop of *Canterbury*. And in thoſe Charges, I ſhall obſerve ſeveral ſteps and degrees.

‘ Firſt, An Endeavour and Agreement between *Oſbaldſton* and my Lord Biſhop of *Lincoln*, to reproach and ſcandalize theſe two Noble Perſons.

‘ Secondly, A publiſhing and divulging of the ſame.

‘ In the ſecond Charge I obſerve theſe Steps.

‘ Firſt, A falſe Rumour raiſed by them.

‘ Secondly, A publiſhing of the ſame.

‘ Thirdly, An endeavour to work the ruin of the Lord Arch-Biſhop of *Canterbury*, by contributing Charges to effect the ſame.

‘ And how far *Oſbaldſton* and the Biſhop of *Lincoln* are guilty, I appeal to your Lordſhips. I ſhall now ſhew the extent of the Information, the Charge being laid to be in or about the 10*th* of *February, M.* 9 *Car.* Which Charge doth comprehend all libellous Letters, either before or ſince 9 *Car.*

‘ But it's true, If in the Letters will not appear that ſenſe which is contained in the Charge, then they ſhall not be within the Charge of the Information, and therefore the Information admits of as much favour to the Defendents as may be: For this Court doth rather deſire to find Men Innocent than Guilty.

‘ I ſhall now come to the Particulars, and ſhall herein obſerve the courſe of the Defendents Counſel, who have diſtinguiſhed my Lord of *Lincoln*'s Caſe from *Oſbaldſton*'s, and ſo ſhall put a difference between them: For though *Oſbaldſton* be guilty, yet it's poſſible that my Lord of *Lincoln* may not be guilty.

‘ And as for *Oſbaldſton*, I hold him as clearly guilty of the Charges in the Information, as any have bin ſentenced in this Court.

‘ For firſt, *Oſbaldſton* was the Contriver and publiſher of thoſe ſcandalous Letters; and I think there is no doubt at all, but that they were meant of the late Lord Treaſurer, and the now Lord Biſhop of *Canterbury*.

‘ Secondly, Your Lordſhips may obſerve, what interpretation the Lord Biſhop of *Lincoln* would make of them: How that my Lord of *Lincoln* himſelf did conceive that he meant the Arch-Biſhop of *Canterbury*.

‘The third is by Witneſſes.

‘Firſt, *Walker* ſaid, That he ſaw divers Letters wherein *Osbaldſton* explained his meaning, That he meant my Lord Treaſurer, and my Lord's Grace of *Canterbury*.

‘Again he ſaith, He ſaw ſome Letters wherein *Osbaldſton* uſed by-words, which my Lord of *Lincoln* did not underſtand until *Osbaldſton* had explained them.

‘Again he ſaith, His Lordſhip did explain many of theſe dark Words that *Osbaldſton* wrote unto him, ſhewing that he meant my Lord's Grace of *Canterbury*.

‘Again he ſaith, That *Osbaldſton* ſpoke baſe words of the Arch-Biſhop.

‘And theſe be his Reaſons why he conceives, that by the Words in the Letters he means the Arch-Biſhop of *Canterbury*; which I conceive be very good and ſufficient Reaſons.

‘The ſecond Witneſs is *Cadwallader Powel*, who ſaith, He uſed theſe words in a Letter, *The little Vermin, the falſe Mediator, the Hocus Pocus*. And the Biſhop of *Lincoln* being in the *Tower*, demanded of *Powel*, Whether any of Mr. *Osbaldſton*'s Letters were found? who anſwered, That they were found; Then, ſaid the Biſhop, *Osbaldſton* is undone.

‘Thus I have thought good to make a difference betwixt my Lord of *Lincoln* and Mr. *Osbaldſton*; for it is confeſſed by my Lord of *Lincoln*, that by one of thoſe is meant my Lord *Treaſurer*; but that ſhall not convict Mr. *Osbaldſton*, but it is plain by his own words what he meant. And that by thoſe words ſhould be meant Dr. *Spicer*, I hold it ſo ridiculous a Defence, that I think he could not have deceived his School-Boys with it.

‘And that by *Leviathan* ſhould be meant my Lord *Richardſon*, there is no colour for that; though for Dr. *Spicer* were confounded, what would the King or State ſuffer by his ruin or confuſion? ſo that certainly it is meant of the Arch-Biſhop of *Canterbury*.

‘For Mr. *Osbaldſton*'s going away, it is not judicially known unto me, and therefore leave it to your Lordſhips.

‘And as for the ſecond Charge, That he did Plot and Contrive for the ruin of the Lord Arch-Biſhop of *Canterbury*, I hold that he is guilty, and that he did ſtir my Lord of *Lincoln* to contribute Mony for that purpoſe.

‘For my Lord of *Lincoln*, I ſhall only ſay this, That the Letter of the *9th* of *January* is ſuch a turbulent and ſcandalous Libel, that a Man of Place and Quality ſhould not give any way thereunto; but that he ſhould receive it, entertain it, and publiſh it, this ſhews that he had long a rancor and hatred towards my Lord Arch-Biſhop.

‘And for the *Nick-names*, I ſhall find my Lord of *Lincoln* guilty as far forth as Mr. *Osbaldſton*, for he did entertain theſe Letters, and did publiſh them, and it was an Agreement and confederacy ſo to do.

‘By way of Defence, my Lord Bp of *Lincoln*'s Counſel did allege;

‘Firſt, That there was an Agreement between *Osbaldſton* and my Lord of *Lincoln*. Again, they ſaid, That there was no certain Appellation of my Lord Arch-Biſhop of *Canterbury*.

‘Secondly, There was proof that my Lord of *Lincoln* did not ſpeak any ſuch words at his Table.

‘Thirdly, They endeavoured to prove, That my Lord of *Lincoln* never wrote any Letters containing any libellous Matter; when-as there was a Letter under his own Hand, which he would not confeſs, although he was brought like a Bear to the Stake, and three times examined about it.

‘Again they ſaid, That he did not receive them, and yet he wrote an anſwer to them.

‘Again, Admit he did receive them, yet he did not publiſh them, but only delivered them to Mr. *Walker* his Secretary.

‘Mr. *Attorney* well remembred the Law, That if a libellous Letter concerning a private Perſon, then he may conceal it; but if it concern a publick Officer, then the concealing of it makes him guilty thereof: And that the Letters were publiſhed is moſt certain, for they were openly ſpoken of by Women in the Market.

‘Another thing of Mr. *Recorder*'s was this; That if my Lord Biſhop of *Lincoln* did underſtand *Oſbaldſton*'s meaning, yet he did not underſtand that he meant my Lord *Treaſurer*, and my Lord's Grace of *Canterbury*.

‘Then, I ſay, He hath ſcandalized my Lord *Treaſurer*, and my Lord Arch-Biſhop of *Canterbury*; for by his own Writing he ſaith, That it was meant of theſe Perſons.

‘The next is, the charge of a *Plot* laid for the ruin of my Lord Arch-Biſhop of *Canterbury*, but I will not condemn my Lord Biſhop of *Lincoln* for that.

‘The next Defence of Mr. *Recorder* was from this, That Mr. *Oſbaldſton* wrote to the Biſhop of *Lincoln*, ſaying, *I hope you will pick out the meaning*, &c. ſo that there was no Confederacy and Agreement between them.

‘Firſt, I ſay, He received the Letters, and publiſhed them.

‘Secondly, He was ſo far from nipping theſe Scandals in the Buds, that he enquired further aſter them.

‘Thirdly, That he was ready and willing to contribute Mony towards the ruin of my Lord Arch-Biſhop of *Canterbury*.

‘I am ſorry that a Man of his Rank and Condition, ſhould make himſelf Companion with a School-maſter.

‘And as for the Aſperſion which they caſt upon Mr. *Walker*, to take away his Teſtimony, I ſee no juſt cauſe thereof.

‘For they ſaid, Either his Depoſition is impoſſible and beyond his knowledg, or elſe that his Reaſons that moved him thereunto, are inſufficient. But for my part I know not how a better Reaſon can be given.

‘Another Objection againſt *Walker* is this, That it was long before theſe Letters were brought forth; and that theſe are not all, but there ſhould be a third Letter.

‘I ſay, It is a wonder that ſo many were brought forth now. But that they had bin loſt, or that my Lord of *Lincoln* had burnt them: for had I a Friend that I profeſſed ſo much kindneſs to, as he did to *Oſbaldſton*, I ſhould be very ſorry that he ſhould ſuffer for his Letters.

‘For the Teſtimony of *Cadwallader Powel*, I hold his Teſtimony as fit to be taken as my Lord Biſhop of *Lincoln*.

‘And for the Charge of the Defendents Counſel, for the ſubtil proſecution by the Sollicitor *Kilvert*, I ſhall ſay little, I know him to be of a good Carriage in other Buſineſſes, therefore if any fault be, I ſhall only deſire that it may be amended for the time to come. I ‘hold that theſe Witneſſes ſtand upright; and as for the other Witneſſes, I ſubmit unto your Lordſhips, for in Sentence I muſt conſider the nature of the Cauſe, and the Perſons.

‘Firſt, I ſhall not acquit my Lord Biſhop of *Lincoln*, nor condemn him ſo much as *Osbaldſton*.

‘I muſt conſider the Perſons offending, and the Perſons againſt whom they have offended.

‘For the Perſons offended, the firſt is the Lord Treaſurer of *England*, one of his Majeſty's Privy-Council.

‘And the ſecond is the Metropolitan of *England*, who hath ever carried himſelf with great truſt and fidelity towards his Majeſty and the Publick Good.

‘And I verily think, that none can accuſe him of the leaſt corruption. In a Court where moſt Cauſes of the Clergy are tried, I did never receive any private Meſſage from his Lordſhip in the behalf of any Clergy Man, which is a thing to be much obſerved in him.

‘For Mr. *Osbaldſton*, he hath bin a Parſon, a Prebend, and a Schoolmaſter. My Lords, I will not ſuffer him, he is ſo turbulent a Perſon, and ſcandalous Libeller, to teach and inſtruct others. I would have him therefore deprived of all his Spiritual Dignities and Promotions, that he never have any place in the Church; neither hold I it fit that he ſhould teach Scholars, (ſhould I do him juſtice, I ſhould adjudg him ſome ſevere corporal puniſhment): I would have him deprived in the High-Commiſſion Court, and then to be ſet on the *Pillory* in this *Palace-Yard*. And that he may be an Example to his Boys, I would have him alſo to ſtand in the *Pillory* in the *Deans-Yard*, and one Ear to be nailed in the *Palace*, and the other Ear to be nailed in the *Deans-Yard*.

‘I do fine him *five thouſand pounds*, and Impriſonment during the King's pleaſure.

‘And I do fine my Lord Biſhop of *Lincoln five thouſand pounds*.

‘And I give to my Lord Arch-Biſhop of *Canterbury*, *five thouſand pounds* apiece for Dammages.

My Lord Chief Juſtice Bramſton's *Speech.*

My Lords,

‘THere are two Defendents, and they have made two Defences. I find my Lord Biſhop of *Lincoln* to be guilty, though not ſo full and in ſo high a nature as Mr. *Osbaldſton*.

‘They are charged to Plot and Confederate together, to ſcandalize two Honourable Perſons, and to raiſe Diſcord in the State, and to ſeek the ruin and overthrow of my Lord Arch-Biſhop of *Canterbury*.

‘*Osbaldſton* wrote a Letter of the *9th* of *January*, and other Letters, which my Lord Biſhop of *Lincoln* is charged with to receive and publiſh.

‘That *Osbaldſton* is guilty of every part of the Charge, I ſhall not need to make any queſtion; neither ſhall I much ſtand upon the validity of the Witneſſes, for I ſee nothing but that he is guilty of all the Charge.

‘I will begin with the firſt Letter of the *9th* of *January*, in which he would have two other Perſons meant there, and not my Lord

'*Treaſurer*; and my Lord's Grace of *Canterbury*; but the one to be meant my Lord *Richardſon*, and the other Doctor *Spicer*.

'Now what compariſon was there between thoſe two Perſons?

'The one was Lord Chief Juſtice, and as for the other, every one knows what he is; ſo that it cannot be meant of theſe two Perſons, for there is no compariſon between them.

'And for theſe words, the *little medling Hocus Pocus works his own confuſion*, &c. How would this be meant of Dr. *Spicer*? For how did Dr. *Spicer* work his own Confuſion? And who would give ſo much to confound Dr. *Spicer*? He is no ſuch eminent Perſon, that any ſhould give ſo much to confound him. So that this Letter is very clear againſt *Osbaldſton*.

'And it ſhews a petulent Spirit, and an inveterate hatred and malice, that he did long bear againſt my Lord of *Canterbury*, without any reaſon or cauſe at all, for he doth not ſhew that he had ever received any wrong or injury from his Grace.

'I come now to the other Letter, wherein *Osbaldſton* writ to the Biſhop of *Lincoln* to contribute Charges to my Lord Treaſurer, for *the ruin of the little great Man*; by which muſt needs be meant the Arch-Biſhop of *Canterbury*: ſo that I ſhall not ſtand longer upon Mr. *Osbaldſton*; for if there were no Witneſſes againſt him, yet I find Matter enough in his own Letters to prove him guilty of the whole Charge, and therefore I ſentence him with my Lord *Finch*.

'For my Lord of *Lincoln*, I cannot ſentence him as a *Libeller*, for there muſt be either a contriving or a publiſhing to make a Man a Libeller, as Mr. *Recorder* well obſerved.

'But I find him guilty of this Charge, That he received the libellous Letters; and of this Charge, That he aſſented to contribute Mony for the ruin of my Lord Arch-Biſhop of *Canterbury*.

'But it is objected, That he concealed the Libel, and therefore he is not guilty.

'The concealing of it doth not clear my Lord Biſhop of *Lincoln*.

'For (as Mr. *Attorny* well obſerved) there is a difference between a Letter that concerns a private Perſon, and a public Officer.

'If a libellous Letter concern a private Perſon, he that receives it may conceal it in his Pocket, or burn it; but if it concern a public Perſon, he ought to reveal it to ſome public Officer or Magiſtrate.

'But it is true, if he divulge it to any but to a Magiſtrate, he is a Libeller; and why ſhould my Lord of *Lincoln* keep theſe Letters by him, but to the end to publiſh them, and to have them at all times in a readineſs to publiſh upon every occaſion?

'For his being degraded, I leave it to thoſe of the Eccleſiaſtical Court, to whom it doth belong.

'And for the other part of his Sentence of the *Pillory*, I am very ſorry and unwilling to give ſuch a Sentence upon any Man of his Calling and Degree. But when I conſider the Quality of the Perſon, and how much it doth aggravate the Offence, I cannot tell how to ſpare him: for theſe conſiderations that ſhould mitigate, makes the Offence the greater, which makes me join with my Lord *Finch* in that part alſo.

'For my Lord of *Lincoln*, I do fine him *three thouſand pounds*, and Impriſonment.

‘And ſeeing the Offence is againſt ſo Honourable a Perſon as my Lord's Grace of *Canterbury*, and there is not the leaſt cauſe of any aggrievance or wrong that he hath done to my Lord of *Lincoln*, therefore in Damage I join with my Lord *Finch*.

‘Secretary *Windebanck*, and Secretary *Cook*, did both join with my Lord *Brampſton* for the Biſhop of *Lincoln*, and with my Lord *Finch* for Mr. *Oſbaldſton*.

Mr. Comptroller *his Speech.*

My Lords,

‘For *Oſbaldſton*, conſidering his place, I cannot but condemn him very much, for by what hath bin alleged, I verily believe that he did mean my Lord *Treaſurer*, and my Lord Arch-Biſhop of *Canterbury*: And my Lord Biſhop of *Lincoln*, and Mr. *Oſbaldſton*, are both guilty of Crimes in a high nature; one would have thought that my Lord Biſhop of *Lincoln*, being a Perſon of that Place and Quality, ſhould not have run himſelf into ſuch danger as to have medled with ſuch Matters; for had he not met with good Counſel, I conceive that he had plunged himſelf in as deep as *Oſbaldſton* in theſe practices.

‘And as for *Oſbaldſton*'s Sentence, I agree with my Lord *Finch*.

‘And for my Lord Biſhop of *Lincoln*, I hold with my Lord *Bramſtone*.

‘As for my Lord of *Canterbury* his Carriage, it is well known to be upright, and therefore I leave it.

The Lord Newburgh *his Speech.*

My Lords,

‘For *Oſbaldſton*, I find him guilty of every part of the Charge; for the other I cannot ſentence ſo deep; for I think my Lord of *Lincoln* is not guilty of the Plotting and Confederating, for the ſcandalizing of thoſe two honourable Perſons; I leave it to your Lordſhips Judgment, and lay all the Charge upon *Oſbaldſton*.

The Earl of Dorſet's *Speech at the Sentence of* Mr. Oſbaldſton.

‘*Ariſtotle* in his Politicks, admits not in the Government, of any School-maſter to the exerciſe of Civil Duties, School-maſters commonly proving the Apes of Tyranny; and being uſed to imperiouſneſs over Scholars, if you put a Sword of Juſtice into his Hand, you may eaſily gueſs how he will lay about him in the State and City.

‘I know not with what ſpirit of Vanity this School-maſter was poſſeſſed, but we ſee the monſtrous birth of it; if the Pedant had kept within his Rules, he might have bin taught not to have diſturbed Government. Look upon this Pragmatical Perſon, and behold the Fact, and what were the Motives, what the Reaſons to bring himſelf upon the Stage.

An. 1638.

‘His ill thoughts expreſt in Ink as black as his Crime; his Pen was ſteep'd in Vinegar and Gall. What was it that ſtain'd the Biſhop of *Lincoln's* Ear with the poiſon of ignominious Titles? It was the Pedant. Who was it, that as a Thief that had ſtollen another's good name away, cries, Burn my Letters, on purpoſe to go in darkneſs of the night? It was a Parſon. Who was it that endeavoured to ſtain the purity of my Lord Arch-Biſhop's Honour with foul aſperſions of Titles, *little Grace*, *little Urchin*, *Vermin*, *&c*? It was Mr. *Oſbaldſton*.

‘Well, I will ſpeak what I think, I fear none but God and the King, and I ſpeak in truth, I am ſure I ſhall offend neither of them. I have enquired of them who are learned in the Laws, who ſay, That the plaineſt Sence is to be taken. The Divines will tell you, That the eaſy Places ſhall explain the more obſcure. And if any Man would examine thoſe Letters, and with judicious comparing the Title of *little Grace* with the other, he will be forced to confeſs the ſenſe of the other, or elſe be blind at noon-day.

‘But as Truth may be cleared by ſtrong and ſolid Reaſon, ſo it may be darkned and ſhadowed by the colours of probability of appearances.

‘But, my Lords, I think the School-maſter alleges his Services to the Common-Wealth, and his being ſlighted for it; That he hath bin theſe many Years, and dedicated his Pains and Time for the good of the Flowers of the Kingdom, *Generoſa debentur*. But I will conſider him as a Man ſubject to his Paſſion, (which to take away, were to take away the Man himſelf): I will allow him his Infirmities, but obſerve a little his Envy, ſee his Merits and Deſerts, which he hath ſo fouly abuſed, with the height of inſolency and bold acceſs, to the very Secrets of Empire and Government, to the diſgrace of thoſe Men of which the Common-Wealth conſiſts. I know not, (my Lords) the Fault of the Man may tranſport my Speech that I abuſe your Patience; but I ſhall give my cenſure of him; I learn'd in the Univerſity, how that a Syllogiſm doth ever follow the worſt part, *ſequitur deteriorem ad partem*, I am ſure his Letter doth: he might have found a better *medium* to make up a Syllogiſm of a Libel, for he hath concluded in the worſt Body of all the Figures, *viz.* in *Bocardo*: So I muſt concur with my Lord *Finch* in cenſure.

‘As for my Lord of *Lincoln*, linked in this Cauſe, I honour the Man for many Cauſes, in many Relations, but for his Secretary *Walker*, and the Clerk of his Kitchin, and the reſt (where-ever the Letters were found); they have dealt like *Acteon's* Hound, that turned againſt and devoured his Maſter; the falſe Secretary, the unjuſt Steward, and the unlawful Clerk of the Kitchin, who were fed at my Lord Biſhop of *Lincoln's* Table in his proſperity, and now in his adverſity they fall upon their Maſter to devour him. I muſt ſay of him, he hath forgotten himſelf, and agree to the Cenſure which the Lord Chief Juſtice *Bramſtone* hath given againſt him. He did not as *Peter* did, when he had denied his Maſter, gone out and weep bitterly for his Offence; but he juſtifies himſelf, and therefore he is fallen into the Lime-twigs of his Adverſary.

The Earl of Arundel's Speech.

My Lords,

'FOr *Osbaldſton*, I find him guilty of every part of the Charge; 'and that he is not ſentenced in a higher nature is, *cauſa de bona* '*fortuna*, for had he bin ſuffered to have perſiſted in his courſe, he 'had ſurely fallen into moſt dangerous Error.

'And therefore I join in Sentence for him with my Lord *Finch*.

'I am ſorry for my Lord Biſhop of *Lincoln*, he hath ſhewed him'ſelf very indiſcreet, being a Perſon of Place and Quality, he now 'falls low in his Eſtate and Dignity; and theſe things will make his 'Spirit fall lower than his Body; and therefore I agree in all things 'with my Lord *Finch*.

Marqueſs Hamilton *his Speech*.

My Lords,

'FOr *Osbaldſton*, I find him guilty of the whole Charge. For my 'Lord Biſhop of *Lincoln*, I cannot find him ſo deeply guilty as '*Osbaldſton*. But certainly my Lord's Grace of *Canterbury* hath bin 'exceedingly wronged. Therefore I give Dammages with my Lord '*Finch*.

'And for *Osbaldſton*, I ſentence him with my Lord *Finch*.

'And as for my Lord Biſhop of *Lincoln*, I join with my Lord '*Brampſton*.

The Earl of Mancheſter, *Lord Privy-Seal, his Speech*.

My Lords,

'FOr *Osbaldſton*, if you take his Words, his Meaning, and the End, 'they will appear to be very heinous.

'Firſt, His Words, to bring contempt and diſgrace upon my Lord 'Biſhop of *Canterbury*.

'Secondly, His Meaning is expreſſed in the words themſelves, to be 'againſt two Honourable Perſons.

'Thirdly, And for the End, that was moſt dangerous and perni'tious. It was to overthrow and work the confuſion and ruin of my 'Lord's Grace of *Canterbury*.

'Setting aſide all the Witneſſes, I will condemn my Lord Biſhop of '*Lincoln* out of his own Mouth, for he denies all.

'Firſt, He denies the receiving of the Letter.

'Secondly, The entertaining of them.

'Thirdly, The publiſhing of them.

'Not as *Peter* did when he had denied his Maſter, to go out and 'weep bitterly for his Offence, but to juſtify himſelf: Yet how can 'my Lord of *Lincoln* deny the Letter that he wrote with his own 'hand, and yet he will not confeſs it to be his own Letter.

'And after he was Priſoner in the *Tower*, he called to Mr. *Cadwal*'*lader Powel*, and demanded if any of Mr. *Osbaldſton's* Letters were 'found? Who anſwered, That they were found. Then ſaid the Bi'ſhop, *Osbaldſton* is undone.

'Secondly, He deſired that they ſhould be kept cloſe and ſecret.

An. 1638.

'Thirdly, Though they were kept cloſe, and only put into the 'Pocket, if they concern a publick Perſon, he is a Libeller.

For *Osbaldſton*, beſides all the corporal puniſhment, I hold fit that 'he ſhould acknowledg his Offence in writing to my Lord's Grace of '*Canterbury*.

'And as for the Biſhop of *Lincoln*, I hold that he ſhould alſo make 'an acknowledgment in writing to the Arch-Biſhop, for he is a Perſon of great Place and Quality. And my Lord of *Lincoln* is under 'Canonical Obedience to the Arch-Biſhop by his Oath; and Diſobedience is a breach of his Oath; therefore he ſhould acknowledg 'his Offence under his own hand.

'For my Lord's Grace of *Canterbury*, he hath ever carried himſelf 'with much gravity in his place, and Piety towards God and the 'King, and the public Good; therefore I leave him in honour as I 'found him, and ſentence the Biſhop of *Lincoln* with my Lord *Bramſtone*; and *Osbaldſton* with my Lord *Finch*.

'The Earl of *Holland* joined in ſentence with my Lord *Finch* for '*Osbaldſton*, and with my Lord *Bramſtone* for the Biſhop of *Lincoln*.

The Lord Keeper *his Speech.*

My Lords,

'If I be not miſtaken, it is miſpending of time in opening the 'Cauſe, therefore I ſhall uſe as much brevity as may be.

'And, firſt, I ſhall begin with the firſt Letter, and think it fit that 'this Letter, and all the Copies thereof, ſhould be ſuppreſſed.

'Yet I may make this uſe of it, That *Osbaldſton* and my Lord Biſhop had a long time continued intercourſe of writing ſcandalous 'Letters, and falſe News.

'Again, I make this uſe of it, That my Lord of *Lincoln* having 'received ſuch a Letter ſo ſcandalous againſt the King and State, did 'conceal the ſame.

'My Lords, For the Letter of the *9th* of *January*, my Lord Biſhop of '*Lincoln* doth deny that he received it; and therefore I think that he 'conceived it to be a ſcandalous Letter, which made him to deny it.

'Again, He kept the Letters by him, that he might have the words 'ready to tell unto every one at his pleaſure.

'And as for the Letter of the *30th* of *January*, he denieth to make 'a perfect anſwer to it.

'It was the ſaying of one that was late Lord *Chancellor*, That *he 'never liked a Cauſe, where there were divers Anſwers in it*; neither can 'I like this, when my Lord Biſhop of *Lincoln* hath bin ſo often examined, and will not make a perfect Anſwer, for he hath thrice bin examined upon this Letter, which is a ſhrewd Argument unto me, 'that he knew well that there was ſcandalous Matter contained in it.

'Next, my Lords, is the publiſhing of theſe libellous Letters, and 'I think it very fit that my Lord of *Lincoln* ſhould be charged with 'the publiſhing of them. If they were in the Band-Box, then that 'was a publiſhing of them; and he delivered a Letter to his Secretary, which was a publiſhing thereof.

'But it's true, If a Man deliver a Letter to his Secretary, and command that he ſhould keep it ſecret, I conceive that is not a publiſhing 'of it.

‘If there were no other proof but this, I ſhould think my Lord Biſhop of *Lincoln* and Mr. *Osbaldſton* to be guilty, not only of contriving, but alſo of publiſhing and divulging ſcandalous Libels againſt the Lord Arch-Biſhop of *Canterbury*, and the State.

‘As for Witneſſes, although there is no need, (for it is plain without Witneſſes) yet there be divers Witneſſes that prove it.

‘Now it remains that I ſhould proceed to Cenſure.

‘It concerns the late Lord *Treaſurer*, one of his Majeſty's Privy-Council, and my Lord Arch-Biſhop of *Canterbury*, two Honourable Perſons: And my Lord Arch-Biſhop had not only bin a Friend to the Biſhop of *Lincoln*, but a faithful Mediator for him to his Majeſty, and was always very faithful in returning his Majeſty's Anſwer unto him; and yet notwithſtanding all this, my Lord of *Lincoln* hath done many heinous Offences againſt the ſaid Arch-Biſhop of *Canterbury*.

‘For *Osbaldſton* his Cenſure, I agree with my Lord *Finch*, and do add thereunto, confeſſion of the Offence, and Submiſſion.

‘And for my Lord Biſhop of *Lincoln*, I agree with my Lord *Bramſtone*.

The Sentence of the Court was,

‘THat Mr. *Osbaldſton* ſhould be fined *five thouſand pounds* to the King, and pay *five thouſand pounds* Dammages to the Arch-Biſhop; be deprived of all Spiritual Dignities and Promotions; impriſoned during the King's Pleaſure, and make Submiſſion.

‘That the Biſhop of *Lincoln* be fined in *five thouſand pounds* to the King, and *three thouſand pounds* to the Arch-Biſhop; to be impriſoned during the King's Pleaſure, and to make Submiſſion.

‘And *Osbaldſton* was ſentenced to ſtand in the Pillory in the *Deans-Yard*, before his own School, and his Ears to be only nailed to the Pillory.

It ſo hapned, though the report was that *Osbaldſton* was run away, that he was in Court ſtanding in the Croud at the Cenſure; and when he heard the ſaid Cenſure of ſome of the Lords, he gueſſed the Cauſe would go againſt him, and knowing the rule of the Court, That if the Warden ſhould eſpie him in Court, he might command his Tipſtaff to apprehend him; as ſoon as the major part of the Court had paſt Cenſure upon him, although the Lord *Keeper* had not then given his ſenſe; therefore he got out of Court, went to his Study at the School, burnt ſome Papers, and writ on a Paper, which he left on his Desk, That *if the Arch-Biſhop inquire after me, tell him, I am gone beyond* Canterbury. Whereupon Meſſengers were ſent to the Port-Towns to apprehend him; but he lay hid in a private Houſe in *Drury-Lane*, till the Parliament met in *November* 1640.

An. 1638.

Carolus Rex.

Right truſty and well-beloved Couſins and Counſellors, We greet you well.

A Copy of the King's Letter to the Nobility, &c.

The late Diſorders in Our Realm of Scotland, begun upon pretence of Religion, but have bin raiſed by Factious Spirits, and fomented by ſome few ill, treacherous-affected Perſons, whoſe aim hath bin, by troubling the Peace of that Our Kingdom, to work their own particular Ends, and indeed to ſhake off all Monarchical Government; although We often aſſure them, that We reſolve to maintain conſtantly their Religion eſtabliſhed by the Laws of that Kingdom; is now grown to ſo high and dangerous Conſequence, that under their ſiniſter Pretences, they have ſo far ſeduced many of Our People there, that great and conſiderable Forces are raiſed and aſſembled in ſuch ſort, as We have reaſon to take into Our conſideration, the Defence and Safety of this Our Kingdom of England: And therefore upon due and mature conſultation with the Lords of Our Privy-Council, We have reſolved to repair, in Our Roial Perſon, to the Northern Parts of this Our Kingdom, there, by the help of Almighty God, and the aſſiſtance of Our loving Subjects, to make Reſiſtance againſt any Invaſion that may happen. And to the end that this with expedition may be effected as We deſire, to the Glory of God, and the Safety of Us and this our Kingdom of England, We have directed, that a conſiderable Army, both of Horſe and Foot, ſhall forthwith be levied out of all the Shires of this Our Kingdom, to attend Us in this Action; wherein We nothing doubt, but that the Affection, Courage, and Fidelity of Our People will appear. We in the mean time have thought fit to give you notice of this Our Reſolution, and of the State of theſe Affairs: And withal hereby do require you to attend Our Roial Perſon and Standard at Our City of York, the firſt day of April next enſuing, with ſuch Equipage, and ſuch Forces, as your Birth, Honour, and Intereſt in the Commonalty doth oblige you to, &c. And We do, and have reaſon to expect from you a performance hereof; and theſe Our Letters ſhall be as ſufficient and effectual a Warrant and Diſcharge unto you, to put your ſelf, and ſuch as ſhall attend you, into Arms and Order as aforeſaid, as if you were authorized thereunto under Our Great Seal of England. And We do hereby require you to certify under your hands, within fifteen days after the receipt hereof, what Aſſiſtance We ſhall expect from you herein, and to direct the ſame to one of Our Principal Secretaries of State.

Given under Our Signet, at Our Palace of Weſtminſter, the 15th day of February, in the 14th Year of Our Reign.

Whilſt the King was gone towards the North, the Clergy went on briskly with their Contribution to the War againſt the *Scots*, as by a particular Account following will appear.

	l.	*s.*	*d.*
THe Contribution of the Clergy in the Dioceſs of *Canterbury*, as appears by Mr. *Will. Cranmer's* Account, *An.* 1639. amounted to	534	05	03
Of the Dean & Prebends of the Cathed. of *Canterbury*	300	00	60
Bangor Dioceſs	192	08	08
Briſtol Dioceſs	714	11	08
Chicheſter Dioceſs	985	16	00
Ely Dioceſs	764	08	00
Gloceſter Dioceſs	566	07	05
Hereford Dioceſs	662	01	03
Lincoln Dioceſs in *Bedford*	315	19	06
In the Arch-Deaconry of St. *Albans* in *Hertfordſhire*	72	12	04
In the Arch-Deaconry of *Huntington*	209	14	06
Norwich Dioceſs, in the Arch-Deaconry of *Norwich* and *Norfolk*	1094	16	08
In the Arch-Deaconry of *Suffolk* and *Sudbury*	921	19	09
Wincheſter Dioceſs	1305	05	08
Worceſter Dioceſs	624	19	07
The Dean and Chapiter of *Windſor*	200	00	00

What was contributed in other Dioceſſes, we want a perfect account thereof; but in all theſe forementioned, every particular Clergy-Man's Contribution is ſpecified by Name; and the Names of thoſe who refuſed, or were unable to contribute, were ſpecially certified, and returned to the Arch-Biſhop.

The Contribution of the Doctors of the Civil Law, at *Doctors-Commons*, as appears by ſeveral Notes under Sir *John Lamb's* own Hand, found among his Writings, amount to 671 *l.* 13 *s.* 4 *d.* paid in.

How ready ſuch of the Clergy were, as inclined to contribute to this War, will evidently appear by this Letter of Dr. *John Pocklington*, (who wrote *Sunday no Sabbath*) to Sir *John Lamb.*

SIR,

ON Thurſday *and* Friday *laſt, the Clergie met at* Bedford, *before Mr.* Commiſſary, *Mr.* Thorne, *and my Self. We found them willing to contribute as much as was propounded. The pooreſt that gave any thing at all, gave no leſs than* 3 s. 10 d. *in the pound, without deducting of Tenths; the moſt gave after* 4 s. *ſome* 5 s. *ſome after* 6 s. *in the pound. Much of the Mony is paid in, and I ſuppoſe it will be all in Mr.* Commiſſary's *Hands by the 26th of this Month, the day appointed for the paiment. I doubt not but the Clergie of* England *will teach the Miniſters of* Scotland *Duty and Obedience; and if their Laity will be taught the like by Ours, his Majeſty I hope will have a Roial and Joiful Progreſs into* Scotland; *which God grant.*

At this Meeting, I underſtand that Dr. Micklethwait *is the Man in nomination for* Sandy; *he is my old Acquaintance, and very good Friend, whom I love with all my heart, for I take him to be a right Man for the Church; and if it might pleaſe God that he might be better accommodated nearer his own Means, I think we ſhould mutually rejoice.*

An. 1638. *No Parſonage of* England *could fit me better than* Sandy; *it is of good value, it would draw me out of that Corner, where my ſtirring for Church-Rights makes me leſs acceptable with ſome great Hands.*

As the Clergy of the Church of *England* did liberally contribute to aſſiſt his Majeſty with a ſupply of Mony againſt the *Scots*, ſo the Subjects of *England*, of the *Romiſh* Religion, were not wanting to follow that Example; nor the Queen in countenancing the ſame, as by the Papers following will appear.

The Queen's Letter for the leavying of Mony againſt the *Scots*.

Henrietta Maria R.

WE have ſo good a belief in the Loialty and Affection of his Majeſty's Catholick Subjects, as we doubt not but upon this Occaſion, that hath called his Majeſty into the Northern Parts, for the Defence of his Honour and Dominions, they will expreſs themſelves ſo affected, as we have always repreſented them to his Majeſty. So in this common conſent which hath appeared in the Nobility, Judges, Gentry, and others, to forward his Majeſty's Service by their Perſons and States; we have made no difficulty to anſwer for the ſame correſpondency in his Catholick Subjects, as Catholicks: Notwithſtanding they all have already concurred to this his Majeſty's Service, according to the Qualities whereof they are, when others of the ſame Quality were called upon: For we believe that it became us, who have bin ſo often intereſſed in the Solicitation of their Benefits, to ſhew our ſelves now in the perſuaſion of their Gratitudes. Therefore having already, by his Majeſty and by other means, recommended to them this earneſt deſire of Ours, to aſſiſt and ſerve his Majeſty by ſome conſiderable ſum of Mony freely and chearfully preſented: We have thought fit (to the end that this our deſire may be the more publick, and the more authorized) hereby to give you Commiſſion and Direction, to diſtribute Copies under your hand of this Teſtification thereof, unto thoſe that have met in London by our Direction about this Buſineſs, and unto the ſeveral Collectors of every County. And as we preſume the ſum they will raiſe, will not be unworthy our preſenting to the King; ſo ſhall we be very ſenſible of it, as a particular reſpect to our ſelves, and will endeavour, in the moſt efficacious manner as we can, to improve the Merit of it, and to remove any apprehenſion of Prejudice, that any (who ſhall employ themſelves towards the Succeſs of this Buſineſs) may conceive by this, and be aſſured, That we will ſecure them from all ſuch objected Inconveniencies. And we are very confident, that this our firſt Recommendation will be ſo complied withal, as may not only afford us particular ſatisfaction, but alſo facilitation towards their own Advantages.

At this juncture of time, when theſe Contributions were ſet on foot to raiſe Monies to ſupply the King againſt the *Scots*; there was delivered to the hands of the Author of theſe *Collections*, by one Mr. *Audly*, ſince deceaſed, a Copy of a Paper which he ſaid he had from a *Romiſh* Recuſant, averring it to be ſent from the Pope to his Nuncio in *England*, which in regard it relates to the Scotiſh Affairs, (though we have no other Voucher for the ſame) yet we thought fit to communicate a Copy thereof to the Reader, which followeth in theſe words.

14 *Caroli.*

A Letter from the Pope to his *Nuncio* in *England*, at the beginning of the War with *Scotland*, but badly tranſlated.

YOu are to command the Catholicks of England in general, That they ſuddenly deſiſt from making ſuch offers of Men towards this Northern Expedition as we hear they have done, little to the advantage of their Diſcretion: And likewiſe it is requiſite, conſidering the penalty already impoſed, that they be not too forward with Mony, more than what Law and Duty enjoins them to pay, without any Innovation at all, or view of making themſelves rather weaker Pillars of the Kingdom than they were before.

Inform the Provincials of every Order, that it is expreſly prohibited, no more Aſſemblies (of what nature ſoever) ſhall admit of the Laity to have either Voice or Seſſion in it, being what will be urged for a Precedent, is but only an Uſurpation.

Declare unto the beſt of the Peers and Gentlemen, by word of Mouth or Letter, That they ought not to expreſs any averſeneſs, in caſe the High Court of Parliament be called; nor ſhew any diſcontent at the Acts which do not point-blanck aim at Religion, being in general the moſt Fundamental Law of that Kingdom.

Adviſe the Clergy to deſiſt from that fooliſh, nay rather illiterate and childiſh cuſtom of Diſtinction in the Proteſtant and Puritan Doctrine. And eſpecially this Error is ſo much the greater, when they undertake to prove that Proteſtantiſm is a degree nearer the Catholick Faith than the other; For ſince both of them be without the verge of the Church, it's needleſs Hypocriſy to ſpeak of it, yea, it begets more malice than its worth.

That the Provincials are herein required to give a general warning through all Orders, That no Religious Perſon ought to be ſeduced (by any Noble Men, either Officers of the Crown, or the like, who pretend to be Eciſmatick) into a Premunire. For he that dares not follow the Truth as his Conſcience directs him, is not worthy to be ſought or followed by any of our Faith. But on the other ſide we give the like command, That whoſoever is thought enclining to God in his heart, let no Man be ſo raſh to boaſt and ſpeak it abroad.

All buſy Enquiries are forbidden, but eſpecially into Arcanaes of State.

That none of the Church, whether Lay-Brother or Eccleſiaſtick, contribute ſo largely as they have done to the Society, but diſpoſe their Charity, that every Order may partake alike.

An. 1638.

A Copy of the Letter ſent by thoſe aſſembled in *London*, where the Pope's *Nuncio* ſat as Chief, to them of the *Romiſh* Religion in every Shire.

Concerning the Pope's *Nuncio.*

THe incloſed Advices and Motives being ſo ample, (as you will perceive by peruſing them) it will not be needful that we enlarge our ſelves upon any Particulars concerning the conduct of the Buſineſs which they direct the way in. This therefore ſerveth only to convey them to you, (as we are entreated by thoſe that have met here, and have undertaken to do it) and deſire you to repair immediately unto thoſe Perſons to whom they be directed, and to deliver the ſame unto them in the Name of all the Noble-Men and Gentry (together with our Selves) aſſembled here at London, *by the Queen's Commandment, to ſet forward this Work. And we pray you aſſure them, in the moſt efficacious manner you can, (engaging all our Credits for truſt thereof) That it is the Sence of us all, both Eccleſiaſtical and Lay Perſons, that by the diſcharging of their and our Duties to God and the King; it mainly importeth the good of Catholicks to have their Buſineſs take good ſucceſs. Therefore entreat them to deal actively, and efficaciouſly, and ſpeedily, according to theſe Advices and Motives. We are ſo well perſwaded of their Devotion to put forwards ſo pious a Work, that we doubt not but they will be as well ſatisfied in the needfulneſs of the thing, and be as ready to employ themſelves in it, (receiving the Aſſurance thereof, and Perſuaſions thereunto, only from our hands) as if they came by all the moſt formal ways that can be imagined; which, in a buſineſs of this nature cannot be expected. And although the Advices and Motives be directed only to Lay-Gentlemen; yet we deſire you (and have anſwered for you) that you will employ your ſelves, and all thoſe that depend on you, ſincerely to ſolicit and diſpoſe all their minds that you have relation unto, as powerfully as you can, to contribute chearfully and bountifully upon this Occaſion; which is the firſt that ever we laboured in of this kind, ſo we hope in God it will be the laſt, there being no probability of ſo preſſing and urgent a nececeſſity to occur any more.*

Yours, &c.

Sir Kenelme Digby, *and Mr.* Mountague's *Letter, concerning the* Contribution *againſt the* Scots, *by the King's Subjects of the* Romiſh *Religion.*

April.

IT is ſufficiently already known to every one, the extraordinary Graces and Protections we owe the Queen's Majeſty, to whoſe favourable Interceſſion we muſt aſcribe the happy Moderation we live under; ſo as we doubt not but an occaſion of the expreſſion of our Gratitudes will joifully be embraced by every Body, which the preſent eſtate of his Majeſty's Affairs doth now offer us. We have already, by our former Letters, endeavoured to prepare you to a chearful Aſſiſtance of his Majeſty, in his declared Journey to the Northern Parts, for the ſecuring of his Kingdom, and ſuch other Purpoſes as his Roial Wiſdom ſhall reſolve of; that ſo you may really demonſtrate your ſelves as good Subjects as God and Nature requires of you. Now her Majeſty hath bin graciouſly pleaſed to recommend unto us the Expreſſions of our Duties and Zeal to his Majeſty's Service,

Service, by ſome conſiderable Gift from the Catholicks. And to remove all Scruples, (that even well-affected Perſons may meet with) ſhe undertakes to ſecure us, and all that ſhall employ themſelves in this Buſineſs, from any inconvenience that may be ſuſpected, by their or our forwardneſs and declaration in this kind; it will eaſily appear to every Body how much it imports us, in our ſenſe of his Majeſty's Deſires, to preſs every Body to ſtrain himſelf, even to his beſt Abilities, in this Propoſition, ſince by it we ſhall certainly preſerve her graciouſneſs to us, and give good Characters of our Devotion to the King and State; of whoſe benignity we have all reaſon to give Teſtimonies, and to endeavour to produce Arguments for the proſecution and encreaſe of it.

Now for the beſt expedition of this Buſineſs, (which is the chief Circumſtance that importeth in it) we have thought fit to recommend it to your nominations of ſuch Perſons as ſhall in your Opinions be agreed, for the ableſt and beſt diſpoſed in every ſeveral County, not only to ſollicit, but to collect ſuch voluntary Contributions, as every Bodies Conſcience and Duty ſhall proffer. And we ſhall deſire you to give us an account of what acceptation it receives from Friends, which we cannot but expect very ſucceſsful, and anſwerable to the forwardneſs we meet with here about London; *for which we ſhall offer up our Prayer to God.*

Wal. Mountague.

Ke. Digby.

We crave leave a little to digreſs in point of Time, and to inſert ſomething pertinent to what is before mentioned to be written by the Queen's Majeſty, to the King's Subjects of the *Romiſh* Religion, to encourage them to contribute Mony for the Service of the King againſt the *Scots*; for that when the Parliament met, *Novemb.* 3. 1640. her Majeſty underſtanding that the Parliament did take it ill for writing in that manner, and for that end mentioned in her Letter, did ſend a Meſſage to the *Houſe of Commons* by the *Comptroler*, which he delivered in theſe words.

'That her Majeſty has bin ready to uſe her beſt endeavours for the 'removing of all miſunderſtanding between the King and King'dom.

'That at the requeſt of the Lords, who petitioned the King for a 'Parliament, her Majeſty at that time writ effectually to the King, and 'ſent a Gentleman expreſly to perſwade the King to the holding of a 'Parliament.

'That ſhe hath ſince bin moſt willing to do all good Offices be'tween the King and the People, which is not unknown to divers of 'the Lords, and ſo ſhall ever continue to do, as judging it the only 'way of happineſs to the King, her Self, and Kingdom.

'That all things be juſtly ſetled between the King and his People; 'and all Cauſes of miſunderſtanding taken away and removed.

'That her Majeſty having taken into conſideration, that one being 'ſent to her from the Pope, is diſtaſtful to the Kingdom, ſhe is deſi'rous to give ſatisfaction to the Parliament within convenient time, 'and will remove him out of the Kingdom.

An. 1638.

‘That underſtanding likewiſe, that exception hath bin taken at the great reſort to her Chappel at *Denmark-Houſe*, ſhe will be careful not to exceed that which is convenient and neceſſary for the exerciſe of her Religion.

‘She further taketh notice, That the Parliament is not ſatisfied with the manner of raiſing Mony for the Aſſiſtance of the King in his Journey to the North, in the Year 1639, at her entreaty from the Catholicks; ſhe ſays, That ſhe was moved thereunto, meerly out of her dear and tender affection to the King, and the Example of other his Majeſty's Subjects, ſhe ſeeing the like forwardneſs in others for the Aſſiſtance of the King.

‘If any thing be illegal, ſhe was ignorant of the Law, and was carried therein only out of a great deſire to be aſſiſting to the King in ſo preſſing an Occaſion; but promiſeth to be more cautious hereafter, and not to do any thing but what may ſtand with the eſtabliſhed Laws of the Kingdom.

‘Her Majeſty being deſirous to employ her own Power to unite the King and People, deſireth the Parliament to look forwards, and paſs by ſuch Miſtakes and Errors of her Servants as they may be guilty of formerly; and this your reſpect ſhe promiſeth, ſhall be repaied with all good Offices ſhe can do to the *Houſe*, which you will find with real Effects as often as there ſhall be occaſion.

The Names of the Collectors for gathering the Recuſants *Mony, to maintain a War againſt the* Scots.

Bedfordſhire.

MAſter *Church*, Sir *Robert Charnock*, Mr. *Robert Hewet*.

Barkſhire.

Mr. *Anthony Inglesfield*, Mr. *Tirrel*.

Bucks.

Mr. *Robert Dormer*, Sir *Edward Manſield*, Mr. *Throgmorton*, Maſter *Bringhurſt*.

Cambridgſhire.

Mr. *Henry Huddleſton*, Mr. *Charles Paryes*, Mr. *Barker*.

Cheſhire.

Mr. *Bidulph* of *Bidulph*, Sir *William Maſſey*, Mr. *William Stanley*, Mr. *James Pool*.

Cornwal.

Mr. *Victor*, Mr. *Burlacey*, Mr. *Trevelion*.

Cumberland.

Sir *Francis Howard*, Mr. *Joſeph Porter*.

Darbyſhire.

Sir *Francis Willoughby*, Mr. *Avery* of *Haſſop*, Mr. *Pool* of *Spinckill*.

Devonſhire.

Sir *Edward Carey*, Mr. *Berry*, Mr. *Anthony Gifford*, Dr. *Chicheſter*.

Dorſetſhire.

Mr. *George Penny* the Elder, Mr. *George Arundel*, Mr. *Web* of *Lanford*, Mr. *Wells* of *Purbeck*.

Durham.

Sir *Ralph Conniers*, Mr. *George Collingwood*, Mr. *Edward Smith*.

14 Caroli.

Eſſex.

Mr. *William Peters*, Mr. *Thomas Wright*, Mr. *Richard White.*

Glouceſterſhire.

Sir *John Winter*, Mr. *Wakeman*, Mr. *Benedict Hall*, Mr. *Atkinſon.*

Hertfordſhire.———

Huntingdonſhire.

Mr. *Price* of *Waſhingley*, Sir *Thomas Shirley*, Mr. *Thomas Cotton.*

Herefordſhire.

Mr. *William Bodenham*, Sir *John Wigmore*, Mr. *William Moor* of *Burrop*, Mr. *John Harp.*

Hampſhire.

Mr. *John Arundel*, Mr. *George Penny* the Younger, Mr. *Will. Owen.*

Kent.

Mr. *Benjamin Wyborne*, Mr. *Clement Finch*, Mr. *Pettite.*

Lancaſhire.

Mr. *Bradſhaw*, Sir *Cecil Crayford*, Sir *William Gerrard*, Mr. *Molineaux* of the *Wood*, Mr. *Townley* of *Townley*, *Anderton* of *Loſtock.*

Leiceſterſhire.

Sir *Francis Englefield*, Mr. *Golding.*

Lincolnſhire.

Mr. *Anthony Mounſon*, Sir *John Thimbleby*, Mr. *Robert Conſtable.*

London and Middleſex.

Mr. *Cape*, Mr. *Rox*, Mr. *Becket*, Mr. *Richard Bethem*, Mr. *Edward Harp*, Mr. *Morgan*, Mr. *John Chapperley*, Dr. *Kirton.*

Norfolk.

Mr. *Everrard*, Mr. *Charles Walgrave*, Sir *Henry Beddingfield*, Maſter *William Paſton.*

Northamptonſhire.

Sir *William Saunders*, Mr. *John Poulton.*

Nottinghamſhire.

Mr. *Thomas Smith* the Elder, Mr. *Thomas Smith* the Younger.

Northumberland.

Sir *William Fenwick*, Mr. *Haggerſton*, Mr. *Withrington*, Sir *Edward Ratcliff.*

Oxfordſhire.

Sir *Richard Farmer* of *Kiddington*, Mr. *William Stone*, Mr. *Ralph Sheldon.*

Rutlandſhire.

Mr. *Nicholas Cripps*, Mr. *William Andrews*, Mr. *Alcock*, Mr. *James Digby.*

Shropſhire.

Sir *Baſil Brook*, Mr. *Plowden*, Mr. *John Harrington.*

Somerſetſhire.

Mr. *Raine*, Mr. *John Ewins* the Elder.

Staffordſhire.

Mr. *Brook* of *Lapley*, Mr. *Stamford* of *Perry-Hall*, Mr. *Philip Draycot.*

Surrey.

Mr. *Edward Cotton*, Sir *Richard Weſton.*

Suſſex.

Sir *John Shelley*, Sir *John Carrol.*

Suffolk.

Sir *Francis Mannock*, Sir *Roger Martin*, Sir *Edward Sylyard*, Maſter *Thomas Bedingfield* of *Bedingfield.*

Warwick-

Warwickſhire.

Mr. *Anthony Dormer*, Mr. *Thomas Morgan*, Mr. *William Shelden*, Mr. *Richard Middlemore.*

Wiltſhire.

Mr. *William Arundel*, the Lord *Baltimore*, Mr. *Edward Stilling.*

Worceſterſhire.

Mr. *William Abingdon*, Mr. *William Shelden.*

Weſtmoreland.

Mr. *Anthony Ducket*, Mr. *John Leyborne*, Mr. *Fleming.*

Yorkſhire.

Eaſt-Riding, The Lord *Dunbar*, Mr. *Brigham*, Mr. *Langdail.*

Weſt-Riding, Baronet *Vavaſar*, Baronet *Gaſcoin*, Mr. *Thomas Waterton*, Mr. *Philip Hungate.*

North-Riding, Mr. *Craythorn* the Younger, the Lord *Fairfax* of *Gilling*, Mr. *Anthony Mennell*, Mr. *Lawrence Saire.*

Iſle of Wight.	
Anglesey.	
Brecknock.	Mr. *Winter*, Mr. *Bevan*, Mr. *Maddock.*
Carnarvon.	Mr. *Lewis.*
Caermarden.	Mr. *Towley.*
Cardigan.	——*Lewis.*
Glamorgan.	Mr. *Turbervile* the Younger.
Denbigh.	Mr. *Richard Floyd*, Mr. *Crew.*
Flintſhire.	Sir *John Connoway*, Mr. *Pennal.*
Monmouth.	Sir *Charles Somerſet*, Mr. *Morgan* of *Lantarnam*, Mr. *Morgan* of *Itton.*
Montgomery.	Sir *Percy Herbert.*
Merioneth.	
Pembrookſhire.	Mr. *Towneley* of *Arnoſtill.*
Radnorſhire.	*Thomas Crowther.*

A Note of thoſe Shires which are deſigned to ſet forth *Foot* and *Horſe* for his Majeſty's Service againſt the *Scots.*

	Foot.	Horſe.		Foot.	Horſe.
Kent	1200	150	**Devon**	2000	60
Cornwal	1500	000	**Eſſex**	1500	125
Somerſet	1200	150	**Gloceſter**	1000	100
Wilts	700	78	**Warwick**	300	44
Bedford	200	40	**Hartford**	500	40
Berks	400	44	**Norfolk**	1800	200
Middleſex	750	40	**Northampton**	700	150
Buckingham	300	40	**Southampton**	1000	85
Oxon	300	40	**Surrey**	500	65
Cambridg	400	40	**Suſſex**	640	80
Suffolk	1500	50	**London**	3000	000
Dorſet	700	50			

WALES.

WALES.

	Foot.	Horſe.		Foot.	Horſe.
Flint	60	25	**Pembrook**	150	50
Angleſey	100	22	**Montgomery**	100	100
Brecknock	100	17	**Radnor**	50	50
Cardigan	50	17	**Hereford**	150	40
Carmarthen	100	17	**Shropſhire**	300	35
Caernarven	500	12	**Worceſter**	300	35
Denbigh	250	25	**Merioneth**	150	23
Glamorgan	† 1000	100	**Briſtol**	50	000
Monmouth	500	56			

The ſum of Foot —— 23670
The ſum of Horſe —— 2366

† If not a miſtake.

A true Liſt of the number of *Horſe*, *Pikemen*, and *Muſquetiers*, *Dragoons* and *Curaſiers*, ſet out for this preſent Service for *Scotland*, at the Charge of theſe Counties and Shires following.

Cumberland	125 Pikes.	125 Muſq.	50 Dragoons.
Northumberland	250 Pikes.	250 Muſq.	100 Drag.
Weſtmerland	125 Pikes.	125 Muſq.	50 Drag.
Newcaſtle	250 Pikes.	250 Muſq.	350 Drag.
York	6720 Muſq.	5521 Pikes.	60 Horſe.
Dureſme	532 Muſq.	500 Pikes.	
Lancaſhire	420 Muſq.	180 Pikes.	50 Drag.
Northumberland	282 Muſq.	125 Pikes.	
Cheſhire	356 Muſq.	244 Pikes.	50 Car.
Stafford	248 Muſq.	152 Pikes.	30 Horſe.
Derby	239 Muſq.	161 Pikes.	74 Horſe.
Lincoln	1080 Muſq.	720 Pikes.	230 Car.
Leiceſter	290 Muſq.	110 Pikes.	38 Horſe.
Rutland	60 Muſq.	40 Pikes.	30 Horſe.

Weſtmerland, *Cumberland*, *Northumberland*, and the Town of *New-Caſtle*, are not to March into the Field but upon ſpecial Direction.

The Total of all the Foot in the ten Counties —— 19483
The Total of all the Horſe —— 1233

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A Liſt of *Horſes* and *Carters* to be ſent out of divers Counties, for Carriage of the Train of Artillery, &c.

	Horſes.	Carters.		Horſes.	Carters.
Bedford	50	17	Middleſex	30	10
Berks	30	10	Norfolk	60	20
Buckingham	50	17	Northampton	70	23
Cambridg	50	17	Nottingham	50	17
Derby	60	20	Oxon	40	13
Dorſet	20	07	Rutland	20	07
Eſſex	60	20	Salop	40	13
Glouceſter	50	17	Somerſet	20	07
Hertford	50	17	Southampton	50	17
Hereford	30	10	Stafford	50	17
Huntington	50	17	Suffolk	60	20
Kent	20	07	Warwick	60	20
Leiceſter	70	23	Worceſter	50	17
Lancaſter	50	17	Wilts	50	17
Lincoln	60	20			

Total of Horſes —— 1350

A Liſt of his Majeſty's Navy, with the Names of Ships for this Summer, 1639.

	The Captains.	
The *Rainbow*	Sir *John*	*Pennington.*
The *Vantguard*	Capt.	*Povey.*
The *Victory*	Capt.	*Mimms.*
The *Unicorn*	Capt.	*Murrey.*
The *James*	Capt.	*Figg.*
The *Leopard*	Capt.	*Cartwright.*
The *Antelope*	Capt.	*Stradling.*
The *Bonaventure*	Capt.	*Feilding.*
The *Dreadnought*	Capt.	*Kirk.*
The *Mary-Roſe*	Capt.	*Hall.*
The *Expedition*	Capt.	*Sturgsby.*
The *Providence*	Capt.	*Flemmin.*
The *ſecond Whelp*	Capt.	*Barlow.*
The *eighth Whelp*	Capt.	*Fox.*
The *Roebuck*	Capt.	*Wolward.*
The *City Ship*	Capt.	*Popham.*

At Whitehall, *Febr.* 16. 1638.

A Letter to the Lord Arch-Biſhop of *Canterbury* his Grace, touching Clergy-men, *Defaulters at Muſters* in the County of *Devon*.

WHereas the Deputy Lieutenant of the County of Devon, *returned a Certificate to the Earl of* Bedford, *Lord Lieutenant of that County, and his Lordſhip to the Board, of divers Defaulters in Arms in the ſaid County. And namely among others, Mr.* Pyne *Clerk of* Beerfortis, *Mr.* Burnal *Parſon of* Highbickington, *Mr.*Strode *Rector of* Dittiſham, *and the Parſons of* Woulſworth, Puddington, Waſhford, Eaſt-Buckland, Bondly, Cleveborough, *and* Bittadon, *for their Spiritual Livings; which ill Example of theirs, may prove very prejudical to his Majeſty's Service. We have therefore thought good hereby, to pray your Grace to ſend to the Lord Biſhop of that Dioceſs concerning the ſame; that his Lordſhip calling the Parties aforeſaid before him, may give effectual directions to them to conform themſelves, and forthwith provide ſuch Arms as by the Biſhop of that Dioceſs have bin, or ſhall be ſet upon them; which if they, or any of them, ſhall refuſe to do, in convenient time, after notice given them, then his Lordſhip is to require them, ſo refuſing, to give their perſonal attendance upon the Board ſome day in* Eaſter-*Tearm next; And ſo*, &c.

At *Whitehall*, *Feb.* 16. 1638.

A Letter directed to the Earl of *Newport*, Maſter of the Ordnance.

WHereas Sir Jacob Aſhley *hath advertiſed, that it is requiſite there ſhould be ſent to* Hull *a proportion of Arms for Curaſſiers, and a good number of Partiſans and Halberts, which together with ſome other Arms, both for Horſe and Foot, he deſires may (as he ſhall ſee cauſe to direct) be by Captain* Legg, *or ſuch other as ſhall have charge thereof at* Hull, *ſent thence to* York, *to be there ſold to ſuch Perſons of that County as ſhall deſire to buy the ſame for their uſe. We have therefore thought good hereby to pray and require your Lordſhips forthwith not only to ſend to* Hull 200 *Curaſſiers,* 100 *Partiſans, and* 200 *Halberts, but alſo to give Order and Warrant to Captain* Legg, *and ſuch other as have or ſhall have charge of his Majeſty's Arms and Munition which are at* Hull, *or ſhall be ſent thither, to ſend from time to time to* York, *or elſewhere thereabouts, ſuch Arms and Munition, either for Horſe or Foot, as Sir* Jacob Aſhley *ſhall under his Hand direct, and to deliver the ſame into the Hands and Charge of ſuch Perſons as the Vice-Preſident of* York *ſhall appoint to receive, ſell, and deliver the ſame for the uſe of the Country; for which this ſhall be your Lordſhips Warrant. And ſo praying your Lordſhip to give a ſpeedy Order herein accordingly, we bid*, &c.

February 27.

The King's Majeſty cauſed a Proclamation and Declaration to be publiſhed, to inform his Loving Subjects of his Kingdom of *England*, of the ſeditious Practices of ſome in *Scotland*, ſeeking to overthrow his Regal Power, under falſe pretence of *Religion*.

RECiting, That whereas We have endeavoured now, for a long time together, by all calm and fair ways, to appeaſe the Diſorders, and tumultuous Carriages cauſed by ſome evil-affected Perſons in Our Realm of Scotland, but hitherto all in vain; We have now thought it not only fit, but neceſſary in general, to inform all Our loving Subjects in this Our Realm of England, what the Truth is of Our Proceedings, what Our lenity and gentleneſs hath bin towards them, and what froward and perverſe Returns they have made to Us, notwithſtanding all their ſpecious Pretences, the better to inſinuate themſelves and their odious Cauſe, into the minds of Our Loial Subjects here. Theſe Diſorders and Tumults have bin thus raiſed in Scotland, and fomented by factious Spirits, and thoſe traiterouſly affected, began upon pretences of Religion, (the common Cloak for all Diſobedience) but now it clearly appears, the aim of theſe Men is not Religion, as they falſly pretend and publiſh, but it is to ſhake all Monarchical Government, and to vilify Our Regal Power, juſtly deſcended upon Us over them: Nay, their Malice reaches ſo far, both againſt Our Power and Perſon, as that in a moſt cunning and ſubtil way they have endeavoured to poiſon the Hearts of Our good and loial Subjects of this Our Kingdom, and to ſeduce them (were it in their power) to the like Rebellious Courſes with themſelves. Now though we are moſt confident of Our Peoples Affections towards Us (of which they have given Us a clear teſtimony, by their ready and chearful aſſiſtance in this Cauſe) and have not the leaſt thought that thoſe turbulent Spirits ſhall any way prevail with them, yet We cannot but hold it requiſite to give them timely notice of their traiterous Intentions, which very many ways appear unto Us.

As firſt, by the multitude of their printed Pamphlets, or rather indeed infamous Libels, ſtuffed full of Calumnies againſt Our Regal Authority, and Our moſt juſt Proceedings, and ſpreading of them in divers parts of this Our Kingdom.

Secondly, By their ſending of Letters to private Perſons, to incite them againſt Us; and ſending ſome of their fellow-Covenanters to be at private Meetings in London and elſewhere, to pervert Our good People from their Duty; and ſome of theſe Meetings We know, and ſome of thoſe Letters (lewd enough) We have ſeen.

Thirdly, By their publick contemning of all our juſt Commands, and their mutinous proteſting againſt them, a courſe not fit to be endured in any well-ordered Kingdom.

Fourthly, By their rejecting of the Covenant commanded by Our Authority, becauſe it was commanded by Us; whereas no Covenant or Band of that nature, in that Kingdom, hath ever bin, or can be legal

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legal and warrantable, which hath not bin commanded, or at leaſt aſſented unto by Roial Authority. As for inſtance, That Covenant in Our dear Father's Time was condeſcended unto by him, and ſo the Subject (at the humble Petition of the General Aſſembly it ſelf) permitted by him to ſign it; We ſay it again, That Our Covenant was rejected by them, becauſe commanded by Us; and this is maniſeſt, becauſe for Matters of Religion Ours agreed in all things with their own Covenant. By which Covenant of theirs, they have treacherouſly induced many of Our People to ſwear to a Band againſt us: which Band and Covenant (or rather Conſpiracy) of theirs, could not be with God, being againſt Us the Lord's Anointed over them. But it was, and is, a Band and Covenant pretended to be with God, that they may with the better countenance do the Works of the Devil, ſuch as all Treaſons and Rebellions are.

And laſtly, By their moſt hoſtile Preparations in all kinds, as if We were not their King, but their ſworn Enemy. For what can their Intentions be, being thus prepared, but to invade this Kingdom, ſhould they not find Us ready, both to reſiſt their Force, and to curb their Inſolencies? For many, and ſome of the chiefeſt amongſt them, are Men, not only of unquiet Spirits, but of broken Fortunes, and would be very glad of any occaſion (eſpecially under the colour of Religion) to make them whole upon the Lands and Goods of Our Subjects in England, who We preſume (beſides their Allegiance to Us) will look better to themſelves and their Eſtates, than to ſhare them with ſuch deſperate Hypocrites, who ſeek to be better and cannot well be worſe. We demand again, What Intentions elſe they can have? for We have already often aſſured them by Our publiſhed Proclamations, That We are ſo far from thinking of any Innovation or Alteration of Religion, that We are reſolved to maintain the ſame conſtantly, and as it is eſtabliſhed by Law in that Our Kingdom. Nay, ſo deſirous have We bin to give content unto them, as that We have in a manner condeſcended to all which they petitioned for: Nay, Our Princely Clemency in theſe produced no better effect, than increaſing and daring Inſolencies, to Our diſhonour both at Home and Abroad; Yet We paſſed by all, till they ſtruck at the very Root of Kingly Government, for they have now aſſumed to themſelves Regal Power. For whereas the Print is the Kings in all Kingdoms, theſe ſeditious Men have taken upon them to print what they pleaſe, though We forbid it; and to prohibit what they diſlike, though We command it; and with the greater affront, have forbid and diſmiſt the Printer whom We eſtabliſhed. Beſides, they have taken upon them to convene Our Subjects, raiſe Armies, block up and beſiege Our Caſtles; to lay Impoſitions and Taxes upon Our People, threatning ſuch as continue in Loialty to Us, with Force and Violence. To this We ſhall add, That they have ſlighted the Directions and Power of Our Council-Table in that Kingdom, and have ſet up Tables of their own, at which ſome of their Leaders ſit under the Name of Committees, from the late pretended General Aſſembly, or their Deputies; and thus they meet when and where they pleaſe, Treat and Conclude what they pleaſe, and ſend their Edicts through all parts of the Kingdom without any conſent, nay, without all knowledg of Us, Our Commiſſioner, or Council, and directly contrary to many ſtanding Laws at this day in force in that

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Kingdom, and yet pretend Violation of their Laws, as one of the main Cauſes of their brain-ſick Diſtempers.

Here therefore We take God and the World to Witneſs, We hold Our Self forced and conſtrained to Arm, not only to reclaim them, and to ſet Our Kingly Authority right again, in that Our Ancient and Native Kingdom, but alſo for the Safety of this Kingdom, Our Loial Subjects in it, with their Wives, Children, and Goods, as well as Our own, againſt the Rage and Fury of theſe Men and their Covenant. And this We think fit to let you further know, that We hope in Time to make the beſt of them ſee, that We will endure no ſuch Covenant and Band in Our Kingdom to which We ſhall not conſent. So the Queſtion is not now, Whether a Service-Book is to be received or not? nor whether Epiſcopal Government ſhall be continued, or Presbyterial admitted? But whether We are their King or not? For though in ſome of their Libels they give us good words, and ſpeak Us fair for their own ends, eſpecially in the laſt printed at Edinburgh, Februarii quarto 1639; yet ſome of them refuſed both the Oath of Allegiance and Supremacy, and publickly maintain, That they are not obliged to take the ſame. Now how can We think theſe Men are Dutiful and Loial in their Hearts, that broach ſuch dangerous Opinions? or religiouſly minded, that teach ſuch rebellious Doctrine, and ſo contrary to all, which Proteſtant Divines teach towards the King and the Civil Magiſtrate? Nay, they have infected divers of their Country-men which are come into other Parts with the ſame Venom; for three Scots-men taken in Wales, are at this day impriſoned, for direct denial of Our Supremacy and their Allegiance, ſaying, They cannot take thoſe Oaths, becauſe they have ſworn to the Covenant. But though we have bin thus mild towards them, and continued ſo long, yet we would not have any of them, or any of Our other Subjects think, that we can or will permit Epiſcopal Government, eſtabliſhed by many Acts of Parliament in that Our Kingdom, to be aboliſhed, ſeeing it is known to the whole Chriſtian World, that the ſame is moſt Chriſtian in it ſelf, and moſt peaceable for the Civil State, and moſt conſonant to Monarchical Government.

And we would have Our Subjects of that Kingdom conſider, what will become of the third Eſtate there in Parliament, if Epiſcopacy ſhould be abrogated?

And further we think fit to declare unto you, and to the Chriſtian World, That by Our intention of introducing the Service-Book into that Kingdom, we had not the leaſt thought of Innovation of Religion in this or that, but meerly to have a conformity with that Worſhip of God, which is obſerved within both Our other Kingdoms, though ill-minded Men have wreſted ſome things in it to a ſiniſter ſence.

We further give you to underſtand, That there is a large Declaration coming forth, containing all the particular Paſſages which have occurred in this Buſineſs, from the very beginning, atteſted with their own foul Acts, to diſanul and ſhame their fair, but falſe words. But becauſe this cannot ſo ſoon be made ready, we hold it moſt expedient to let this ſhort Declaration forerun it, that Our loial Subjects here and elſe-where, may not be infected with their falſe, wicked, ſpecious, but moſt ſeditious Informations: For Example-

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ſake, in their laſt Pamphlet (beſides divers other falſe, baſe, and fawning Paſſages) there are theſe ſcandalous and moſt notorious Untruths: As firſt, they ſay, That we have committed the Arms we now take, and the Armies we now raiſe, into the hands of profeſſed Papiſts; which is not more diſhonourable to Our ſelf, and the Noble Perſons intruſted by Us, than odiouſly and notoriouſly falſe. Again, they ſay, That ſome of Power in the Hierarchy of England, have bin the Cauſe of Our taking Arms to invade Our Native Kingdom, and of medling with their Religion: whereas it is moſt certain, that no one of them have done any thing therein, but by Our own Princely Direction and Command. And for Arms, it is notoriouſly known to all Our Council then preſent, That their counſels were for Peace, and have bin the Perſwaders (as much as in them lay) of the undeſerved Moderation wherewith we have hitherto proceeded towards ſo great Offenders.

And further they ſay, That they intend no Act of Hoſtility againſt England, unleſs they ſhall be neceſſitated in their own Defence. We would fain know, Defence of what? Is it of Diſobedience? Defence againſt whom? Is it not againſt Us their True and Lawful Soveraign? If they will defend againſt Us, it ought to be by Law, and not by Arms; that Defence we ſhall never deny them, this by Arms we ſhall never permit them. Now Our Laws which they ſeem ſo much to value, are in a manner oppreſt by them, in ſo much that Our Judges are ſo awed, as that they dare hardly proceed according to Law.

With theſe and the like mutinous Libels, we deſire our good Subjects ſhould not be infected, but that all of them might know the preſent neceſſity we have to Arm Our Self, which is for no other End, ſave only for the Safety and Security of this Our Kingdom, the re-eſtabliſhment of our Authorities in that, and the ſuppreſſing of ſuch as have miſled and abuſed Our Subjects there, and would (if not prevented) do the like here, but is no way to inforce any Innovation of Religion eſtabliſhed in that Kingdom, or any ways to infringe the Laws thereof, or any of their Liberties whatſoever, which are according to Law.

Theſe are therefore to Will and Command all Our Loving Subjects of this Our Kingdom, that they receive no more of their ſeditious Pamphlets ſent from Scotland, or any other place concerning thoſe Affairs, which can have no other uſe or influence, than to draw the Hearts of Our Loial People to the like Rebellious Courſes; and that ſuch of Our Subjects here, as have already received any of theſe Rebellious Pamphlets, do preſently deliver them to the next Juſtice of Peace, that he may ſend them to one of Our Secretaries, as both they and the Juſtices of Peace will anſwer it at their utmoſt perils.

And Our further Will and Pleaſure is, That this Our Proclamation and Declaration be read in time of Divine Service in every Church within the Kingdom, that all our People, to the meaneſt, may ſee the notorious Carriages of theſe Men, and likewiſe the Juſtice and Mercy of all Our Proceedings.

Given at Our Court at *Whitehall* the *27th* day of *February*, in the four and twentieth Year of Our Reign, of *England*, *Scotland*, *France*, and *Ireland*.

At *Whitehall*, March 1. 1638.

A Letter directed to the Vice-Preſident of York, *and Council, concerning Proviſion to be made there.*

'AFter, *&c.* Whereas his Majeſty, by his Letters ſent in *February* laſt, hath formerly required you to take order, that there be timely care uſed, not only to hinder the exportation of all ſorts of Grain, Butter, Cheeſe, and other Victuals out of that County, but to ſee that there be a good quantity of thoſe Proviſions, as alſo of Hay and Straw for Horſe, provided in ſtore in ſeveral parts of that County for ſupply of his Majeſty's Army, which is intended to lie in the Northern Parts for Defence and Preſervation of the ſame upon all occaſions. And whereas for encouragement of ſuch as ſhould make any Proviſions in that kind, his Majeſty was pleaſed, by his ſaid Letters, to give you Directions to aſſure all Men, that they ſhall be duly paid whatſoever ſhall be received from them.

'Foraſmuch as ſome Perſons ill-affected to his Majeſty's Service and juſt Reſolutions, have endeavoured (as it is informed) to put cauſleſs doubts into the heads of ſome in thoſe parts, whereby to deter them from making any ſuch ſtore of Proviſions as they would otherwiſe have made and reſerved for that purpoſe. We are by his Majeſty's expreſs Command, hereby to require you again publickly to declare and make known, in all fitting Places; and not only in the County of *York*, but in all other the Northern Counties, to all Perſons that either have in their Hands, or ſhall make any Proviſions of Corn, Meal, Butter, Cheeſe, or other Victuals for Souldiers, or Hey, Oats, Peaſe, Beans, or Straw, for Horſes, that they ſhall be duly paid whatſoever ſhall be received from them, according to the price of the Market. To the end that the Country may take notice, that his Majeſty intends this Army for their Defence and Preſervation, and not for their Prejudice, as ill-affected Perſons endeavour by falſe Tales to inſinuate. Hereof his Majeſty and this Board doth expect to receive an Accompt of your effectual Endeavours before the 18*th* of this preſent *March*; and ſo we bid you farewel. Dated the third of *March.*

Memorandum quod ſeptimo die Martii, *Anno Regni Regis* Caroli 14. *Billa iſta deliberata fuit Domino Cuſtodi Magni Sigilli* Angliæ *apud* Weſtmonaſterium *exequend.*

CHARLES by the Grace of God, of *England*, *Scotland*, *France*, and *Ireland*, King, Defender of the Faith, *&c.* To Our Right Truſty, and Right well-beloved Couſin and Counſellor, *Thomas* Earl of *Arundel* and *Surrey*, and Earl Marſhal of *England*, and Knight of the moſt Noble Order of the Garter, Greeting.

Lord Marſhal's Commiſſion.

KNow ye, that we repoſing ſpecial truſt and confidence in your approved Wiſdom, Fidelity, Valour and great Ability, have aſſigned, made, conſtituted, and ordained you to be the General of Our Army intended forthwith to be raiſed: and over all Our Men, which be, or ſhall be levied in all Our Counties of this Our Realm, or Dominion of Wales; and aſſembled, or to be aſſembled to any Army, or Armies, to reſiſt and withſtand all Invaſions, Tumults, Seditions, Conſpiracies, or Attempts that may happen to be made againſt Our Perſon, or State; and to Rule, Govern, Command, Diſpoſe and Employ the ſame Army, and all Officers ſo emploied, or to be emploied concerning the ſame, with all ſuch farther Forces, of what Nation ſoever, as ſhall be hereafter joined thereunto for their ſupply, for the accompliſhment of ſuch Executions, Defences, Offences, and other Services as are or ſhall be by Us from time to time directed, limited, and appointed, in or by ſuch private Inſtructions as are herewith delivered unto you under Our Signet Manual. And farther, we have given you full Power and Authority, That the ſame Perſons ſo levied or aſſembled, or ſo to be levied or aſſembled by you, or ſent, conducted, or brought, or that otherwiſe ſhall come to you, either by our ſeveral Orders, or by Authority of this our Commiſſion as aforeſaid, to try, array, and put in readineſs; and them, and every of them after their Abilities, Degrees, and Faculties, well and ſufficiently cauſe to be Weaponed, and Armed; and take, or cauſe to be taken, the Muſters of them, or any other our Trained Bands, which within this our Realm of England, and Dominion of Wales, from time to time, in Places moſt meet for that purpoſe, after your good Diſcretion. And alſo the ſame our Subjects ſo Arrayed, Tryed, and Armed, as well Men of Arms, as Horſe-men, Archers, and Foot-men of all kinds and degrees, meet and apt for the Wars, to Govern, Lead, and Conduct, againſt all and ſingular our Enemies attempting any thing againſt Us, Our Crown and Dignity; and Our ſaid Army to divide, diſtribute, and diſpoſe, and the ſame, or any part thereof, to convey by Land, or by Water, as occaſion ſhall require, according to your good diſcretion; and with the ſame Enemies, Rebels, and Traitors, to fight, and them to Invade, Reſiſt, Repreſs, Purſue, and follow into any Our Dominions; and them to ſubdue, and to do, fulfil and execute all, and ſingular other things which ſhall be requiſite for the Leading,

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Government, Order, and Rule of our ſaid Armies and Subjects, and for conſervation of our Perſon and Peace. And farther to do, offer, and execute againſt the ſaid Enemies, Rebels, Traitors, and their Adherents, and other Delinquents and Offenders, as need ſhall require, by your Diſcretion, by the Law Martial, as our General: And of ſuch apprehended and brought into ſubjection, to ſave whom you ſhall think good to be ſaved, and to ſlay, deſtroy, and put to execution of Death, ſuch and ſo many of them as you ſhall think meet by your diſcretion, to be put to death by any manner of means, to the terror of all other Offenders. And We do farther give unto you our General, full Power and Authority, for Us, and in our Name, as occaſion ſhall require, according to your good diſcretion, by publick Proclamation, to make tender of our Royal Grace and Pardon, to all ſuch Traitors, Rebels, and all other Offenders as ſhall ſubmit to Us, and deſign to be relieved by our Mercy. And further, our Will and Pleaſure is, and by theſe Preſents We do give you full Power and Authority, that in caſe any Invaſion of Enemies, Inſurrection, Rebellion, Riots, Routs, or unlawful Aſſemblies, or any like Offences ſhall happen to be moved, That then, as often as you ſhall perceive any ſuch Miſdemeanours to ariſe, You, with all the Power you can make, ſhall with all diligence repair, and ſend convenient Forces to the Places where any ſuch Attempt, Invaſion, unlawful Aſſembly, Inſurrection, or Rebellion ſhall happen to be made; and ſubdue, repreſs, and reform the ſame, as well by Battel, or other kind of Force, as otherwiſe by the Law of the Realm, or the Law Martial, according to your good diſcretion. And for the better execution of this our Commiſſion, We do further give you Power and Authority, from time to time, to command and require of all our Lieutenants ſpecial, and their Deputy Lieutenants of the ſeveral Counties of this our Realm, or Dominion of Wales, to ſend to you ſuch number of Able Men for the Wars, as well Horſe-men as Foot-men of the Trained-Bands, or other, ſufficiently armed and furniſhed, to ſuch Place and Places, and at ſuch Time and Times, as you in your Wiſdom ſhall appoint and require: Which ſaid Forces you are to govern, order, and diſpoſe, as your preſent Occaſions ſhall require, for the advantage of our Service, according to your good diſcretion. And farther, for your better aſſiſtance in this our Service, We do hereby aſſign, make, conſtitute, and ordain, our Right Truſty, and Right Well-beloved Couſin, Robert Earl of Eſſex and Eme, Vicount Hereford and Bourchier, Lord Ferrers of Chartley, Lord Bourchier, to be our Lieutenant General of this our Army; and our right Truſty, and right Well-beloved Couſin and Counſellor, Henry Earl of Holland, Lord Chief Juſtice & Juſtice of Eyre of all our Foreſts, Chaces, Parks, and Warrens on this ſide Trent, firſt Gentleman of our Bed-Chamber, and Knight of the moſt noble Order of the Garter, to be our General of our Troops of Horſe, to ſerve in Our ſaid Army for the Execution of this our Commiſſion, according to ſuch Directions as from time to time you ſhall think fit to give unto them. And farther, We do give you Power and Authority, to appoint within our ſaid Army, a Provoſt-Marſhal, to uſe and exerciſe that Office, in ſuch caſe as you ſhall think fit to uſe the ſaid Law Martial. And We do alſo give you our general full Power and Authority by theſe

Preſents,

Preſence, to hear, Examine, and Determine, as well by your ſelf, as by your ſufficient Deputy, or Deputies, all Criminal Cauſes growing and ariſing within Our ſaid Army, as well concerning the Death of any Perſon, as loſs of Member; and all Cauſes Civil, whatſoever they be, that ſhall happen to chance within this Our ſaid Army. And alſo We give you full Power and Authority to make, Conſtitute, and ordain Ordinances and Proclamations, from time to time, as the Caſe ſhall require, for the good Government, Rule, and Order of Our ſaid Army; and the ſame, and every one of them Cauſes, to be duly proclaimed, performed, and executed; and whomſoever you ſhall find contrarious, diſobedient, or diſorderly in our ſaid Army, to arreſt, apprehend, and impriſon, and them and every of them to chaſtiſe and puniſh: and ſuch as ſhall be impriſoned, you ſhall cauſe them to be proceeded againſt according to the quantity of the Offence, as well by pains of Death, as loſs of Member, or otherwiſe, according to your diſcretion; and to deliver and ſet at liberty any Perſon ſo impriſoned, as by you ſhall be thought convenient. And for encouragement of all and deſerving Perſons, We do give you full Power and Authority in Our abſence, to reward and honour with the Order of Knighthood, and of [illegible] Demerits, ſuch as in your diſcretion ſhall deſerve the ſame in this our preſent Service; and to grant and aſſign them Arms, and Enſigns of Arms as is need, and to the Office of a General appertaineth. And We do farther give Power and Authority to you Our General, for Cauſes eſpecially moving you, by your Letters under your Seal, from time to time, when, and as often as to you ſhall ſeem meet, to grant ſafe Conduct, general and ſpecial, in all places, by Land or by Water, to any Perſons whatſoever; and generally to do and execute all and every thing and things, which to the Office of a General of Our ſaid Army doth belong and appertain; and which for the good and ſafe Government of Our Army, and Subjects, ſhall be thought expedient and neceſſary. And for the better execution of this Our Service, We do further give you Our General, full Power and Authority, as occaſion ſhall require, to Command all Our Forts and Caſtles now fortified, or hereafter to be fortified, in or near the Parts or Places where Our ſaid Army from time to time ſhall be; and to remove, diſplace, and continue the Captains, Lieutenants, and Souldiers and Garriſons there, as cauſe ſhall require; and to furniſh the ſame Caſtles and Forts with other Captains, Lieutenants, and Souldiers, as you ſhall think meet, for the ſafety and good of the Army, and the advantage of this Our Service. And We Will and Command you, Our General, that with all theſe you do execute the Premiſes with effect. Wherefore We Will and Command all and ſingular Lieutenants General, Dukes, Marqueſſes, Earls, Viſcounts, Barons, Baronets, Knights, Eſquires, Gentry, Bailiffs, Conſtables, Captains, petty Captains, Souldiers, and all other Officers, Miniſters, and Loving Subjects, of what State, Degree, or Condition ſoever ye or they ſhall be; That they and every of them, with their Power, and Servants, from time to time, be aſſiſting, aiding and helping, counſelling, helping, and at your Commandment, in the due execution hereof, as

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they and every of them tender Our Pleaſure, and will anſwer the contrary at their Perils. And farther, Our Pleaſure is, That whatſoever you ſhall do by virtue of this Our Commiſſion and Private Inſtructions, and according to the Tenor and Effect of the ſame, touching the execution of the Premiſes, or any part thereof, you ſhall be diſcharged in that behalf againſt Us, Our Heirs, Succeſſors. Yet nevertheleſs Our Intent and Meaning is, That this Our preſent Commiſſion, or any thing therein contained, ſhall not impeach or infringe the Office of Earl-Marſhal of England, or any Right or Juriſdiction incident or belonging to the ſame. In Witneſs whereof We have cauſed theſe our Letters to be made Patents, and to continue during our Pleaſure.

May it pleaſe your moſt Excellent Majeſty, This containeth your Majeſty's Commiſſion to Thomas Earl of Arundel and Surrey, Earl-Marſhal of England: Whereas your Majeſty doth appoint him him General of your Majeſty's Army; Robert Earl of Eſſex to be your Majeſty's Lieutenant General, and Henry Earl of Holland your Majeſty's General of your Troops of Horſe, to ſerve in the Army with their ſundry Powers and Juriſdictions, the ſaid Lord General of the Army; which have bin ſeen and approved of by your Majeſty;

And is done by Warrant under your Majeſty's Signet Manual.

Jo. Banckes.

At the Court at Whitehall, *March* 8. 1638.

Nobility and Gentry to have the preemption of Horſes at *Wooborn*-Fair.

‘WHereas divers of the Nobility and Gentry of this Kingdom, who are to attend and ſerve his Majeſty in the Expedition now in hand, are by his Majeſty's expreſs Command, to attend with Horſes according to their ſeveral Qualities. And whereas it is informed, that divers Horſe-courſers do uſually either foreſtal the Markets, or ingroſs into their hands the Horſes which come to Fairs and Markets, and thereby inhaunce the prices of Horſes to unreaſonable rates. And whereas *Wooborn* Fair, which is uſually a great Horſe-Fair, falls out to be ſome ſix days hence. Theſe are therefore to will and require you to have eſpecial care, that no Horſe-Courſer, nor any for them, ſhall be permitted to buy any Horſes within that Fair, or Town, and the Precincts and Liberties thereof, until the laſt day of the ſaid Fair, to the end the Nobility and Gentry having the pre-emption, may by that time have furniſhed themſelves with ſuch number of Horſes for his Majeſty's Service, as they ſhall think fit to buy there. And leſt by any practice or combination of the Horſe-Courſers, or out of any other by-reſpect in the Seller, it ſhould happen that Men refuſed to ſell their Horſes at reaſonable and uſual prices, you are at the beginning of the ſaid Fair, to make known and publiſh, (and accordingly ſee it put in execution) that no Perſon ſhall be permitted to ſell any Horſe, either to a Horſe-Courſer,

‘or

‘or any other imploied for them at any lower rate or price than that which he had bin offered by thoſe imploied as aforeſaid for his Majeſty's Service. And theſe are further to ſignify unto you, that the Bearer hereof, *John Ward*, Gentleman of my Horſe, is by me purpoſely ſent to ſee the due execution of theſe Directions, whom I require you to aſſiſt in the furtherance of this Service, as you will anſwer the contrary at your peril.

From *Whitehall*, March 15. 1638.
Earl *Marſhal*.

At Whitehall, *March* 11. 1638.

Starch-makers Warrant.

‘WHereas *Robert Smith*, *Leonard Stockdale*, *Hugh Care*, and *Nathaniel Fox*, are lawfully deputed and authorized, by the Maſter, Wardens, and Aſſiſtants of the Company of *Starch-makers*, according to the Power and Authority given to the ſaid Corporation by his Majeſty's Letters Patents and Proclamation, to ſearch for (with the aſſiſtance of a Conſtable, and other lawful Officers) in all ſuſpected Places, and to ſeize and carry away all White Starch, and Materials prepared for making of White Starch, as likewiſe all White Starch imported from Foreign Parts, contrary to the ſaid Letters Patents, and his Majeſty's Proclamation. And to break, deface, and deſtroy all Pans, Ciſterns, and other Veſſels imploied or ſet up for the making of White Starch, or Materials belonging to the making of White Starch, contrary to the ſaid Letters Patents, and his Majeſty's Proclamation. Theſe are therefore in his Majeſty's Name, ſtraitly to charge and command you, and every of you, when and as oft as need ſhall require, to help and aſſiſt to the uttermoſt of your Power, the ſaid *Robert Smith*, *Leonard Stockdale*, *Hugh Care*, and *Nathaniel Fox*, or any of them, in the ſearching for, ſeizing, and carrying away, to his Majeſty's uſe, of all White Starch, and Materials prepared for the making of White Starch. As likewiſe all White Starch imported from Foreign Parts; and in doing and performing every Act and other thing directed by his Majeſty's ſaid Letters Patents and Proclamation. And in like manner to aid and aſſiſt them, or any of them, in the breaking and forcing open the Doors or Houſes (when they cannot otherwiſe enter) where any prohibited White Starch, or Materials prepared for making of White Starch is ſuſpected to be made or kept: And furthermore to apprehend all and every the wilful Offenders againſt his Majeſty's ſaid Letters Patents and Proclamation.

This following Advertiſement was miſlaid, when it ſhould have bin inſerted in its proper Place and Time, nevertheleſs we thought fit to inſert it, becauſe it brings ſome Intelligence in reference to the Scotiſh Affairs.

Letters of Intelligence concerning the *Scots*.

After Marqueſs *Hamilton*'s arrival in *Scotland*, in the beginning of *June* this Year, as the King's High Commiſſioner, to ſettle the diſtracted Affairs of that Kingdom, he found (as is mentioned more fully in the Narrative we have already given of the Commotions in

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Scotland) great Oppoſition by the *Covenanters*, and more particularly by their Proteſtation againſt the King's Declaration of *June* the 28*th*, That his Majeſty will not preſs the practice of the *Service-Book*, and *Canons*, &c.

Cardinal *Richleu*'s Chaplain in *Scotland.*

At this time the Church of *Rome* had Agents in *Scotland* as well as in *England*, one of them who ſubſcribes a Letter, probably was Cardinal *Richleu*'s Chaplain, by name *Chambers*, or *Chamberlain*, who was then preſent in *Scotland*, blowing the Coles of Fire there kindled; which Letter concerned the Affairs of *Scotland*, and was to the effect following, dated *June* 28.

My Reverend Father,

I Have not bin at London *five days in all ſince I came from* France, *elſe I had not failed to ſalute your Reverence,* &c. *I know not what to ſay of* Mortimer *the Superior of* Scotland, *as knowing not whether he hath leave to go or not, nor yet their Procurer who reſides in this Court.* Scotland *is in a very ill poſture, and in evident danger to ſever it ſelf from this Crown.*

And in another Letter of the ſame date, the ſame Party writes this enſuing Letter.

SIR,

* Ship-mony.

BY all theſe Proceedings, the King evidently ſeeth, that they (the Scots) *will not ſubmit themſelves to Reaſon, by fairneſs or ſweetneſs, and therefore he hath taken a Reſolution to tame them by Force, and to this purpoſe goeth about to raiſe an Army in* Ireland, *not daring to truſt himſelf with the* Engliſh, *who already are much irritated againſt him, by reaſon of the * Monies which he pretends to raiſe to maintain his Fleet, the which they refuſe down-right to pay. This counſel of raiſing an Army, has bin ſuggeſted unto him by the Biſhop of* Canterbury, *and the Preſident of* Ireland, *which are they alone that govern him, for he hath never yet opened his Mouth, or ſpoken one ſole word of it to his Council of State, but ſeeks very much to keep all cloſe from them. The which highly diſpleaſeth all theſe Lords; and Men hold this Counſel of the Army for* Ireland, *a moſt pernitious Counſel: But I know not what better he could take, for it is moſt dangerous to raiſe it in* England, *where all the World is diſcontent; and for to raiſe an Army here, it were to give them the Sword in their hands to defend themſelves; for the part of the* Puritans *is ſo great, and they have ſuch a correſpondence with the* Scots, *that they begin already to break the Altars which the Biſhops had erected, and to accuſe the Biſhops of Crimes, and to demand the re-eſtabliſhment of many ſilenced Miniſters, with a thouſand other Inſolencies,* &c.

June 28. *Your humble and moſt*

obliged Servant.

At the ſame time there was another Letter of the ſame date writ to one Monſieur *Ford*, by ſome Prieſt or Romiſh Recuſant, to the effect following: All which ſaid Letters were found amongſt the Papers of one of his Majeſty's Privy-Council.

OUr Scots Buſineſs troubles us ſhrewdly, and grows worſe and worſe; they will have a Parliament, and the King (for the Conſequence of it in this Kingdom) will never permit it, and ſo they have taken a Reſolution to levy an Army in Ireland, *ſo to trouble them and ſubdue them; which is held there by wiſe Men to be a very deſperate Counſel. But the King conſults with none but the Arch-Biſhop and the Deputy of* Ireland; *which diſguſts all, and makes Men ſee more weakneſs in him than was ever imagined: other News we have none.* Fitten *(the Agent for the Secular Prieſts at* Rome*) is here, and was preſented to the King by my Lord* Arundel, *to whom he had ſent from* Italy *many little Toys, but now he knows he is a Prieſt. Pray tell my dear Amiable, I thank him heartily for his Note, and have ſeen his Man* Jaques Depuis, *who is a good Cutter or Graver in Stone, and continues Catholick, Honeſt, and known to the* Capucins.

Yours,

Will. Heill.

Having ended this Year as to *Engliſh Affairs*, we ſhall return to the Tranſactions of Affairs in *Scotland*, where we left, and to give an Account of the whole Proceedings of the Aſſembly at *Glaſgow*; and the firſt that comes in order of Time, is his Majeſty's Letter to the Privy-Council of *Scotland*, to aſſiſt the Marqueſs at the ſaid Aſſembly at *Glaſgow*, as followeth.

K. D.

Right Truſty, and Right Well-beloved Couſin and Counſellor; Right Truſty, and Right Well-beloved Couſins and Counſellors, We greet you well.

'AS by Our Letter We find how well you are ſatisfied with Our gracious Pleaſure, expreſſed in Our late Proclamation and Declaration, ſo We do expect the continuance of your Care, by your beſt Endeavours, to bring all Our good People to a true ſenſe of Our Roial Intentions, and real Care of preferring and advancing the Good and Peace of that Church and Kingdom, which hath always bin, and ſtill is one of Our chiefeſt Cares; We give you hearty thanks for your Affection and Pains in this Service, and do approve of your Courſe in ſubſcribing of the *Confeſſion* & *Band*, and order taken by you for publiſhing, and requiring the like due and thankful acceptance of Our gracious Pleaſure by all Our good Subjects. And ſeeing the time of the Aſſembly doth now approach, We require you to attend diligently upon Our Commiſſioner, until the time appointed for the down-ſitting of the ſaid Aſſembly, and further, to the final ending thereof, that from time to time you may be aſſiſting to him with your beſt Opinions and Advices, for preparing and digeſting every thing ‘that may conduce to bring this Buſineſs to be treated upon in the Aſſembly, to the wiſhed, peaceable, and happy end: And although We will not doubt but that all Our good Subjects will be careful of every thing that may concern Us, or Our Soveraign Authority; yet becauſe that at ſuch publick and general Meetings, it is not to be expected that all Mens Diſpoſitions will be alike, and of one temper, We require you, that in a more particular manner, according to the Truſt and Confidence We have in your Affections to Our Service, carefully to advert, That if any Propoſition ſhall be made which may ſeem to derogate from Soveraignty, or that true ſtate of Monarchical Government already eſtabliſhed within that Kingdom, or which may impede the peaceable concluſion of this Aſſembly, that as good Subjects, and faithful Counſellors and Servants to Us, you aſſiſt Our Commiſſioner to withſtand the ſame to the uttermoſt of your Power. To whom We will you to give abſolute Truſt in every thing, which he in our Name ſhall deliver or impart to you, or any of you, in publick or in private. And ſo We bid you farewel.

From our Manour of *Hampton-Court*, the firſt of *October*, 1638.

The City of *Glaſgow* being much filled and thronged with all ſorts of People; on the 21 of *November* 1638, the day deſigned by the King's Proclamation, the General Aſſembly begun, and was opened, and the Proceedings were as followeth.

After Sermon in the Morning, they aſſembled in the Afternoon, and begun with the chuſing of a Moderator. The King's Commiſſioner (who ſat upon a Seat, raiſed in a Place eminent above the reſt, with his Aſſeſſors about him conveniently ſeated below) told them that there was ſomething elſe to be done before the choice of the Moderator, *viz.* That his Commiſſion was firſt to be read, that it might be known by what Authority he ſat there; which was done accordingly, bearing date at *Oatlands* the 29*th* of *July* 1638. The *Commiſſion* followeth in theſe words.

Marqueſs *Hamilton*'s Commiſſion as to the Aſſembly.

Oatlands, *July* 29, 1638.

CArolus *Dei Gratia*, Magnæ Britanniæ, Franciæ, & Hiberniæ, *Rex, Fideique Defenſor. Omnibus probis hominibus ſuis ad quos præſentes literæ pervenerint, ſalutem. Sciatis nos conſiderantes magnos in hoc Regno noſtro* Scotiæ *non ita pridem exortos tumultus, ad quos quidem componendos multiplices Regiæ noſtræ voluntatis declarationes promulgavimus, quæ tamen minorem ſpe noſtra effectum hactenus ſortitæ ſunt & nunc Statuentes ex pio erga dictum antiquum Regnum noſtrum affectum, ut omnia gratioſe ſtabiliantur & inſtaurentur, quod* (*per abſentiam noſtram*) *non alia ratione melius effici poteſt quam fideli aliquo delegato conſtituto, cui poteſtatem credere poſſimus tumultus hujuſmodi conſopiendi aliaque officia præſtandi, quæ in bonum & commodum dicti antiqui Regni noſtri*

eidem delegato noſtro imperare nobis videbitur, cumque ſatis compertum habeamus obſequium, diligentiam & fidem prædilecti noſtri conſanguinei & conſiliarii, Jacobi *Marchionis* Hamiltonii, *Comitis* Arraniæ *&* Cantabrigiæ, *Domini* Aven *&* Annerdail, &c. *eundemque ad imperata noſtra exequenda ſufficienter inſtructum eſſe, idcirco feciſſe & conſtituiſſe, tenoreque præſentium facere & conſtituere præfatum prædilectum noſtrum conſanguineum & conſiliarium* Jacobum *Marchionem de* Hamiltoun, &c. *noſtrum Commiſſionarium ad effectum ſubſcriptum, cum poteſtate dicto* Jacobo *Marchioni de* Hamiltoun, *&c. dictum Regnum noſtrum adeundi, ibidemque præfatos tumultus in dicto Regno componendi, aliaque officia à nobis eidem committenda in dicti Regni noſtri bonum & commodum ibi præſtandi, eoque Conſilium noſtrum, quibus locis & temporibus ei viſum fuerit convocandi, ac rationem & ordinem in præmiſſis exequendis ſervandum, declarandi & præſcribendi, & quæcunque alia, ad Commiſſionis hujus capita pro commiſſa ipſi fide exequenda, eandemque ad abſolutum finem, perducendam & proſequendam conferre poſſunt, tam in Concilio quam extra Conſilium noſtro nomine efficiendi & præſtandi, idque ſimiliter & adeo libere, ac ſi nos in Sacro-Sancta noſtra perſona ibidem adeſſemus. Præterea cum plena poteſtate dicto* Jacobo *Marchioni de* Hamiltoun *prout ſibi videbitur noſtro ſervitio & bono dicti Regni noſtri conducere, conventum omnium ordinum ejuſdem Regni noſtri judicandi, ac publica Comitia & conventus eorumdem ordinum eorumve alterius vel utriuſque quibus temporibus & locis ſibi viſum fuerit ſtatuendi, & ibidem noſtram ſacratiſſimam Perſonam, cum omnibus honoribus & privilegiis, ſupremo Commiſſionario noſtri Parliamenti & publici Conventus incumbend. ſimiliter adeoque ample, ſicut quivis ſupremus Commiſſionarius in quocunque tempore retroacto gaviſus eſt gerendi, nec-non cum poteſtate præfato* Jacobo *Marchioni de* Hamiltoun *Synodos Nationalis Eccleſiæ dicti Regni noſtri tenendas temporibus & locis quibus ſibi viſum fuerit indicendi, & ibidem & ſeipſum tanquam noſtrum Commiſſionarium gerendi, omniaque eiſdem tenendis inſervientia ſecundum leges & praxin prædictæ Eccleſiæ & Regni noſtri præſtandi: Et hac præſenti noſtra Commiſſione durante noſtro beneplacito duratura & ſemper donec eadem per nos expreſſe inhibeatur. In cujus rei teſtimonium præſentibus Magnum Sigillum noſtrum una cum privato noſtro Sigillo (quia præfatus Marchio de* Hamiltoun *in præſentiarum eſt Magni Sigilli cuſtos) apponi præcepimus. Apud* Oatlands *viceſimo nono die menſis* Julii, *Anno Dom. milleſimo ſexcenteſimo triceſimo octavo, & Anno Regni noſtri decimo quarto.*

Per Signaturam Manu S.D.N. Regis ſupraſcriptam.

Then the Aſſembly urged the choice of a Moderator, but the Marqueſs deſired firſt the King's Letter to be read; which was done, and is as followeth.

The King's Letter to the Aſſembly.

Octob. 29.

'Although We be not ignorant, that the beſt of Our Actions
'have bin miſtaken by many of Our Subjects, in that Our An-
'cient Kingdom, as if We had intended Innovation in Religion and
'Laws; yet conſidering nothing to be more incumbent to the Duty
'of

of a Chriſtian King, than the advancement of God's Glory, and the True Religion; forgetting what is paſt, We have ſeriouſly taken into Our Princely Conſideration, ſuch Particulars as may ſettle and eſtabliſh the Truth of Religion in that Our Ancient Kingdom; and alſo to ſatisfy all Our good Subjects of the reality of Our Intentions herein, having indicted a free General Aſſembly to be kept at *Glaſgow* the 21 of this Inſtant. We have likewiſe appointed Our Commiſſioner to attend the ſame, from whom you are to expect Our Pleaſure in every thing, and to whom We require to give that true and due Reſpect and Obedience, as if We were perſonally preſent Our Self: And in full aſſurance of Our conſent to what he ſhall in Our Name promiſe, We have ſigned theſe, and wills the ſame for a Teſtimony to Poſterity, to be regiſtred in the Books of the Aſſembly.

At *Whitehall*, Octob. 29. 1638.

After this the Marqueſs made a Speech to the Aſſembly.

The Marqueſs his Speech at the firſt ſitting of the Aſſembly.

My Lords, and the reſt of the Reverend Aſſembly,

‘THe making of long Harangues, is not ſuitable either with my Education, or Profeſſion, much leſs with this Time, which now after ſo much talking, ought to be a Time of Action.

‘I pray God that as great (and I hope the worſt) part of Mens Spirits hath bin evaporated into bitter and invective Speeches, ſo the beſt and laſt part of them may be reſerved for Deeds, and theſe anſwerable to the Profeſſions which have bin made on all ſides when this great Aſſembly ſhould come.

‘For the Profeſſions which have bin made by Our Sacred Soveraign, (whom God long preſerve to reign over us) I am come hither, by his Command to make them good to his whole People, whom to his grief he hath found to have bin poiſoned (by whom I know not well, but God forgive them) with miſconceits of his Intentions, concerning the Religion profeſſed in this Church and Kingdom. But to rectify all ſuch Miſconceptions of his Subjects, his Majeſty's deſire is, That before this Aſſembly proceed to any thing elſe, his Subjects may receive ample and clear ſatisfaction in theſe Points, wherein his Majeſty's gracious Intentions have bin miſdoubted, or glanced at, by the malevolent Aſpects of ſuch as are afraid that his Majeſty's good Subjects ſhould ſee his clear Mind through any other Glaſſes or Spectacles, than thoſe they have tempered and fitted for them.

‘Theſe ſiniſtrous Aſperſions, diſperſed by Surmizes, have bin eſpecially two.

‘*Firſt*, As if there had bin in his Majeſty, if not ſome Intentions, yet at leaſt ſome Inclination, to give way, if not to Alterations, yet to ſome Innovations in the Religion profeſſed in, and eſtabliſhed by the Laws of this Church and Kingdom.

‘I am confident that no Man can harbour or retain any ſuch thought in his Breaſt any more, when his Majeſty hath commanded that *Confeſſion of Faith* (which you call the *Negative*) to be ſubſcribed by all his Subjects whatſoever, and hath bin graciouſly pleaſed to put the execution of this his Royal Command in your own hands.

‘The next falſe, and indeed foul and deviliſh ſurmize, wherewith his good Subjects have bin miſled, is, That nothing promiſed in his Majeſty's laſt moſt gracious Proclamation (though moſt ungraciouſly received) was ever intended to be performed, nay, not the Aſſembly it ſelf; but that only time was to be gained, till his Majeſty by Arms might oppreſs this his own Native Kingdom; than which report Hell it ſelf could not have raiſed a blacker and falſer.

‘For that part which concerneth the Report of the Intention of not holding the Aſſembly, this Day and Place, as was firſt promiſed and proclaimed, (thanks be to God) confuteth that Calumny abundantly; for the other, making good what his Majeſty did promiſe in his laſt gracious Proclamation, his Majeſty hath commanded me thus to expreſs his Heart to all his good Subjects.

‘He hath ſeriouſly conſidered all the Grievances of his Subjects, which have bin preſented to him by all and ſeveral of their Petitions, Remonſtrances, and Supplications exhibited unto himſelf, his Commiſſioner, and Lords of his Secret-Council, and hath graciouſly granted them all; and as he hath already granted as far as could be by Proclamation, ſo he doth now deſire, that his Subjects may be aſſured of them by Acts of this General Aſſembly, and afterwards by Acts of Parliament reſpective.

‘And therefore he not only deſires, but commands that all the Particulars he hath promiſed, be firſt gone in hand with in this Aſſembly, and Enacted, and then afterwards what his Subjects ſhall deſire, being found reaſonable, may be next thought upon, that ſo it may be known to God and the whole World, and particularly to all his good Subjects, how careful his Majeſty is to diſcharge himſelf of all his gracious Promiſes made to them, hoping that when you ſhall ſee how roially, graciouſly, and faithfully his Majeſty hath dealt with you and all his Subjects, you will likewiſe correſpond in loial and dutiful Obedience, in chearful, but calm and peaceable Proceeding, in all other Buſineſs to be treated of in this Aſſembly: And becauſe there ſhall be no Miſtake, I ſhall now repeat the Particulars, that you may ſee they are the ſame which were promiſed by his Majeſty's firſt Proclamation.

As ſoon as the Marqueſs had done ſpeaking, he tendred to the Aſſembly a Paper from his Majeſty containing his Conceſſions; which Paper followeth in theſe words.

The Kings Offers to the Aſſembly.

CHARLES R.

The King's Majeſty being informed, That many of his good Subjects have apprehended, that by the Introduction of the Service-Book, and Book of Canons, the inbringing of Popery and Superſtition hath bin intended, is graciouſly pleaſed to diſcharge the ſaid Books, and to annul all Acts made for eſtabliſhing thereof; and for his good People their further ſatisfaction, is graciouſly pleaſed to declare by me, That no other in that kind ſhall hereafter be introduced, but in a fair and legal way of Aſſembly, allowed by Act of Parliament, and the Laws of this Kingdom.

The King's Majeſty, as he conceived, for the eaſe and benefit of the Subjects, eſtabliſhed the High Commiſſion, that thereby Juſtice might

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might be adminiſtred, and the Faults and Errors of ſuch Perſons as are made liable thereto, taken order with, and puniſhed with the more convenience, and leſs trouble to the People: But finding his gracious Intentions to be herein miſtaken, hath bin pleaſed, like as he is graciouſly content, that the ſame be diſcharged, with all Acts and Deeds made for the eſtabliſhing thereof, and is pleaſed to declare by me, That that Court or Judicatory, nor no other of that nature, ſhall be brought in hereafter, but in that way allowed by the Laws of this Kingdom.

And the King's Majeſty being informed, That the urging of the five Articles of Perth's Aſſembly hath bred diſtraction in the Church and State, hath bin graciouſly pleaſed to take the ſame into his conſideration, and for the Quiet and Peace of Church and State, doth not only diſpenſe with the practice of the ſaid Articles, but alſo diſcharges, and by theſe hath diſcharged all and whatſoever Perſons from urging the practice thereof, upon either Laick or Eccleſiaſtick Perſon whatſoever: And doth hereby free all his Subjects from all Cenſure and Pain, whether Eccleſiaſtical or Secular, for not urging, practiſing, or obeying them, or any of them, notwithſtanding any thing contained in the Acts of Parliament, or General Aſſembly to the contrary.

And becauſe it is pretended, that Oaths have bin adminiſtred to Miniſters at their entry, contrary and differing from that which is ſet down in the Acts of Parliament, his Majeſty is pleaſed to declare and ordain, That no other Oath ſhall be required of any other Miniſter at his entry, than that which is expreſly ſet down in the Acts of Parliament: And this he is content be conſidered of in the Aſſembly, to be repreſented to the Eſtates of Parliament, and enacted as they ſhall find expedient.

And that it may appear how careful his Majeſty is, that no Corruption or Innovation ſhall creep into this Church, neither any Scandal, Vice, or Fault of any Perſon whatſoever, cenſurable or puniſhable by the Aſſembly, go unpuniſhed, it is his Majeſty's pleaſure; likeas by theſe his Majeſty does aſſure all his good Subjects, that hereafter General Aſſemblies ſhall be kept as oft as the Affairs of this Kirk ſhall require: And to this purpoſe, becauſe it's probable that ſome things neceſſary for the preſent eſtate and good of this Church may be left unperfected at this preſent Aſſembly, We do by theſe indict another Aſſembly to be holden at   And that none of Our Subjects may have cauſe of Grievance againſt the procedure of Prelats, Our pleaſure is, That all and every one of the preſent Biſhops, and their Succeſſors, ſhall be anſwerable, and accordingly from time to time cenſurable, according to their Merits by the Aſſembly; which his Majeſty is likewiſe pleaſed be enacted in this preſent Aſſembly, and thereafter ratified in Parliament.

And to give all his Majeſty's good People good aſſurance that he never intended to admit any alteration or change in the true Religion profeſſed within this Kingdom, and that they may be truly and fully ſatisfied of the reality of his Intentions towards the maintenance of the Truth, and integrity of the ſame, his Majeſty hath bin pleaſed to require and command all his good Subjects, to ſubſcribe the Confeſſion of Faith, ſubſcribed by his dear Father in Anno 1580; and for that effect hath ordained the Lords of his Privy

Council to take ſome ſpeedy courſe, whereby the ſame may be done through the whole Kingdom; which his Majeſty requires likewiſe all thoſe of this preſent Aſſembly to ſign, and all other his Subjects, who have not done it already: And it is his Majeſty's Will, that this be inſerted and regiſtred in the Books of this Aſſembly, as a Teſtimony to Poſterity, not only of the ſincerity of his Intention to the ſaid true Religion, but alſo of his reſolution to maintain and defend the ſame, and his Subjects in the profeſſing thereof.

C. R.

After the Marqueſs had found the temper of the Aſſembly, he ſent up Sir *James Hamilton* to the King, with a full account of all Matters; containing likewiſe the Characters of all the Counſellors, together with his Advice to his Majeſty how to induce that Country to his Obedience; and to ſend a Fleet of ſome Ships to lie in the *Frith* to block up their Trade, and then to follow with a Roial Army. He alſo ſhewed the King how the Biſhops had miſcarried, and that their Ambition had bin great, but their Folly greater. Concerning which his Majeſty wrote to the Marqueſs;

That he totally agreed with him in the Characters of Men, as in the way he had ſet down to induce them to Obedience; only the time when to begin to act is conſiderable. To which end his Majeſty fully inſtructed the Bearer with the ſtate of his Preparations, that the Marqueſs may govern himſelf accordingly. Dated at *Whitehall*, *Decemb.* 3. 1638.

The Aſſembly proceeded to the choice of a *Moderator*, which before the Commiſſioner gave way to, he entred a Proteſtation, That their Act ſhould neither prejudice the King's Prerogative and Authority, nor any Law of the King's or Kingdom, nor bar the King from taking legal Exceptions, either againſt the Perſon elected, or irregularity of his Election; ſo they choſe one Mr. *Alexander Henderſon*, *nemine contradicente*, except Dr. *Hamilton*.

Archibald Johnſton choſen Clerk Regiſter.

But at this time they rejected the reading of the *Declinator*, and went to the election of a new Clerk, whom without one contrary Voice they did chuſe one Mr. *Archibald Johnſton*, the Clerk Regiſter of their Tables, (who was alſo Clerk of their Tables at *Edinburgh*) againſt whoſe Election the King's Commiſſioner likewiſe proteſted. At his admiſſion he made a ſhort Speech, declaring his unwillingneſs to accept the Charge, yet would not be wanting to contribute his part toward the defence of the Prerogative of the *Son of God*.

Debate about Elections to the Aſſembly.

The next day they ſpent in reading the ſeveral *Commiſſions of Elections*; but the King's Commiſſioner entred another Proteſtation, to take exception againſt their Elections in his own due time, only for the preſent he was contented they ſhould go on, and a conteſtation did follow about the Commiſſion for the *Presbytery of Peebles*, and another concerning the Election of the *Lay-Elders* for the Presbytery of *Brichen*.

The Earl of *Montroſe* preſented a Commiſſion, in which the Laird of *Dunn* was choſen *Lay-Elder*, by the Voice of one Miniſter and a few Lay-Elders.

On the next day of their ſitting, they went on in the reſt of the Controverted Elections, and refuſed to hear the Lord *Carnegies* Election diſcuſſed.

The King in his Letter to the Aſſembly, had nominated for *Aſſeſſors* to the King's Commiſſioner, theſe ſix Perſons.

Six Aſſeſſors to the Aſſembly nominated by the King.

The Earl of *Traquair*, Lord Treaſurer.
The Earl of *Roxborough*, Lord Privy-Seal.
The Earl of *Argile*,
The Earl of *Lauderdale*, } Lords of the Privy-Council.
The Earl of *Southesk*,
And *Charles Stuart*, Advocate.

But they abſolutely refuſed to let them have any Voice at all, telling the Commiſſioner, That he might conſult with thoſe Aſſeſſors if he pleaſed, but they were to have no Voice in the Aſſembly. Upon this the Marqueſs took Inſtruments according to the Scotiſh Form, to preſerve the Privilege of his Majeſty.

The *Declinator* read.

The 27*th* of *November*, the King's Commiſſioner urged once again that the Biſhops *Declinator* might be read, which was accordingly done by the Clerk of the Aſſembly; after it was ended, the King's Commiſſioner ſpoke home to them of the neceſſity of the *Declinator*, and unavoidable ſtrength of the Reaſons contained in the ſame, and in depreſſing their Libel againſt the Biſhops, which he called *infamous* and *ſcurrilous*, both in the matter of it, and the manner of promulging of it.

The *Moderator* laments the hardneſs of the Biſhops hearts.

The *Moderator* in a ſhort Speech deplored the obſtinacy of the Biſhops Hearts, who in all the *Declinator* had bewrayed no ſign of remorſe and ſorrow for their wicked Courſes; whereupon one *Gibſon*, one of the Clerks of the Seſſion, thundred out a verbal Proteſtation, That *they would purſue their Libel againſt the Biſhops ſo long as they had Lives and Fortunes.*

The King's Commiſſioner proteſted againſt the Proteſtation, and diſcharged the Biſhops Proctor from giving appearance for the Biſhops before the Aſſembly; and the Commiſſioner perceiving that they intended to keep up their Tables, although the Aſſembly ſhould be continued, and all Elections ſaid to be diſorderly, were approved of, and no Nullities admitted; and the King's Commiſſioner well weighing his Inſtructions, reſolved the next day to diſſolve the Aſſembly.

The Marqueſs on Novemb. 28. *declares to the Lords of the Council, his Reſolution to Diſſolve the Aſſembly.*

According to which Reſolution, on the 28*th* in the Morning, he called a Council in the *Chapter-Houſe*, and told them, He was neceſſitated to Diſſolve the Aſſembly, and gave his Reaſon for doing it, uſing much induſtry to gain them to concur with him in it. The Earl of *Argile* asked, *If he was to deſire the Councils Approbation of what he intended, or not?* The Marqueſs anſwered, His Inſtructions from his Majeſty were clear and poſitive for what he was to do, and therefore it was not in his Power to let any Debate be, whether he ſhould do it or not; only he deſired their Concurrence and Advice as to the manner of doing it.

Two hours were ſpent in Diſcourſe, but clear Advices were not given from any of them; from thence the Marqueſs went to the Church where the Aſſembly ſat, and after he ſat long a Witneſs to ſome Debates were among them, it was offered to be put to Vote, whether the Aſſembly was a Free Aſſembly, notwithſtanding the Biſhops *Declinator*, or not? Upon which the Marqueſs knowing well how the Vote would run, roſe up and ſaid;

'I Find this day great contraries of humours in my ſelf; firſt, cauſe 'of Joy, next cauſe of Sorrow; cauſe of Joy, in making good what 'hath bin promiſed by his Majeſty; cauſe of Sorrow, in that I can'not make further known his Majeſty's pious Intentions.

'You have called for a Free General Aſſembly; his Majeſty hath 'granted you one moſt free on his part, and in his Intentions; but as 'you have handled and marred the Matter, let God and the World 'judg whether the leaſt ſhadow or foot-ſtep of freedom can be diſ'cerned in this Aſſemby by any Man who hath not given a Bill of 'Divorce both to his Underſtanding and Conſcience; with what 'wreſting and wringing your laſt Proteſtation charges his Majeſty's 'laſt gracious Proclamation in the point of Prelimitations, is both 'known and miſliked by many, even of your own pretended Cove'nant; but whether your courſes, eſpecially in the Elections of the 'Members of the Aſſembly, be not only Prelimitations of it, but 'ſtrong Bars againſt the freedom of it, nay utterly deſtructive both of 'the Name and Nature of a Free Aſſembly, and unavoidably indu'cing upon it many and main Nullities, will be made manifeſt to the 'whole World.

'But his Majeſty's ſincere Intentions, being to perform in a lawful 'Aſſembly all he hath promiſed in his gracious Proclamation; if you 'find out a way how theſe things may paſs and be performed even in 'this Aſſembly, ſuch as it is, and yet his Majeſty not made to ap'prove any way the Illegalities and Nullities of it, for ſatiſfying all his 'Majeſty's good Subjects of the reality of his Meaning, I am by his 'Majeſty's ſpecial Command ready to do it, and content to adviſe with 'you how it may be done.

And after this he cauſed to be read his Majeſty's *Conceſſions*, as they had bin before proclaimed, upon which he took Inſtruments, that by producing and ſigning of them, firſt his Majeſty's Intentions were made known, next that in the producing and delivering of them, the lawfulneſs of the Aſſembly was not acknowledged; after that he went on and diſcourſed againſt the Conſtitution of the Aſſembly in the following words.

'But now I am ſorry I can go on with you no more, for the ſad 'part is yet behind, about Ruling Elders; for neither Ruling Elders, nor 'any Miniſter choſen Commiſſioner by Ruling Elders, can have Voice 'there, becauſe no ſuch Election is warranted, either by the Laws of 'this Church or Kingdom, or by the practice or cuſtom of either: 'for even that little which appeareth to make for thoſe Elders in the 'Book of Diſcipline, hath at this time bin broken by you, there ‘being more Lay-Elders giving Votes at every one of thoſe Elections, than there were Miniſters, contrary to the Book of Diſcipline; as in *Lanerick* but eight Miniſters, and eighteen or nineteen Lay-Elders; and ſo in divers other Preſbyteries: and in every Preſbytery, when the Miniſters upon the Liſt were removed, the remaining Elders exceeded far the remaining Miniſters. But ſay there were Law for thoſe Lay-Elders, the interruption of the execution of that Law, for above forty Years, makes ſo ſtrong a Preſcription againſt it, that without a new reviving of that Law by ſome new Order from the General Aſſembly, it ought not again be put in practice; for if his Majeſty ſhould put in practice, and take the Penalties of any diſuſed Laws, without new Intimations of them from Authority, it would be thought by your ſelves very hard dealing.

‘To ſay nothing of that Office of Lay-Elders, it being unknown to the Scripture or Church of Chriſt for above 1500 Years, let the World judg whether theſe Lay-Men be fit to give Votes in inflicting the Cenſures of the Church, eſpecially that great and higheſt Cenſure of Excommunication, none having Power to caſt off the Church by that Cenſure, but thoſe who have Power to admit into the Church by Baptiſm: And whether all the Lay-Elders here preſent at this Aſſembly be fit to judg of the high and deep Myſteries of Predeſtination, of the Univerſality of Redemtion, of the Sufficiency of Grace given, or not given to all Men; of the Reſiſtability of Grace; of total and final Perſeverance, or Apoſtacy of the Saints; of the *Antilapſarian* or *Poſtlapſarian* Opinion; of Election and Reprobation; all which they mean to ventilate, if they do determine againſt the *Arminian*, as they give out they will.

‘In many Preſbyteries, theſe Lay-Elders diſagreed in their Elections wholly, or for the moſt part, from the Miniſters, and carried it from them by number of Votes, though in all reaſon the Miniſters themſelves ſhould beſt know the abilities and fitneſs of their Brethren; and this was done in the Preſbyteries of *Chirnſide*, *Linlithgow*, *Aberdeen*, and divers more.

‘How can theſe Men now Elected be thought fit to be Ruling-Elders, who were never Elders before, all or moſt part of them being choſen ſince the Indiction of the Aſſembly, ſome of them but the very day before the Election of their Commiſſioners, which demonſtrates plainly that they were choſen only to ſerve their Aſſociates turn at this Aſſembly.

‘Since the inſtitution of your Lay-Elders, by your own Principles, is to watch over the Manners of the People in the Pariſh in which they live; How can any Man be choſen a Ruling-Elder from a Preſbytery, who is not an Inhabitant within any Pariſh of that Preſbytery, as hath bin done in divers Elections, againſt all Law, Senſe, or Reaſon?

‘By what Law or Practice was it ever heard, that young Noblemen, or Gentlemen, or others, ſhould be choſen Rulers of the Church, being yet Minors, and in all conſtruction of Law thought unfit to manage their own private Eſtates; unleſs you will grant that Men of meaner Abilities may be thought fit to rule the Church, which is the Houſe of God, than are fit to rule their own private Houſes, Families, and Fortunes.

'By what Law can any Ruling Elder be ſent to a Preſbytery to give Vote in any thing, eſpecially in chuſing Commiſſioners for the General Aſſembly, who is not choſen for that purpoſe by the Seſſion of that Pariſh in which he is a Ruling Elder? And who gave power to the Miniſter of every Pariſh, to bring with him to the Preſbytery for that purpoſe any Ruling Elder of his Pariſh whom he pleaſed?

'But it is well known, that divers Elders gave Votes in theſe Preſbyteries to the Election of ſome Commiſſioners here, who were not choſen by the Seſſions of their ſeveral Pariſhes to give Votes in thoſe Preſbyteries; and therefore ſuch Commiſſioners as were choſen by ſuch Lay-Elders, can have no Vote here.

'By what Law or Practice have the ſeveral Pariſhes or Preſbyteries choſen Aſſeſſors to their Ruling-Elders, without whoſe conſent ſome of the Commiſſioners here preſent are ſworn not to vote to any thing?

'This introducing of Ruling-Elders, is a burden ſo grievous to the Brethren of the Miniſtry, that many of the Preſbyteries have proteſted againſt it for the time to come, ſome for the preſent; as ſhall appear by divers Proteſtations and Supplications ready to be here exhibited.

'For the Miniſters choſen Commiſſioners hither, beſides that the fitteſt are paſſed by, and ſome choſen who were never Commiſſioners of any Aſſembly before, that ſo they might not ſtand for their own Liberty, in an Aſſembly of the nature whereof they are utterly ignorant, choice hath alſo bin made of ſome who are under the cenſure of the Church, of ſome who are deprived by the Church, of ſome who have bin baniſhed and put out of the Univerſity of *Glaſgow*, for teaching the Scholars that Monarchies were unlawful; ſome baniſhed out of this Kingdom for their Seditious Sermons and Behaviour; and ſome for the like Offences baniſhed out of another of his Majeſty's Kingdoms, *Ireland*; ſome lying under the fearful Sentence of Excommunication; ſome having no Ordination or Impoſition of hands; ſome admitted to the Miniſtry, contrary to the ſtanding Laws of this Church and Kingdom, all of them choſen by Lay-Elders: What a ſcandal were it to the Reformed Churches, to allow this to be a lawful Aſſembly conſiſting of ſuch Members, and ſo unlawfully choſen?

'Of this Aſſembly divers who are choſen are at the Horn, and ſo by the Laws of this Kingdom are uncapable of ſitting as Judges in any Judicatory.

'Three Oaths are to be adminiſtred to every Member of this Aſſembly; the Oath for the Confeſſion of Faith, lately renewed by his Majeſty's Commandment; the Oaths of Allegiance, and Supremacy; and whoſoever ſhall refuſe any of theſe, cannot be a Judg in any Judicatory of this Kingdom, and therefore reſolve preſently whether you will take them or not.

'You have cited the Reverend Prelates of this Land to appear before you by a way unheard of, not only in this Kingdom, but in the whole Chriſtian World, their Citations being read in the Pulpits, which is not uſual in this Church; nay, and many of them were read in the Pulpits after they had bin delivered into the Biſhops own hands. How can his Majeſty deny unto them, being his Subjects, the benefit of his Laws, in declining all thoſe to be their

'Judges,

An. 1638.

‘Judges, who by their Covenant do hold the principal thing in Queſtion, to wit, Epiſcopacy, to be abjur'd, as many of you do? Or any of you to be their Judges, who do adhere to your laſt Proteſtation, wherein you declare, that it is an Office not known to this Kingdom, although at this preſent it ſtand eſtabliſhed both by Acts of Parliament, and Acts of General Aſſemblies? Whoever heard of ſuch Judges as have ſworn themſelves Parties? And if it ſhall be objected, That the Orthodox Biſhops in the firſt four, and other General Councils, could not be denied to be competent Judges of the Hereticks, though before-hand they had declared their Judgments againſt their Hereſies: It is eaſily anſwered, That in Matters of Hereſie no Man muſt be patient, ſince in Fundamental Points of Faith a Man cannot be indifferent without the hazard of his Salvation, and therefore muſt declare himſelf to be on Chriſt's ſide, or elſe he is againſt him; but in Matters of Church-Government and Policy, which by the Judgment of this Church, in the 21 Article of our *Confeſſion*, is alterable at the Will of the Church; It is not neceſſary for any Man who means to be a Judg, to declare himſelf, eſpecially againſt that Government which ſtands eſtabliſhed by Law at the time of his Declaration, being not only neceſſary, but likewiſe unlawful for him at that time ſo to do: Now this Declaration, all you who adhere to the laſt Proteſtation, have made even ſince you moved to be the Biſhops Judges. Beſides, even thoſe Orthodox Fathers never did declare themſelves againſt the Hereticks, their Perſons or Callings, by Oaths and Proteſtations, as you have done; for that had bin a prejudging in them; and this prejudging in you, makes you now to be incompetent Judges.

‘Upon the whole Matter then there are but two things left for me to ſay; Firſt, You your ſelves have ſo proceeded in the Buſineſs of this Aſſembly, that it is impoſſible the Fruits ſo much wiſhed and prayed for, can be obtained in it; becauſe ſtanding as it does, it will make this Church ridiculous to all the Adverſaries of our Religion, it will grieve and wound all our Neighbour Reformed Churches who hear of it; it will make his Majeſty's Juſtice to be traduced throughout the whole Chriſtian World, if he ſhould ſuffer his Subjects in that which concerns their Callings, their Reputations, and their Fortunes, to be judged by their ſworn Enemies; if therefore you will diſſolve your ſelves, and amend all theſe Errors in a new Election, I will with all convenient ſpeed addreſs my ſelf to his Majeſty, and uſe the utmoſt of my interceſſion with his Sacred Majeſty for the indiction of a new Aſſembly; before the meeting whereof, all theſe things now challenged, may be amended. If you ſhall refuſe this Offer, his Majeſty will then declare to the whole World, that you are diſturbers of the Peace of this Church and State, both by introducing the Lay-Elders againſt the Laws and Practices of this Church and Kingdom, and by going about to aboliſh Epiſcopal Government, which at preſent ſtands eſtabliſhed by both the ſaid Laws. Two points (I dare ſay) and you muſt ſwear it, if your Conſciences be appealed to, (as was well obſerved by that Reverend Gentleman we heard preach the laſt *Sunday*) which theſe you drew into your Covenant were never made acquainted with at their entring into it, much leſs could they ſuſpect, that theſe two ſhould be made the iſſue of this Buſineſs, and the two ſtumbling-Blocks to make

‘them fall off from their natural Obedience to their Soveraign.
‘As for your pretence of your unlimited freedom, you indeed refuſed ſo much as to hear from his Majeſty's Commiſſioner, of any ‘Precedent Treaty, for the preparing and right-ordering of things before the Aſſembly; alleaging that it could not be a Free Aſſembly, ‘where there was any prelimitation, either of the Chuſers, or of thoſe ‘to be choſen, or of any things to be treated of in the Aſſembly, but ‘that all things muſt be diſcuſſed upon the place, elſe the Aſſembly ‘could not be free: but whether you your ſelves have not violated ‘that which you call Freedom, let any Man judg; for beſides theſe ‘Inſtructions, which it may be are not come to our knowledg, we ‘have ſeen, and offer now to produce, four ſeveral Papers of Inſtructions ſent from them, (whom you call the *Tables*) containing all of ‘them Prelimitations, and ſuch as are not only repugnant to that ‘which you call the Freedom, but to that which is indeed the Freedom of an Aſſembly. Two of theſe Papers were ſuch as you were ‘contented ſhould be communicated to all your Aſſociates; to wit, ‘that larger Paper ſent abroad to all Presbyteries, immediately after his ‘Majeſty's indiction of the Aſſembly; and that leſſer Paper for your ‘meeting firſt at *Edinburgh*, then at *Glaſgow*, ſome days before the Aſſembly; which Paper gave order for the chuſing of Aſſeſſors, and ‘divers other Particulars: But your other two Papers of Secret Inſtructions were directed, one of them only to one Miniſter of every ‘Presbytery, to be communicated by him as he ſhould ſee cauſe, but ‘to be quite concealed from the reſt of the Miniſters; the other Paper was directed only to one Lay-Elder of every Presbytery, to be ‘communicated by him as he ſhould ſee cauſe, to be quite concealed ‘from all others: In both which Papers are contained ſuch Directions, which being followed as they were, have quite baniſhed all ‘Freedom from this Aſſembly; as ſhall appear by reading the Papers ‘themſelves.

Theſe he cauſed to be read, but they were diſowned by the Members of the Aſſembly; and they ſaid, They *might have bin the private Opinions of ſome, but did infer no prelimitation on the Aſſembly.* To which the Marqueſs anſwered, That all the Elections being ordered according to theſe, was a clear proof they were ſent by an Authority which all feared to diſobey. And after that he told, that for many months the Orders of the *Tables* had bin obeyed by all, but he would now make a Trial what Obedience they would give to the King's Command; and proteſted, That one of the chief Reaſons that moved him to diſſolve this Aſſembly, was, to deliver the Miniſters from the Tyranny of Lay-Elders, who (if not ſuppreſſed) would (as they were now deſigning the ruin of Epiſcopal Power) prove not only Ruling, but Over-ruling Elders; ſo in his Majeſty's Name he diſſolved the Aſſembly, and diſcharged their further Proceedings under pain of Treaſon.

Mr. *Henderſon*, and the Earl of *Rothes* anſwered him, That *they were ſorry he left them, but their Conſciences bore them witneſs, they had hitherto done nothing amiſs, and therefore would not deſert the Work of God*; proteſting much of their Duty and Obedience to the King in its due Line and Subordination.

An. 1638. The Marqueſs preſently went out and called a new Council, to whom he imparted his Mind: But from the Council the Earl of *Argile* withdrew, and fully cleared all jealouſies about him; for he told the Marqueſs in plain language, *He would take the Covenant, and own the Aſſembly*: but moſt of the Council ſeemed ſatisfied with the Marqueſs his Carriage in the Aſſembly; yet the Marqueſs durſt not offer to them the Proclamation for diſſolving the Aſſembly to be ſigned in Council for fear of refuſal, not having tried them all in it before-hand; but the next morning he got them to ſign it, and then he ſent it to the Market-Croſs at *Glaſgow* to be proclaimed, where it met with a Proteſtation; both which do follow.

CHARLES by the Grace of God, King of *Scotland, England, France,* and *Ireland*, Defender of the Faith. To all Our Lovits, Heraulds, Purſevants, Our Sheriffs in that part conjunctly and ſeverally ſpecially conſtitute, Greeting.

Foraſmickle as out of the Roial and Fatherly Care which We have had of the Good and Peace of this Our Ancient and Native Kingdom; having taken into Our ſerious Conſideration all ſuch things as might have given contentment to Our Good and Loial Subjects: And to this end had diſcharged, by our Proclamation, the Service-Book, Book of Canons, and High-Commiſſion; freed and liberate all Men from the practiſing of the Five Articles, made all our Subjects, both Eccleſiaſtical and Civil, liable to the Cenſure of Parliament, General Aſſembly, or any other Judicatory competent, according to the nature and quality of the Offence: And for the free entry of Miniſters, that no other Oath be adminiſtred unto them, than that which is contained in the Act of Parliament, had declared all by-gone Diſorders abſolutely forgotten and forgiven: And for the more full and clear extirpating all ground and occaſion of fears of Innovation of Religion, We had commanded the Confeſſion of Faith, and Band for maintenance thereof, and of Authority in defence of the ſame, ſubſcribed by our dear Father and his Houſehold, in Anno 1580, to be renewed and ſubſcribed again by our Subjects here: like-as for ſetling of a perfect Peace in the Church and Common-Wealth of this Kingdom, We cauſed indict a free General Aſſembly to be holden at Glaſgow the 21 of this Inſtant, and thereafter a Parliament in May, 1639. By which clement dealing, We looked aſſuredly to have reduced our Subjects to their former quiet Behaviour, and dutiful Carriage, whereto they are bound by the Word of God, and Laws, both National and Municipal, to Us their Native and Soveraign Prince. And albeit the wiſhed Effects did not follow, but on the contrary, by Our ſo gracious procedure they were rather emboldened, not only to continue in their ſtubborn and unlawful ways, but alſo daily add to their former procedures, acts of Neglect and contempt of Authority, as evidently appeared by open oppoſition of Our juſt and religious Pleaſure and Command, expreſt in our laſt Proclamation anent the diſcharge of the Service-Book, Book of Canons, High-Commiſſion, &c. proteſting againſt

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the ſame, and ſtriving by many indirect means to withdraw the Hearts of our good People, not only from a hearty acknowledgment of Our gracious dealing with them, but alſo from the due Obedience to thoſe Our juſt and religious Commands, notwithſtanding We had bin formerly ſo oft petitioned by themſelves for the ſame, by their daily and hourly guarding and watching about our Caſtle of Edinburgh, ſuffering nothing to be imported therein but at their diſcretion; and openly ſtopping and impeding any importation of Ammunition, or other neceſſaries whatſoever, to any other of our Houſes within that Kingdom: denying to Us their Soveraign Lord that liberty and freedom which the meaneſt of them aſſume to themſelves, (an Act without preſident or example in the Chriſtian World) by making of Convocations and Council-Tables of Nobility, Gentry, Burrows, and Miniſters, within the City of Edinburgh; where, not regarding the Laws of the Kingdom, they, without Warrant of Authority, Convene, Aſſemble, and treat upon Matters, as well Eccleſiaſtical as Civil; ſend their Injunctions and Directions throughout the Country to their Subordinate Tables, and other under-Miniſters appointed by them for that effect. And under colour and pretext of Religion, exerciſing an unwarranted and unbounden Liberty, require Obedience to their illegal and unlawful Procedures and Directions, to the great and ſeen prejudice of Authority, and lawful Monarchical Government. And notwithſtanding it was evidently manifeſt, by the illegal and unformal Courſe taken in the Election of their Commiſſioners for the Aſſembly, whereof ſome are under the cenſure of this Church, ſome under the cenſure of the Church of Ireland, and ſome long ſince baniſhed for open and avowed teaching againſt Monarchy; others of them ſuſpended, and ſome admitted to the Miniſtry, contrary to the Form preſcribed by the Laws of this Kingdom; others of them a long time ſince denounced Rebels, and put to the Horne, who by all Law, and unviolable cuſtom and practice of this Kingdom, are, and ever have bin incapable, either to purſue, or defend, before any Judicatory, far leſs to be Judges themſelves; ſome of them confined, and all of them by Oath and Subſcription bound to the overthrow of Epiſcopacy: And by this and other under-hand working, and private informations and perſwaſions, have given juſt ground of ſuſpicion of their partiality herein, and to made themſelves unfit Judges of what concerneth Epiſcopacy. And alſo it was ſufficiently cleared by the peremptory and illegal Procedures of the Presbyteries, who at their own hand, without order of Law, and without due form of proceſs, thruſt out the Moderators lawfully eſtabliſhed, and placed others, whom they found moſt inclinable to their turbulent Humours; aſſociate to themſelves for the chuſing the ſaid Commiſſioners for the Aſſembly, a Laick Elder out of each Paroch; who being in moſt places equal, if not more in number than the Miniſtry, made choice both of the Miniſters who ſhould be Commiſſioners from the Presbyteries, as alſo of a Ruling-Elder; being directed more therein by the Warrants from the foreſaid pretended Tables, than by their own Judgments; as appears by the ſeveral private Inſtructions ſent from them, far contrary to the Laws of the Country, and lowable cuſtom of the Church: by which doings it is too manifeſt, that no calm nor peaceable procedure or courſe could have bin expected from this

An. 1638. Aſſembly, for ſetling the preſent Diſorders and Diſtractions: Yet We were pleaſed herein in ſome ſort to blindfold our own Judgment, and over-look the ſaid Diſorders, and patiently to attend the meeting of the ſaid Aſſembly; ſtill hoping that when they were met together, by our Commiſſioner his preſence, and aſſiſtance of ſuch other well-diſpoſed Subjects who were to be there, and by their own ſeeing the real performance of all that was promiſed by our laſt Proclamation, they ſhould have bin induced to return to their due Obedience of Subjects. But perceiving that their ſeditious Diſpoſition ſtill increaſes, by their repairing to the ſaid Aſſembly with great Bands and Troops of Men, all boddin in fear of War, with Guns and Piſtols, contrary to the Laws of this Kingdom, cuſtom obſerved in all Aſſemblies, and in high contempt of our laſt Proclamation at Edinburgh the 16th of this Inſtant. As alſo by their peremptory refuſing of our Aſſeſſors authorized by Us, (although fewer in number than our deareſt Father was in uſe to have at divers Aſſemblies) the power of Voting in this Aſſembly, as formerly they have done in other Aſſemblies; and by their partial, unjuſt, and unchriſtian refuſing, and not ſuffering to be read the Reaſons and Arguments given in by the Biſhops, and their Adherents, to our Commiſſioner, why the Aſſembly ought not to proceed to the election of a Moderator with them, neither yet to the admitting of any of the ſaid Commiſſioners from Presbyteries, before they were heard to object againſt the ſame, though earneſtly required by our Commiſſioner in our Name. And notwithſtanding that our Commiſſioner under his hand, by Warrant from Us, gave in a ſufficient Declaration of all that was contained in our late Proclamation and Declaration, the ſame bearing likewiſe our Pleaſure of the Regiſtration of the ſame in the Books of the Aſſembly, for the full aſſurance of the True Religion to all our good Subjects: And yet not reſting ſatisfied therewith, leſt the continuance of their meeting together might produce other the like dangerous Acts, derogatory to Roial Authority, We have thought good, for preventing thereof, and for the whole Cauſes and Reaſons above-mentioned, and divers others importing the True Monarchical Government of this Eſtate, to diſſolve and break up the ſaid Aſſembly. And therrfore,

Our Will is, That We do diſcharge and inhibit all and whatſoever pretended Commiſſioners, and other Members of the ſaid pretended Aſſembly, of all further meeting and convening, treating and concluding any thing belonging to the ſaid Aſſembly, under the pain of Treaſon; declaring all and whatſoever that they ſhall happen to do in any pretended Meeting thereafter, to be null, of no ſtrength, force nor effect, with all that may follow thereupon: prohibiting and diſcharging all our Lieges to give Obedience thereto, and declaring them, and every one of them, free and exempt from the ſame, and of all hazard that may enſue for not obeying thereof. And for the effect, We command and charge all the foreſaid pretended Commiſſioners, and other Members of the ſaid Aſſembly, to depart forth of this City of Glaſgow within the ſpace of 24 hours after the publication hereof, and to repair home to their own Houſes; or that they go about their own private Affairs in a quiet manner. With ſpecial proviſion always, That the foreſaid Declaration, given in under our Commiſſioner's hand, with all therein contained, ſhall notwithſtanding

ing hereof ſtand full, firm, and ſure to all our good Subjects in all time coming, for the full aſſurance to them of the True Religion. And our Will is, and We command and charge, That incontinent theſe our Letters ſeen, ye paſs, and make publication hereof by open Proclamation, at the Market-Croſs of Glaſgow, and other places needful, where through none pretend ignorance of the ſame.

Given under Our Signet at *Glaſgow*, the 29*th* of *November*, and of Our Raign the 14*th* Year.

Sic Subſcribitur.

Hamilton, Traquair, Roxborourgh, Murray, Linlithgow, Perth, Kinghorne, Tullibardin, Haddington, Galloway, Annandaill, Lauderdale, Kinnoull, Dumfreis, Southesk, Belhaven, Angus, Dalyel, J. Hay, W. Elphinſton, Ja. Carmichael, J. Hamilton.

The Proteſtation of the General Aſſembly *of the Church of* Scotland, *&c. made in the High Kirk, and at the Market-Croſs of* Glaſgow, *Nov.* 29. 1638.

‘WE Commiſſioners from Preſbyteries, Burghs, and Univerſities, now convened in a full and free Aſſembly of the Church of *Scotland*, indicted by his Majeſty, and gathered together in the Name of the *Lord Jeſus Chriſt*, the only Head and Monarch of his own Church; And we Noblemen, Barons, Gentlemen, Miniſters, Burgeſſes, and Commons, Subſcribers of the *Confeſſion of Faith*, make it known, That where we his Majeſty's Loial Subjects, of all Degrees, conſidering and taking to heart the many and great Innovations and Corruptions, lately by the Prelates and their Adherents, intruded into the Doctrine, Worſhip, and Diſcipline of this Church, which had bin before in great purity, to our unſpeakable comfort, eſtabliſhed amongſt us, were moved to preſent many earneſt Deſires, and humble Supplications to his Sacred Majeſty for granting a free General Aſſembly, as the only legal and ready mean to try theſe Innovations, to purge out the Corruptions, and ſettle the Order of the Church for the Good of Religion, the Honour of the King, and the Comfort and Peace of the Kirk and Kingdom. It pleaſed his Gracious Majeſty, out of his Roial Bounty, to direct unto this Kingdom, the Noble and Potent Lord, *James*, Marqueſs of *Hamilton*, with Commiſſion to hear and redreſs the juſt Grievances of the good Subjects; who by many Petitions, and frequent Conferences, beiug fully informed of the abſolute neceſſity of a free General Aſſembly, as the only Judicatory which had Power to remedy thoſe Evils, was pleaſed to undergo the pains of a Voyage to *England*, for preſenting the pitiful condition of our Church to his Sacred Majeſty.

‘And the ſaid Commiſſioner his Grace, returned again in *Auguſt* laſt, with Power to Indict an Aſſembly, but with the condition of ſuch Prelimitations, as did both deſtroy, and could no ways cure the preſent Diſeaſes of this Church; which was made ſo clearly ap-

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‘parent to his Grace, that for ſatisfying the reaſonable Deſire of the Subjects, groaning under the wearineſs and prejudices of long-ſome Attendance; He was again pleaſed to undertake another Journey to his Majeſty, and promiſed to endeavour to obtain a free General Aſſembly, without any Prelimitation, either of the Conſtitution and Members, or Matters to be treated, or Manner and Order of Proceeding; ſo that if any Queſtion ſhould ariſe concerning theſe Particulars, the ſame ſhould be cognoſed, judged, and determined by the Aſſembly as the only Judg competent. And accordingly by Warrant from our Sacred Soveraign, returned to this Kingdom, and in *September* laſt, cauſed indict a free General Aſſembly to be holden at *Glaſgow*, the 21 of *November* inſtant, to the unſpeakable Joy of all good Subjects, and Chriſtian Hearts, who thereby did expect the perfect ſatisfaction of their long Expectations, and the final Remedy of their preſſing Grievances. But theſe Hopes were ſoon blaſted: for albeit the Aſſembly did meet and begin at the appointed day, and hath hitherto continued, ſtill aſſiſted with his Grace's Perſonal preſence; yet his Grace hath never allowed any Freedom to the Aſſembly, competent to it, to the Word of God, Acts and Practice of this Church, and his Majeſty's Indiction; but hath laboured to reſtrain the ſame, by proteſting againſt all the Acts made therein, and againſt the Conſtitution thereof by ſuch Members, as by all Law, Reaſon, and Cuſtom of this Church, were ever admitted in our Free Aſſemblies, and by denying his approbation to the things proponed and concluded, though moſt clear, cuſtomable, and uncontroverted.

‘And now ſince his Grace, after the preſenting and reading of his own *Commiſſion*, from our Sacred Soveraign, and after his ſeeing all our *Commiſſions* from Preſbyteries, and Burrows, produduced and examined, and the Aſſembly conſtitute of all the Members by unanimous conſent, doth now, to our greater Grief, without any juſt cauſe or occaſion offered by us, unexpectedly diſcharges us from any further meeting or proceeding in this Aſſembly, under the pain of *Treaſon*; and after ſeven days ſitting, declare all Acts made, or hereafter to be made in this Aſſembly, to be of no force nor ſtrength; and that for ſuch Cauſes as are either expreſſed in his Majeſty's former Proclamations, (and ſo are anſwered in our former Proteſtations) or ſet down in the Declinator and Proteſtation preſented in the Name of the Prelates, (which are fully cleared in our Anſwer made thereto) or elſe were long ſince propounded by the Commiſſioner his Grace in his eleven Articles or Demands ſent unto us, before the indiction of the Aſſembly (and ſo were ſatisfied by our Anſwers, which his Grace acknowledged, by promiſing, after the recept thereof, to procure a free General Aſſembly, and with power to determine upon all Queſtions anent the Members, Manner, and Matter thereof); all which, for avoiding tediousneſs, we here repeat, or otherwiſe the ſaid Cauſes alleged by the Commiſſioner, were proponded by his Grace in the Aſſembly: ſuch as, firſt, That the Aſſembly refuſed to read the Declinator, and Proteſtation exhibited by the Prelates; which nevertheleſs was publickly read and conſidered by the Aſſembly, immediately after the Election of a Moderator, and conſtitution of the Members; before the which there was no Aſſembly eſtabliſhed, to whom the ſame could have bin read.

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Next, That Ruling-Elders were permitted to have Voices in the Election of Commiſſioners from Preſbyteries, which was known to his Grace before the indiction and meeting of the Aſſembly, and is ſo agreeable to the Acts and Practice of this Church, inviolably obſerved before the late times of Corruption, that not one of the Aſſembly doubted thereof; to whom by the indiction and promiſe of a free Aſſembly, the determination of that Queſtion, anent the Members conſtituent property belonged.

‘And laſtly, That the Voices of the ſix Aſſeſſors who did ſit with his Grace, were not asked and numbred, which we could not perceive to be any juſt cauſe of Offence, ſince after 39 National Aſſemblies of this Reformed Church, where neither the King's Majeſty, nor any in his Name was preſent, at the humble and earneſt deſire of the Aſſembly, his Majeſty graciouſly vouchſafed his preſence, either in his own Roial Perſon, or by a Commiſſioner, not for voting or multiplying of Voices, but as Princes and Emperors of old, in a princely manner, to countenance that Meeting, and to preſide in it for external Order; and if we had bin honoured with his Majeſty's Perſonal Preſence, his Majeſty (according to the practice of King *James* of Bleſſed Memory) would have only given his own Judgment in voting of Matters, and would not have called others who had not bin cloathed with Commiſſion from the Church, to carry things by plurality of Voices.

‘Therefore in conſcience of our Duty to God and his Truth, the King and his Honour, the Church and her Liberties, this Kingdom and her Peace, this Aſſembly and her Freedom, to our Selves and our Safety, to our Poſterity, Perſons, and Eſtates, we profeſs, with ſorrowful and heavy, but Loial Hearts, That we cannot diſſolve this Aſſembly for the Reaſons following.

1. ‘For the Reaſons already printed anent the neceſſity of convening a General Aſſembly, which are now more ſtrong in this caſe, ſeeing the Aſſembly was already indicted by his Majeſty's Authority, did convene, and is fully conſtitute in all the Members thereof, according to the Word of God, and Diſcipline of this Church, in the preſence and audience of his Majeſty's Commiſſioner, who hath really acknowledged the ſame, by aſſiſting therein ſeven days; and exhibition of his Majeſty's Roial Declaration to be Regiſtrate in the Books of this Aſſembly, which accordingly is done.

2. ‘For Reaſons contained in the former Proſtetations, made in the Name of the Noblemen, Barons, Burgeſſes, Miniſters, and Commons, whereunto we do now judicially adhere, as alſo unto the *Confeſſion of Faith and Covenant*, ſubſcribed and ſworn by the Body of this Kingdom.

3. ‘Becauſe, as we are obliged by the Application and Explication ſubjoined, neceſſarily to the *Confeſſion of Faith* ſubſcribed by us; So the King's Majeſty, and his Commiſſioner and Privy-Council, have urged many of this Kingdom to ſubſcribe the *Confeſſion of Faith* made in *Anno* 1580, and 1590, and ſo to return to the Doctrine and Diſcipline of this Church as it was then profeſſed: But it is clear by the Doctrine and Diſcipline of this Church, contained in the Book of Policy then regiſtrate in the Books of Aſſembly, and ſubſcribed by the Preſbyteries of this Church, That it was moſt unlawful in it ſelf, and prejudicial to theſe Priviledges which Chriſt in his Word

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'hath left to his Church, to diſſolve or break up the Aſſembly of this Church, or to ſtop and ſtay their Proceedings, in conſtitution of Acts for the welfare of the Church, or execution of Diſcipline againſt Offenders; and ſo to make it appear, that Religion and Church-Government ſhould depend abſolutely upon the Pleaſure of the Prince.

4. 'Becauſe there is no ground of pretence, either by Act of Aſſembly or Parliament, or any preceding practice, whereby the King's Majeſty may lawfully diſſolve the General Aſſembly of the Church of *Scotland*, far leſs his Majeſty's Commiſſioner, who by his Commiſſion hath Power to indict and keep, *ſecundum legem & praxim*; but upon the contrary, his Majeſty's Prerogative Roial, is declared by Act of Parliament to be no ways prejudicial to the Privileges and Liberties which God hath granted to the Spiritual Office-bearers, and Meetings of this his Church; which are moſt frequently ratified in Parliament, and eſpecially in the laſt Parliament holden by his Majeſty himſelf: Which Privileges and Liberties of the Church, his Majeſty will never diminiſh or infringe, being bound to maintain the ſame in integrity, by ſolemn Oath given at his Roial Coronation in this Kingdom.

5. 'The Aſſemblies of this Church have ſtill injoied this freedom of uninterrupted ſitting, without or notwithſtanning any *contramand*, as is evident by all the Records thereof; and in ſpecial, by the General Aſſembly holden in *Anno* 1582; which being charged by Letters of Horning, by the King's Majeſty, his Commiſſioner and Council, to ſtay their Proceſs againſt Mr. *Robert Montgomery*, pretended Biſhop of *Glaſgow*, or otherwiſe to diſſolve and riſe; did, notwithſtanding, ſhew their Liberty and Freedom, by continuing and ſitting ſtill, and without any ſtay, going on in the Proceſs againſt the ſaid Mr. *Robert* to the final end thereof: And thereafter, by Letter to his Majeſty, did ſhew clearly how far his Majeſty had bin uninformed, and upon miſinformation, prejudged the Prerogative of *Jeſus Chriſt*, and the Liberties of the Church; and did Enact and Ordain, That none ſhould procure any ſuch Warrant or Charge, upon the pain of Excommunication.

6. 'Becauſe now to diſſolve, after ſo many Supplications and Complaints, after ſo many reiterated Promiſes, after our long attendance and expectation, after ſo many References of Proceſſes from Presbyteries, after the publick indiction of the Aſſembly, and the ſolemn Faſt appointed for the ſame, after frequent convention, formal conſtitution of the Aſſembly in all the Members thereof, and ſeven days ſitting, were by this Act to offend God, contemn the Subjects Petitions, deceive many of their conceived hopes of redreſs of the Calamities of the Church and Kingdom, multiply the Combuſtions of this Church, and make every Man deſpair hereafter ever to ſee Religion eſtabliſhed, Innovations removed, the Subjects Complaint reſpected, or the Offenders puniſhed with conſent of Authority; and ſo by caſting the Church looſe and deſolate, would abandon both to ruin.

7. 'It is moſt neceſſary to continue this Aſſembly for preventing the Prejudices that may enſue upon the pretence of the *two Covenants*, whereas indeed there is but one; that firſt ſubſcribed in 1580, and 1590, being a National Covenant and Oath to God, which is

lately renewed by Us with that neceſſary Explanation, which the Corruptions introduced ſince that time, contrary to the ſame, inforced. Which is alſo acknowledged by the Acts of Council in *September* laſt, declaring the ſame to be ſubſcribed, as it was meaned the time of the firſt ſubſcription: And therefore for removing that ſhame, and all Prejudices that may follow upon the ſhow of two different *Covenants* and *Confeſſions of Faith* in one Nation, the Aſſembly cannot diſſolve, before it try, find, and determine, that both theſe Covenants are but one and the ſelf-ſame Covenant. The latter renewed by us, agreeing to the true genuine ſenſe and meaning of the firſt, as it was ſubſcribed in *Anno* 1580.

'For theſe, and many other Reaſons, we the Members of this Aſſembly, in our own Name, and in the Name of the Kirk of *Scotland*, whom we repreſent, and we Noblemen, Barons, Gentlemen, Miniſters, Burgeſſes, and Commons, before mentioned, do ſolemnly declare, in the preſence of the Everliving God, and before all Men; and proteſt,

1. 'That our Thoughts are not guilty of any thing which is not incumbent to us, as good Chriſtians towards God, and Loial Subjects towards our Sacred Soveraign.

2. 'That all the *Proteſtations*, general and particular, proponed or to be proponed by the Commiſſioner his Grace, or the Prelates and their Adherents, may be preſently diſcuſſed before this General Aſſembly, being the higheſt Eccleſiaſtical Judicatory of this Kingdom; and that his Grace depart not till the ſame be done.

3. 'That the Lord Commiſſioner depart not till this Aſſembly do fully ſettle the ſolid Peace of this Church, cognoſcing and examining the Corruptions introduced upon the Doctrine and Diſcipline thereof: And for attaining hereof, and removing all juſt Exceptions which may be taken at our Proceedings, we atteſt God, the Searcher of all Hearts, that our Intentions and whole Proceedings in this preſent Aſſembly, have bin, are, and ſhall be, according to the Word of God, the Laws and Conſtitutions of this Church, the Confeſſion of Faith, our National Oath, and that meaſure of Light which God the Father of Light ſhall grant Us, and that in the ſincerity of our Hearts, without any preoccupation or paſſion.

4. 'That if the Commiſſioner his Grace depart, and leave this Church and Kingdom in this preſent diſorder, and diſcharge this Aſſembly, That it is both lawful and neceſſary for us to ſit ſtill and continue in keeping this preſent Aſſembly indicted by his Majeſty, till we have tried, judged, cenſured, all the by-gone Evils, and the Introductors, and provide a ſolid courſe for continuing God's Truth in this Land with Purity and Liberty, according to his Word, our Oath, and Confeſſion of Faith, and the lawful Conſtitutions of this Church; and that with the Grace of God, we and every one of us adhering thereunto, ſhall ſit ſtill and continue in this Aſſembly, till after the final ſetling and concluſion of all Matters, it be diſſolved by common conſent of all the Members thereof.

5. 'That this Aſſembly is and ſhould be eſteemed and obeyed as a moſt lawful, full and free General Aſſembly of this Kingdom; and that all Acts, Sentences, Conſtitutions, Cenſures, and Proceedings of this Aſſembly, are, and ſhould be reputed, obeyed, and obſerved by all the Subjects of this Kingdom, and Members of this

Church, as the Actions, Sentences, Conſtitutions, Cenſures, and Proceedings of a full and free General Aſſemblie of this Church of *Scotland*, and to have all ready execution under the Eccleſiaſtical Pains contained, or to be contained therein, and conform thereto in all Points.

6. ‘That whatſoever Inconveniences fall out, by impeding, moleſting, or ſtaying the free Meeting, Sitting, Reaſoning, or Concluding of this preſent Aſſembly, in Matters belonging to their Judicatory, by the Word of God, Laws and Practice of this Church, and the Confeſſion of Faith; or in the obſerving and obeying the Acts, Ordinances, and Concluſions thereof, or Execution to follow thereupon, that the ſame be not imputed unto us, or any of us, who moſt ardently deſire the concurrence of his Majeſty's Commiſſioner to this lawful Aſſembly: But upon the contrary, That the Prelates and their Adherents, who have proteſted and declined this preſent Aſſembly, in Conſcience of their own guiltineſs, not daring to abide any legal Trial; and by their miſinformation have moved the Commiſſioner his Grace to depart and diſcharge this Aſſembly; be eſteemed, reputed, and holden the Diſturbers of this Peace, and Overthrowers of the Liberties of the Church, and guilty of all the Evils which ſhall follow hereupon, and condignly cenſured according to the greatneſs of their Fault, and Acts of the Church and Realm. And to this end we again and again do by theſe Preſents cite and ſummon them, and every one of them, to compere before this preſent General Aſſembly to anſwer to the Premiſes, and to give in their Reaſons, Defences, and Anſwers againſt the Complaints given in, or to be given in againſt them, and to hear Probation led, and Sentence pronounced againſt them, and conform to our former Citations, and according to Juſtice, with certification as Effeirs; like as by theſe Preſents we ſummon and cite all thoſe of his Majeſty's Council, or any other who have procured, conſented, ſubſcribed, or ratified this preſent Proclamation to be reſponſable to his Majeſty, and three Eſtates of Parliament, for their counſel given in this Matter, ſo highly importing his Majeſty, and the whole Realm, conform to the 12 Act King *James*, 4 Parliam. 2. and proteſt for remedy of Law againſt them, and every one of them.

7. ‘And laſtly, We proteſt that as we adhere to the former Proteſtations, all and every one of them, made in the Name of the Noblemen, Barons, Gentlemen, Miniſters, Burgeſſes, and Commons; ſo ſeeing we are ſurprized by the Commiſſioner his Grace's ſudden departure, far contrary to his Majeſty's Indiction, and our Expectation, we may extend this our Proteſtation, and add more reaſons thereunto in greater length and number, whereby we may fully clear, before God and Man, the equity of our Intentions, and lawfulneſs of our Proceedings: And upon the whole Premiſes, the aforeſaid Perſons, for themſelves, and in name aforeſaid, asked Inſtruments.

‘This was done in the High Church of *Glaſgow*, in publick Audience of the Aſſembly, begun in preſence of the Commiſſioner his Grace, who removed and refuſed to hear the ſame to the end; the *28th* day of *November*, and upon the Market-Croſs of *Glaſgow* the *29th* day of the ſaid month, the Year of God 1638 reſpective.

After the Marqueſs had diſſolved the Aſſembly, the Council reſolved to write to his Majeſty a Letter of Thanks for thoſe gracious Proffers which he by his Commiſſioner had made at the Aſſembly, which they did as followeth, dated the 29*th* of *November.*

Moſt Sacred Soveraign,

I*N Obedience to your Majeſty's Roial Commands, we have attended your Majeſty's Commiſſioner here at* Glaſgow, *ſince the 17th of this Inſtant, and according to our bound Duty in ſo exigent Occaſion, have not bin wanting, with our humble and beſt Advices; and although we do admit the particular Relation of what paſt to his Graces ſelf as beſt known to him, yet we cannot for Truths-ſake be ſo ſilent, as not to acknowledg to your Majeſty, that never Servant did with more Induſtry, Care, Judgment, and Patience, go about the diſcharge of ſo great a Truſt: And albeit the ſucceſs hath not anſwered his deſires, neither yet his extraordinary pains, and (as we may confidently affirm) moſt dextrous and adviſed Courſes taken to compaſs the juſt Command of ſo gracious a King; yet his deſerving herein Merits to be remembred to Poſterity. And ſince your Majeſty hath bin pleaſed to renew to us your former Act of Grace, expreſſed in your Proclamation and Declaration anent the maintenance of the True Religion, and we in the defence and profeſſion thereof; We do all in humility and hearty acknowledgment of ſo great Goodneſs, return to your Majeſty the offer of our Lives and Fortunes in defence of your Sacred Perſon, and maintenance of your Roial Authority: And ſhall in all our Actions approve our ſelves your Majeſty's moſt loial Subjects and humble Servants.*

Sic Subſcribitur,

Traquair, Roxborough, Marre, Murray, Lithgow, Perth, Wigtoun, Kinghorn, Tullibardin, Haddington, Galloway, Annandail, Lauderdale, Kinnoul, Dumfreis, Southeſk, Angus, Elphinſton, Napier, Dalyel, Hay, W. Elphinſton, Ja. Carmichael, Hamilton, Blackhall.

From *Glaſgow*, *Novemb.* 29. 1638.

Suddenly after which the Marqueſs received this enſuing Letter from the Arch-Biſhop of *Canterbury*, dated at *Lambeth*, December the third, 1638.

My very good Lord,

I *Received your Lordſhip's Letters of* November 27. *they came ſafe to me on* December 2, *after eight at Night. I was glad to ſee them ſhort; but their ſhortneſs is abundantly ſupplied by the length of two Letters, one for the Lord* Roſs, *and the other from the Dean. They have between them made their Word good to your Lordſhip, for they have ſent me all the Paſſages, from the beginning of the Aſſembly, to the time of the date of their Letters: And this I will be bold to ſay, Never were there more groſs Abſurdities, nor half ſo many in ſo ſhort a time, committed in*

An. 1638. *any publick Meeting; and for a National Aſſembly, never did the Church of Chriſt ſee the like.*

Beſides, his Majeſty's Service in General, that Church is much beholden to you, and ſo are the Biſhops in their Perſons and Callings; and heartily ſorry I am, that the People are ſo beyond your expreſſion furious, that you think it fit to ſend the two Biſhops from Glaſgow *to* Hamilton; *and much more, that you ſhould doubt your own ſafety. My Lord, God bleſs your Grace with Life and Health to ſee this Buſineſs at a good end; for certainly, as I ſee the face of things now, there will very much depend upon it, and more than I think fit to expreſs in Letters; nay, perhaps, more than I can well expreſs if I would.*

I am as ſorry as your Grace can be, that the King's Preparations can make no more haſt; I hope you think (for truth it is) I have called upon his Majeſty, and, by his command, upon ſome others, to haſten all that may be, and more than this I cannot do; but I am glad to read in your Letters, that you have written at length to his Majeſty, that you may receive from himſelf a punctual Anſwer to all neceſſary Particulars; and I preſently going to him to write largely to you, that you may not be in the dark for any thing.

But, my Lord, to meet with it again in your Letters, that you cannot tell whether this may be your laſt Letter, and that therefore you have diſcloſed the very thoughts of your heart, doth mightily trouble me. But I truſt in God he will preſerve you, and by your great Patience, Wiſdom, and Induſtry, ſet his Majeſty's Affairs (to your great honour) in a right poſture once again; which if I might live to ſee, I would be glad to ſing my Nnnc dimittis.

I pray (my Lord) accept my thanks for the poor Clergie there, and particularly for the Biſhop of Roſs, *who proteſts himſelf moſt infinitely obliged to you.*

I heartily pray your Lordſhip to thank both the Biſhop of Roſs *and the Dean for their kind Letters, and the full account they have given me; but there is no particular that requires an auſwer in either of them, ſaving that I find in the Dean's Letter, that* Mr. Alex. Henderſon, *who went all this while for a quiet and well-ſpirited Man, hath ſhewed himſelf a moſt violent and paſſionate Man, and a Moderator without Moderation. Truly (my Lord) never did I ſee any Man of that humour yet, but he was deep dyed in ſome Violence or other; and it would have bin a wonder to me if* Henderſon *had held free. Good, my Lord, ſince you are good in the Active part, in the commixture of Wiſdom and Patience, hold it out till the People may ſee the violence and injuſtice of them that would be their Leaders, and ſuffer not a Rupture till there be no Remedy. God bleſs you in all your ways, which is the daily Prayer of*

Lambeth, Dec. 3.
1638.

Your Lordſhips moſt faithful Friend,
and humble Servant,

W. CANT.

He alſo received another Letter from the Arch-Biſhop, dated the 7th of *December*, to the effect following.

My very good Lord,

THis day I have received your other Letter, with three Papers, viz. That which ſhews you have keeped within your Inſtructions, the Copy of the Proclamation which diſſolves the Aſſembly, and a Copy of the Councils Letter to the King; both which his Majeſty takes to be very good Service done for him, and commands me to give your Grace thanks in his Name, which I am very glad to do, and I do it heartily.

I have done, and do daily call upon his Majeſty for his Preparations; he proteſts he makes all the haſt he can, and I believe him; but the jealouſies of giving the Covenanters umbrage too ſoon, have made Preparations here ſo late.

The Aſſembly continue ſitting at *Glaſgow*.

After the King's Commiſſioner's departure from *Glaſgow*, they ſtill continued the Aſſembly, notwithſtanding the King's Diſſolution of it by Proclamation under pain of *Treaſon*; and then immediately the Earl of *Argile* began to declare himſelf openly the Head of it, and adjoined himſelf preſently to them, and ſat continually with them in the Aſſembly, although he were no Member of it, but ſat only as their chief Director and Countenancer.

In a ſhort ſpace of time they declared ſix General Aſſemblies to be null and void; they condemned all the *Arminian* Tenents, without defining what thoſe Tenents were: They deprived the Arch-Biſhop of St. *Andrews*, the Biſhop of *Galloway* and *Brechin*; They declared Epiſcopal Government to be inconſiſtent with the Law and Church of the Kingdom of *Scotland*, and ſo aboliſhed it for ever, though it did then, and ſtill ſtands (as the King ſaith in his Declaration) confirmed by many Acts both of Parliaments and Aſſemblies.

Here followeth one of the *Sentences* given in againſt Mr. *John Guthrie*, pretended Biſhop of *Murray*; Mr. *John Graham*, pretended Biſhop of *Orkney*; Mr. *James Fairly*, pretended Biſhop of *Liſmoir*; Mr. *Neil Campbell*, pretended Biſhop of the *Iſles*, viz.

Sentence pronounced againſt divers Biſhops.

‘THe General Aſſembly having heard the Libels and Complaints given in againſt the foreſaid pretended Biſhops, to the Presbytery of *Edinburgh*, and ſundry Presbyteries within their Dioceſs, and by the ſaid Presbyteries referred to this Aſſembly to be tried; The ſaid pretended Biſhops being lawfully cited, oftentimes called, and not compearing, proceeded to the cognition of the Complaints and Libels againſt them; and finding them guilty of the breach of the Cautions agreed upon in the Aſſembly at *Montroſe*, *Anno* 1600, for reſtricting of the Miniſter-Voter in Parliament, from incroaching upon the Liberties and Juriſdictions of this Kirk, which was ſet down with certification of Depoſition, Infamy, and Excommunication; and eſpecially for receiving Conſecration to the Office of Epiſcopacy, condemned by the Confeſſion of Faith, and Acts of this Kirk, as having no Warrant nor Fundament in the Word of God; but by virtue of this uſurped Power, and Power of the High-Commiſſion, preſſing the Kirk with Novations in the Worſhip of God; and for their refuſal to underly the trial of the reigning ſlander of ſundry other groſs Tranſgreſſions and Offences laid to their Charge:

'Therefore the Aſſembly moved with Zeal to the Glory of God, and 'purging of this Kirk, ordains the ſaid pretended Biſhops to be depoſed, and by theſe Preſents doth depoſe them, not only of the Office of Commiſſionary to Vote in Parliament, Council, or Convention in Name of the Kirk, but alſo of all Functions, whether of 'Pretended, Epiſcopal, or Miniſterial Calling; and likewiſe in caſe 'they acknowledg not this Aſſembly, reverence not the Conſtitution 'thereof, and obey not the *Sentence*, and make not their Repentance 'conform to the Order preſcribed by this Aſſembly, ordains them to 'be Excommunicated, and declared to be of theſe whom Chriſt commandeth to be holden by all and every one of the Faithful, as *Ethnicks* and *Publicans*, and the Sentence of Excommunication to be 'pronounced upon their refuſal, in the Kirks appointed by any of 'theſe who are particularly named to have the charge of trying their 'Repentance or Impenitency; and that the execution of this *Sentence* 'be intimate in all the Kirks within this Realm, by the Paſtors of 'every particular Congregation, as they will be anſwerable to their 'Preſbyteries or Synods, or the next General Aſſembly, in caſe of 'negligence of the Preſbyteries and Synods.'

The Declinator *and* Proteſtation *of the Arch-Biſhops and Biſhops of the Church of* Scotland, *and other their Adherents, within that Kingdom, againſt the pretended General Aſſembly holden at* Glaſgow, *Novemb.* 21. 1638.

The Arch-Biſhops and Biſhops Proteſtation.

'WE Arch-Biſhops, Biſhops, and other under-ſubſcribers for our 'ſelves, and in the name and behalf of the Church of *Scotland*. Whereas it hath pleaſed the King's Majeſty to indict a General 'Aſſembly of the Church to be kept at *Glaſgow* the 21*th* of *November* 1638, for ſetling and compoſing the Diſtractions of the ſame; 'firſt, do acknowledg and profeſs, That a General Aſſembly, lawfully 'called, and orderly convened, is a moſt neceſſary and effectual mean 'for removing theſe Evils, wherewith the ſaid Church is infeſted, and for 'ſetling that Order which becometh the Houſe of God, and that we 'wiſh nothing more than a meeting of a peaceable and orderly Aſſembly to that effect. Secondly, We acknowledg and profeſs, as becometh good Chriſtians and faithful Subjects, that his Majeſty hath 'Authority, by his Prerogative Roial, to call Aſſemblies, as is acknowledged by the Aſſembly at *Glaſgow* 1610, and Parliament 1612; 'and that it is not lawful to convene without his Majeſty's conſent 'and approbation, except we will put our ſelves in danger to be called in queſtion for Sedition.

'Yet nevertheleſs, In ſundry reſpects we cannot but eſteem this 'Meeting at *Glaſgow* moſt unlawful and diſorderly, and their Proceedings void aud null in Law, for theſe Cauſes and Reaſons following.

'Firſt, Before his Majeſty's Roial Warrant to my Lord Commiſſioner's Grace, to induct a lawful free General Aſſembly, the uſurped 'Authority of the Tables (as they call it) by their Miſſives and Inſtructions, did give order and direction for all Preſbyteries to elect 'and chuſe their Commiſſioners for the Aſſembly, and for ſeeking

'God's Bleſſing to it, to keep a ſolemn Faſt, *Sept.* 16. whereas his Majeſty's Warrant for indicting that Aſſembly was not publiſhed till the 22 of that Month; ſo that they preventing, and not proceeding by Warrant of Royal Authority, the pretended Commiſſioners being choſen before the Preſbyteries were authorized to make Election, cannot be reputed Members of a Lawful Aſſembly, muſt not only be indicted by lawful Authority, (as we acknowledg this to be) but alſo conſtituted of ſuch Members as are requiſite to make up ſuch a Body; for if according to the Indiction, none at all do Convene, or where the Clergy is called, there meet none but Laicks, or more Laicks than of the Clergy, with equal Power to judg and determine; or of ſuch of the Laicks and Clergy as are not lawfully Authorized, or are not capable of that Emploiment by their Places; or ſuch as are legally diſabled to ſit and decide in an Aſſembly of the Church, a Meeting conſiſting of ſuch Members, cannot be thought a Free and Lawful Aſſembly by that Act of Parliament, *Ja.6. Par.3. cap.* 46. 1572. Every Miniſter who ſhall pretend to be a Miniſter of God's Word and Sacraments, is bound to give his aſſent and ſubſcription to the Articles of Religion, contained in the Acts of our Soveraign Lord's Parliament, and in the preſence of the Arch-Biſhop, Superintendent or Commiſſioner of the Province, give his Oath for acknowledging and recognoſcing of our Soveraign Lord and his Authority, and bring a Teſtimonial in Writing thereupon; and openly upon ſome *Sunday*, in time of Sermon, or publick Prayers, in the Kirk where he ought to attend, read both the Teſtimonial and Confeſſion, and of new make the ſaid Oath, within a month after his Admiſſion; under the pain, That every one that ſhall not do as is above appointed, ſhall, *ipſo facto*, be deprived, and all his Eccleſiaſtical Promotions and Livings be then vacant, as if he were then naturally dead: And that all inferior Perſons, under Prelats, be called before the Arch-Biſhops, Biſhops, Superintendents, and Commiſſioners of the Dioceſs or Province within which they dwell, as the Act bears.

2. 'All of the Clergy convened to this Aſſembly, pretend themſelves to be Miniſters of God's Word and Sacraments; and having Benefices, or other Eccleſiaſtical Livings, yet nevertheleſs moſt of them have never in the preſence of the Arch-Biſhop, Biſhop, Superintendent, or Commiſſioner of the Dioceſs or Province, ſubſcribed the Articles of Religion contained in the Acts of Parliament, and given their Oath for acknowledging and recognoſcing our Soveraign Lord and his Authority, and brought a Teſtimonial thereof; and therefore they are, *ipſo facto*, deprived, and their Places void, as if they were naturally dead; and conſequently having no Place in the Church, nor Function in the Church, cannot be Commiſſioners to this Aſſembly: *Hoc maxime attento*, that the ſaid Perſons not only have never given their Oath for acknowledging his Majeſty's Authority, nor can ſhew any Teſtimonial thereupon, as they are bound by the ſaid Act; but alſo as Subjects having bin comprehended in the Repreſentative Body of this Kingdom, promiſed to acknowledg, obey, maintain, defend, and advance the Life, Honour, Safety, Dignity, Soveraign Authority, and Prerogative Roial of his Soveraign Majeſty, his Heirs and Succeſſors, and priviledges of his Highneſs's Crown, with their Lives, Lands, and Goods, to the uttermoſt of

An. 1638. ‘their Power, conſtantly and faithfully to withſtand all and whatſoever Perſons, Powers, and Eſtates, who ſhall preſume, preaſe, or intend any-wiſe to impugn, prejudg, hurt, or impair the ſame, and never to come in the contrary thereof, directly or indirectly for the time coming, as the Acts of Parliament, *Jac.* 6. *Parl.* 18. *Cap.*1. *Car. Parl. cap.* 1. do report.

‘And moreover, being obliged at their admiſſion, to give their Oath for performance of this Duty of their Allegiance, and to teſtify and declare on their Conſcience, That the King is the lawful Supream Governour, as well in Matters Eccleſiaſtical and Spiritual, as Temporal, and to aſſiſt all Juriſdiction, and defend Authority belonging to his Majeſty, by Act of Parliament 1612. Yet notwithſtanding of the ſaid Bands, Acts, and Promiſes, whereby the ſaid Perſons are ſo ſtrictly bound to the performance of the Promiſes, his Majeſty having ordained by Act of Council, at *Hally-Rood-Houſe, Septemb.* 24. 1638. and Proclamation following thereupon, *That all his Majeſty's Lieges, of whatſoever Eſtate, Degree, or Quality, whether Eccleſiaſtical or Temporal, ſhould ſwear and ſubſcribe the ſaid Confeſſion, together with the General Band, for defending his Majeſty's Perſon and Authority, againſt all Enemies within this Realm and without*, have not only refuſed to ſubſcribe the ſame Band and Confeſſion, but have in their Sermons, and other Speeches, diſſwaded, deterred, impeded, and hindred others of Lieges to ſubſcribe the ſame, publickly proteſted againſt the ſubſcription thereof; and thereupon cannot concur or convene lawfully to the making up of the Body of the Aſſembly of the Kirk, as being deprived and denuded of all Place and Function in the ſame.

3. ‘A General Aſſembly was condeſcended unto, out of his Majeſty's gracious Clemency, and pious Diſpoſition, as a Roial Favour to thoſe that ſhould ſo acknowledg the ſame, and acquieſce in his gracious Pleaſure, and carry themſelves peaceably, as Loial and Dutiful Subjects, which the Commiſſioners directed to this Aſſembly, ſuppoſed to be of the Number that did adhere to the laſt Proteſtation made at *Edinburgh, Sept.* 1638. do not ſo account of and accept, as appears by the ſaid Proteſtation; whereby they proteſt that it ſhall be lawful for them, as at other times, ſo at this, to aſſemble themſelves, notwithſtanding any Impediment or Prorogation to the contrary; as alſo by continuing their Tables and Meetings, diſcharged by Authority, refuſing to ſubſcribe the Band, according to his Majeſty's and Council's Command, for maintaining his Majeſty's Roial Perſon and Authority, proteſting againſt the ſame, ſtill inſiſting with the Lieges to ſubſcribe the Band of Mutual Defence againſt all Perſons whatſoever, and remitting nothing of their former Proceedings, whereby his Majeſty's Wrath was provoked thereby; they are become in the ſame ſtate and condition wherein they were before his Majeſty's Proclamation and Pardon, and ſo forfeit the favour of this Aſſembly, and liberty to be Members thereof; and others of his Majeſty's Subjects may juſtly fear to meet with them in this Convention; for that by Act of Parliament, *James* 6. *Parl.* 15. *cap.* 31. Prelacies being declared to be one of the three Eſtates of the Kingdom; and by the Act of Parliament, *Jac.* 6. *Parl.* 8. *cap.* 130. all Perſons are diſcharged to impugn the Dignity and Authority of the three Eſtates, or any of them in time coming, under pain of

'Treaſon. And whereas the King by his Proclamation, declares Arch-Biſhops and Biſhops to have Voices in the *General Aſſembly*, and calls them to the ſame for that effect, as conſtantly they have bin in uſe in all *Aſſemblies* where they were preſent, as appears by many Acts of the *General Aſſembly*, ordaining them to keep and aſſiſt at the ſame; as in the *Aſſembly* at *Edinburgh*, *Decemb.* 15. 1566. at *Edinburgh*, *March* 6. 1572. at *Edinburgh*, *May* 10. 1586. and by a Letter written by the *Aſſembly*, *March* 6. 1573, to the Regent, earneſtly deſiring his own, or his Commiſſioners preſence, and the Lords of the Council, and the Biſhops at the *Aſſembly*. They notwithſtanding, by the ſaid* Proteſtation, dated *Septemb.* 22. declared the Arch-Biſhops and Biſhops to have no Warrant for their Office in this Kirk, to be authorized with no lawful Commiſſion, and to have no Place nor Voice in this *Aſſembly*: and withal do arrogate to their Meetings a Soveraign Authority, to determine of all Queſtions and Doubts that may ariſe, contrary to the freedom of the *Aſſembly*, whether in Conſtitution and Members, or in the Matters to be treated, or in Manner and Order of proceeding; which how it doth ſtand with his Majeſty's Supremacy in all Caſes, over all Perſons, and in all Cauſes, we leave it to that Judgment whereunto it doth belong, and do call God and Man to Witneſs, if theſe be fit Members of an *Aſſembly*, intended for the Order and Peace of the Church.

4. 'Giving, and not granting, That the Perſons aforeſaid directed Commiſſioners, in the Name of the Clergy, to this Meeting, were capable of that Authority, and that the ſaid Preſbyters had the Authority to direct Commiſſioners to the *General Aſſembly*; yet have they now loſt and fallen from all ſuch Right, if any they had, in ſo far as they have depoſed the Moderators, who were lawfully appointed to govern them, by the Biſhops in their Synods, and elected others in their place, contrary to the Act of the *Aſſembly* at *Glaſgow*, 1610, an Act of Parliament 1612, ordaining Biſhops to be Moderators at theſe Meetings; and in their abſence, the Miniſter whom the Biſhop ſhould appoint at the Synod. So theſe Meetings having diſclaimed the Authority of Biſhops, depoſed their lawful Moderatours, and chuſing others without Authority, cannot be eſteemed Lawful Convocations, that can have lawful Power of ſending out Commiſſioners with Authority to judge of the Affairs of this Church.

'And yet doth the nullity of the Commiſſions, flowing from ſuch Meetings, further appear in this, that they have aſſociate to themſelves a Laick Ruling-Elder (as they call him) out of every Seſſion and Pariſh; who being ordinarily the Laird of the Pariſh, or a Man of the greateſt Authority in the Bounds, doth over-rule in the Election of the ſaid Commiſſioners, both by his Authority and their Number, being more than the Miniſters; whereof ſome being ordinarily abſent, and five, or ſix, or ſo many of them put in Liſt, and removed, there remain but a few Miniſters to Voice to the Election; and in effect the Commiſſioners for the Clergy are choſen by Lay-Men, contrary to all Order, Decency, and Cuſtom obſerved in the Chriſtian World, in no wiſe according to this cuſtom of this Church which they pretend to follow, the Preſbyteries formerly never aſſociating to themſelves Lay-Elders in the Election of the Commiſſioners to the *General Aſſemblies*, but only for their aſſiſtance in Diſcipline, ‘and correction of Manners, calling for them at ſuch times and occaſions as they ſtood in need of their godly concurrence, declaring otherwiſe their Meeting not neceſſary; and providing expreſly that they ſhould not be equal, but fewer in number than the Paſtors, as by Act of *Aſſembly* at St. *Andrews*, *April* 24. 1582. (where Mr. *Andrew Melvill* was Moderator) doth appear; like-as theſe forty years by-gone and upwards, long before the re-eſtabliſhment of Biſhops, theſe Lay-Elders have not bin called at all to Preſbyteries. And by the Act of *Dundee*, 1597, (whereby it is pretended that Preſbyteries have Authority to ſend theſe Lay Commiſſioners) it doth no way appear that thoſe Lay-Elders had any hand in chuſing of the Miniſters; and this is the only Act of *Aſſembly* authoriſing Preſbyteries to chuſe Commiſſioners to the *General Aſſembly*: Nor have Lay-Elders ſat ordinarily in Preſbyteries, upon any occaſion, this forty Years and upwards, nor ever had any Place or Voice in the Election of Miniſters for the *General Aſſembly*; and conſequently thoſe choſen by them to this *Aſſembly*, have no lawful Power nor Authority: Beſides the Perſons Eccleſiaſtical, pretended to be authoriſed Commiſſioners to this *Aſſembly*, have ſo behaved themſelves, that juſtly they may be thought unworthy and uncapable of Commiſſion to a free and lawful Aſſembly.

‘First, That by their railing and ſeditious Sermons and Pamphlets, they have wounded the King's Honour and Soveraign Authority, and animated his Lieges to Rebellion, averring that all Authority Soveraign, is originally in the collective Body derived from thence to the Prince; and that not only in caſe of negligence it is ſuppletive in the collective Body, as being communicate from the Commonalty to the King, *cumulative* nor *privative*, but in caſe of Male adminiſtration, to return to the collective Body; ſo that *Rex excidit Jure ſuo*, and that they may refuſe Obedience.

‘Next, They are known to be ſuch as have either bin ſchiſmatically refractory, oppoſite to good order ſetled in the Church and State, or ſuch as having promiſed, ſubſcribed, and ſworn Obedience to their Ordinary, have never made Conſcience of their Oath; or ſuch as have ſworn, and accordingly practiſed, yet contrary to their Promiſe and Practice, have reſiſted, to the contempt of Authority, and diſturbance of the Church; or ſuch as are under the Cenſures of this Church, or convened, or at leaſt deſerving to be convened, before the Ordinaries, or a lawful *General Aſſembly*, for divers tranſgreſſions deſerving deprivation.

‘As firſt, for uttering in their Sermons, raſh and irreverent Speeches in the Pulpit againſt his Majeſty's Council & their Proceedings, puniſhable by deprivation, by the Act of the *Aſſembly* at *Edinburgh*, *May* 22, 1590.

‘Next for reproving his Majeſty's Laws, Statutes, and Ordinances, contrary to the Act of the *Aſſembly* at *Perth*, May 1. 1596.

‘Thirdly, For expreſſing Mens Names in Pulpits, or deſcribing them lively to their reproach, where there was no notorious fault, againſt another Act of the ſame *Aſſembly*.

‘Fourthly, For uſing Applications in their Sermons, not tending to the Edification of their preſent Auditory, contrary to another Act of the ſame *Aſſembly*.

‘Fifthly, For keeping Conventions not allowed by his Majeſty, without his knowledg and conſent, contrary to another Act of the ſame *Aſſembly*.

‘Sixthly, For receiving of People of other Miniſter's Flocks to the Communion, contrary to Order, Acts of *Aſſemblies* and *Councils*.

‘Seventhly, For intruding themſelves into other Mens Pulpits, without Calling and Authority.

‘Eighthly, For uſurping the Authority to convent their Brethren, and proceed againſt them to the Cenſures of Suſpenſion and Deprivation.

‘Ninthly, For preſſing the People to ſubſcribe a Covenant, not allowed by Authority; and oppoſing and withſtanding the ſubſcribing of a Covenant offered by his Majeſty, and allowed by the Council; beſides many perſonal Faults and Enormities, whereof many of them are guilty, which in charity we forbear to expreſs; but hereby it doth appear, how unfit theſe Perſons are to be Members of a free and lawful *Aſſembly*.

7. ‘Nor doth it ſtand with Reaſon, Scripture, or Practice of the Chriſtian Church, that Lay-Men ſhould be authoriſed to have deciſive Voice in a *General Aſſembly*, in that Act of *Dundee*, 1597, whereby theſe Elders pretend to have this place; there is no Warrant expreſſed for them to deliberate and determine: Their preſence and aſſiſtance we approve, being allowed and authoriſed by the Prince, the King's Majeſty preſent in Perſon, or by his Delegates; we hold moſt neceſſary to ſee all things orderly and peaceably done, and that he have the chief hand in all Determinations and Deliberations. Nor do we refuſe that any moderate or intelligent Man may make remonſtrance of his Opinion, with the Reaſons of it, in that way that becometh him in a National *Aſſembly*, due reverence being kept, and confuſion avoided; but that any Lay-Men, except Delegates by Soveraign Authority, ſhall preſume to have a definitive and deciſive Voice, we eſteem it to be intruſion upon the Paſtoral Charge, and without Warrant; may we not therefore entreat my Lord Commiſſioner his Grace, in the words of the Fathers of the fourth General Council at *Chalcedon*, *Mitte foras ſuperfluos?* Nor will a pious Prince be offended with it, but with *Theodoſius* the Younger will ſay, *Illegitimum eſt eum qui non ſit, in ordine Sanctiſſimorum Epiſcoporum Eccleſiaſticis immiſceri tractatibus.*——And *Pulcheria* the Empreſs commanded *Strategus*, *Ut Clerici, Monachi & Laici vi repellerentur, exceptis paucis illis quos Epiſcopi ſecum duxerunt.* Upon this reſpect was *Martinus* in that Council of *Chalcedon* moved to ſay, *Non eſſe ſuum, ſed Epiſcoporum tantum ſub ſcribere.*

8. ‘If theſe pretended Commiſſioners, both Lay and Eccleſiaſtical, were lawfully authoriſed, (at it is evident they are not) and for none other Cauſe declinable, yet the Law doth admit, that a Judg may juſtly be declined who is probably ſuſpected; and of all Probabilities this is the moſt pregnant, when the Judg, before he come to Judgment, doth give Sentence of theſe things he hath to Judg. This made our Reformers Proteſtation againſt the Council of *Trent* valid, and their not compearing juſtifiable; becauſe Pope *Leo* the *10th* had pre-condemned *Luther*, as appeared by his Bull dated *Junii* 8. 1520. renewed by *Paul* the third, dated in *Auguſt* 1535. This was the cauſe why *Athanaſius* would not give his appearance at ſome Councils, nor *Hoſius* of *Corduba*, nor *Maximus* Patriarch of *Conſtantinople*; But ſo it is, the moſt part, if not all of the ſaid Commiſſioners directed to this Meeting, have pre-condemned Epiſcopal

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'Government, and condemned, at leaſt ſuſpended, obedience to the 'Acts of the *General Aſſembly* and *Parliament*, concerning the five Articles of *Perth*, have approved their Covenant as moſt neceſſary to 'be embraced of all in this Kingdom; and have not only given Judgment of theſe things before-hand, but by moſt ſolemn Oaths have 'bound themſelves to defend, and ſtand to the ſame, as doth appear 'by their Covenant, Petitions, Proteſtations, Pamphlets, Libels, 'and Sermons,and therefore by no Law nor Equity can theſe pretended 'Commiſſioners be admitted to determin in this Meeting concerning 'theſe Perſons and Points, which before-hand they have ſo unjuſtly 'condemned.

'Furthermore, with no Law nor Reaſon can it ſubſiſt, that the 'ſame Perſons ſhall be both Judges and Parties. And we appeal to the 'Conſciences of all honeſt Men, if all, at leaſt the greateſt part of the 'pretended Commiſſioners, have not declared themſelves Party to 'the Arch-Biſhops and Biſhops of this Church; for in that they have 'declined the Biſhops to be their Judges, as being their Party, (as 'their Declinators, Petitions, Declarations, and Proteſtations do 'bear) have they not, *ſimul & ſemel, & ipſo facto*, declared themſelves to be Party againſt the Biſhops; whom they have not only declined, but perſecuted by their Calumnies and Reproaches, vented 'by Word and Wit, in publick and in private, by invading their 'Perſons, oppoſing and oppreſſing them by ſtrength of an unlawful 'Combination; for the ſubſcribing and ſwearing whereof, they have 'by their own Authority, indicted and kept Faſts, not only in their 'own Churches, but where worthy Men refuſed to be acceſſary to 'theſe diſorderly and impious Courſes: They have (by aid of the 'unruly Multitude) entred their Churches, uſurped upon their Charges, reading, and cauſing to be read that unlawful Covenant, by 'threatning,and menacing,compelling ſome (otherwiſe unwilling) out 'of juſt fear, to ſet their hands to it, by proceſſing, ſuſpending, and 'removing obedient and worthy Miniſters from their Places, by the 'uſurped Authority of their Table and Preſbyteries.

An Index of the Principal Acts of the Aſſembly at Glaſgow, 1638.

SUndry Proteſtations betwixt the Commiſſioner his Grace, and the Members of the Aſſembly.

Mr. *Archibald Johnſton's* admiſſion to be Clerk, and his Production of the Regiſters of the Church, which were preſerved by God's wonderful Providence.

An Act diſallowing any private Conference, and conſtant *Aſſeſſors* to the Moderator.

An Act ratifying the *Authentickneſs of the Regiſters*, with the Reaſons thereof.

An Act regiſtrating his *Majeſty's Will*, given in by his Commiſſioner.

An Act bearing the *Aſſemblies Proteſtation* againſt the Diſſolution thereof.

An Act *depoſing* Mr. *David Mitchel*, Miniſter at *Edinburgh*.

An Act *depoſing* Mr. *Alexander Gloadſtoun* Miniſter at St. *Andrews*.

An Act *annulliug the ſix late Aſſemblies* holden at *Linlithgow*, 1606, and 1608. at *Glaſgow* 1610. at *Aberdeen* 1616. at St. *Andrews* 1617. at *Perth* 1618; with the Reaſons of the Nullity of every one of them.

An Act declaring the *Nullity of the Oath*, exacted by Prelats from Intrants, *id eſt*, ſuch as are inſtituted to Benefices.

An Act *depoſing* Mr. *John Creichton* Miniſter at *Paiſlay*.

An Act condemning the *Service-Book*.

An Act condemning the *Book of Canons*.

An Act condemning the *Books of Ordination*.

An Act condemning the *High-Commiſſion*.

The Sentence of *Depoſition* and Excommunication of the ſometime pretended Biſhops of St. *Andrews*, *Glaſgow*, *Roſs*, *Galloway*, *Brichen*, *Edinburgh*, *Dumblane*, *Aberdeen*.

The Sentence of *depoſition* againſt the ſometime pretended Biſhops of *Murray*, *Iſles*, *Argile*, *Orknay*, *Cathneſs*, and *Dunkell*.

The large Act clearing the *Meaning of the Confeſſion of Faith*, made *Anno* 1580. as abjuring and removing Epiſcopacy.

An Act declaring the *Five Articles* to have bin abjured, and to be removed.

Sentence of *depoſition* againſt Mr. *Thomas Forreſter*.

Sentence of *depoſition* againſt Mr. *William Ahannan*.

Sentence of *depoſition* againſt Mr. *Robert Hamiltoun* Miniſter at *Glasford*.

Sentence of *depoſition* againſt Mr. *Thomas Mackeney*.

Act anent the Preſbyteries of *Auchterardours* preſent Seat at *Aberuſkene* for the time.

Act reſtoring Preſbyteries, Provincial and General Aſſemblies to their Conſtitution of Miniſters and Elders, and their Power and Juriſdiction contained in the *Book of Policy*.

Act erecting Preſbyteries in *Argile*.

Act referring to the Preſbyteries the conſideration of their Meetings.

Act concerning the *Viſitation* of particular Kirks, Schools, and Colleges.

Act againſt *Non-Reſidents*.

Act concerning planting *Schools* in the Country.

Act concerning the Power of Preſbyters, admiſſion of Miniſters, and chuſing of their Moderators.

Reference to the Preſbyteries anent the competency of Pariſhioners and Preſbyteries.

Act concerning the *entry* and converſation of Miniſters, ratification of the *Act* 1598.

Act of Reference to Preſbyteries, concerning the defraying of the Expences of the Commiſſioners.

Act of Reference concerning the repreſſing of Popery and Superſtition.

Act of Reference to the Preſbyteries, concerning the more frequent celebration of the *Lord's Supper*.

Act of Reference concerning Markets on *Munday* within Burroughs.

Act againſt the Prophanation of the *Sabbath*, for want of Afternoons Exerciſe.

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Act againſt the frequenting the company of *Excommunicated Perſons.*

Act ſetting down the Roll of Provincial Aſſemblies, and ſome Orders thereanent.

Act of Reference againſt *Milnes* and *Salt-pans.*

Act anent the Order of Receiving the Repentance of any *Penetent Prelates.*

Act anent the Excommunication of the Miniſters depoſed who do not obey their Sentence.

Act againſt thoſe who ſpeak or write againſt the *Covenant*, this Aſſembly, and Conſtitutions thereof.

Act of Reference anent the Voicing in the *Kirk* Seſſions.

Act condemning Chapters, Arch-Deans, Preaching Deacons, and ſuch like Popiſh Traſh.

Act againſt the obtruding of *Paſtors* upon People.

Act againſt *Marriage* without Proclamation of Banes.

Act againſt *Funeral Sermons.*

Act anent the Trial of Expectants ; [that is ſuch as are not poſſeſſed of any Benefice.]

Act anent the admiſſion of Mr. *Archibald Johnſton* to be Advocate, and Mr. *Rob. Dalgleiſh* to be Agent for the Kirk.

Act anent the Tranſplantation of Mr. *Alexander Henderſon* from *Leuchers* to *Edinburgh.*

Act of Reference to the Presbyteries and Provincial Aſſemblies, to take order with *Salmon-Fiſhing.*

Act of tranſporting Mr. *Andrew Cart* from *Pitſligo* to *Newbotle.*

Act condemning all *Civil Offices* in the Perſons of Miniſters ſeparate to the Goſpel, as to be Juſtice of Peace, ſit in Seſſion or Council to Vote or Ride in Parliament.

Act concerning a *Commiſſion* for Complaints about *Edinburgh.*

Another *Commiſſion* to ſit at *Jedburgh.*

Another *Commiſſion* to ſit at *Erwin.*

Another *Commiſſion* to ſit at *Dundee.*

Another *Commiſſion* to ſit at the *Channeries* and *Foreſts.*

Another *Commiſſion* to ſit at *Kircubright.*

A *Commiſſion* for viſitation of the College of *Aberdeen.*

A *Commiſſion* for viſitation of the College of *Glaſgow.*

Act againſt *Salmon-fiſhing*, and going of *Milnes* on the Sabbath-day.

Act appointing the Commiſſioners to attend the Parliament, and Articles which they are to repreſent in the Name of the Kirk to the Eſtates.

Act ordaining the Commiſſioners from Presbyteries and Burroughs, preſently to get under the Clerk's hand, an Index of the Acts, and hereafter a full Extract of them, which they are bound to take back from the Aſſembly to the Presbyteries and Burroughs.

Act ordaining the Presbyters to intimate in their ſeveral Pulpits, the *Aſſemblies* Explanation of the *Confeſſion of Faith*, the Act againſt Epiſcopacy, the Act againſt the Five Articles, the Act againſt the Service-Book, Book of Canons, Book of Ordination, the High-Commiſſion, the Acts of Excommunication and Depoſition againſt ſome Prelates ; an Act of Depoſition only againſt ſome others of them.

An *Act* diſcharging *Printers* to print any thing, either anent the Acts of the Proceeds of this *Aſſembly*, or any Treatiſe which concerns the Kirk, without a Warrant under Mr. *Archibald Johnſton*'s hand, as Clerk of the *Aſſembly*, and Protector of the *Kirk*, and that under the pain of all Eccleſiaſtical Cenſure to be intimated with other Acts.

Act ordaining the *Covenant* ſubſcribed in *February*, now to be ſubſcribed with the *Aſſemblies* Declaration.

Act diſcharging all Subſcription to the *Covenant*, ſubſcribed by his Majeſty's Commiſſioner, and the Lords of Council.

Act ordaining all Presbyteries to keep a ſolemn *Thanksgiving* in all Pariſhes, for God's Bleſſing and good Succeſs on this *Aſſembly*, upon the firſt convenient *Sabbath*.

Act againſt thoſe who are *malicious* againſt this Church; Decliners or Diſobeyers of the Acts of this *Aſſembly*.

Act warranting the Moderator and Clerk to give out Summons upon Relievant Complaints, againſt Parties to compere before the next *Aſſembly*.

Act renewing the Privileges of yearly *General Aſſemblies*, and oftner (*pro re nata*) and appointing the third *Wedneſday* in *July* next in *Edinburgh* for the next *General Aſſembly*.

Act that none be choſen Ruling-Elders to ſit in Presbyteries Provincial, or *General Aſſemblies*, but thoſe who ſubſcribe the *Covenant*, as it is now declared; and acknowledges the Conſtitution of this *Aſſembly*.

Act to tranſport Mr. *Robert Blair*, from *Air* to St. *Andrews*.

Act for repreſenting to the *Parliament*, the neceſſity of the ſtanding of the Prolocutor's Place for the *Kirk*.

There are many leſs Principal Acts omitted, ſo the *Index* is not fully perfect.

A. Jhonſton.

CHARLES by the Grace of God, King of *Scotland, England, France*, and *Ireland*, Defender of the Faith. To all Our Lovits, Heraulds, Purſevants, Our Sheriffs in that part conjunctly and ſeverally ſpecially conſtitute, Greeting.

Whereas for the removing of the Diſorders which had happened of late within this our Kingdom, and for ſetling of a perfect Peace in the Church and Common-Wealth thereof; We were pleaſed to cauſe indict a General Aſſembly to be holden at Glaſgow, the one and twentieth of November laſt: And for our Subjects their better content and aſſurance that they ſhould be freed of all ſuch things, as by their Petitions and Supplications given in to the Lords of our Privy-Council, they ſeemed to be grieved at, We in ſome ſort prevened the Aſſembly, by diſcharging, by our Proclamation, the Service-Book, Book of Canons, and High-Commiſſion; freed and liberate our Subjects from the practiſing of the Five Articles; eximed all Miniſters at their entry, from giving any other Oath than that which is contained in the Act of Parliament, made all

An. 1638. all Perſons, both Eccleſiaſtical and Civil, liable to the Cenſure of Parliament, General Aſſembly, or any other Judicatory competent, according to the nature of their Offence, had declared all by-gone Diſorders abſolutely forgotten and forgiven at laſt, for ſecuring to all Poſterity the Truth and Liberty of Religion, did command the Confeſſion of Faith, and Band for maintenance thereof, and of Authority in defence of the ſame, ſubſcribed by our dear Father and his Houſhold, in Anno 1580, to be renewed and ſubſcribed again by our Subjects here. And albeit that this our gracious and pious Command, inſtead of Obedience and Submiſſion, rancountred open and publick Oppoſition and Proteſtation againſt the ſame: And that they continued their daily and hourly guarding and watching our Caſtle at Edinburgh, ſuffering nothing to be imported therein but at their diſcretion, ſtopping and impeding any importation of Ammunition, or other Neceſſaries whatſoever to any of our Houſes within this Kingdom; denying to Us, their Soveraign Lord, that Liberty and Freedom which the meaneſt of them aſſume to themſelves (an Act without Preſident or Example in the Chriſtian World) like as they ſpared not boldly and openly to continue their Conventions and Council-Tables, of Nobility, Gentry, Miniſters and Burgeſſes within the City of Edinburgh; where not regarding the Laws of the Kingdom, without Warrant of Authority, they convened, aſſembled, and treated upon Matters, as well Eccleſiaſtical as Civil; ſent their Injunctions and Directions throughout the Country to their Subordinate Tables, and other Under-Miniſters appointed by them for that effect. And under colour and pretext of Religion, exerciſing an unwarranted Liberty, required Obedience to their unlawful and illegal Directions, to the ſeen prejudice of Authority, and lawful Monarchial Government. And notwithſtanding it was evidently manifeſt, by the illegal and unformal courſe taken in the Election of the Commiſſioners for the Aſſembly, whereof ſome of them were under the Cenſure of this Church, ſome under the Cenſure of the Church of Ireland; ſome long ſince baniſhed for open and avowed teaching againſt Monarchy, others of them ſuſpended; and ſome admitted to the Miniſtry contrary to the form preſcribed by the Laws of this Kingdom, others of them Rebels, and at the Horn; ſome of them confined, and all of them by Oath and Subſcription bound to the overthrow of Epiſcopal Government. And by this and other their under-hand working, and private Informations and Perſwaſions, have given juſt ground of ſuſpition of their partiality, and ſo made themſelves unfit Judges of what concerneth Epiſcopacy. And alſo albeit it was ſufficiently cleared by the peremptory and illegal procedures of the Preſbyteries, who at their own hand, by order of Law, and without due form of Proceſs, thruſt out Moderators lawfully eſtabliſhed, and placed others, whom they found moſt inclinable to their turbulent Humours, aſſociate to themſelves, for chuſing of the Commiſſioners to the Aſſembly, a Laick-Elder out of each Pariſh; who being in moſt places equal, if not more in number than the Miniſtry, made choice both of the Miniſters, who ſhould be Commiſſioners from the Preſbyteries, as alſo of a Laick-Elder, (which in time will prove to be of a dangerous conſequence, and import a heavy burden to the Liberty of the Church and Church-men) being more therein directed by the Warrants of the foreſaid pretended

Tables, than by their own Judgments; as appeared by the ſeveral Inſtructions ſent from them, (far contrary to the Laws of this Country, and lowable cuſtom of this Church) ſome whereof were produced and exhibited by our Commiſſioner, and publickly read: one whereof, direct to the Noblemen and Barons of each Presbytery, doth, among many other odd Paſſages, require diligence, leſt (ſay they) by our own ſillineſs and treachery, we loſe ſo fair an occaſion of our Liberty, both Chriſtian and Civil; a ſtrange phraſe to proceed from dutiful or loial-hearted Subjects. The other to the Moderator of the ſeveral Presbyteries, under the Title of Private Inſtructions, Auguſt 27.

Firſt containeth, That theſe private Inſtructions ſhall be diſcovered to none, but to Brethren well-affected to the Cauſe.

Secondly, Order muſt be taken, That none be choſen Ruling-Elders but Covenanters, and thoſe well-affected to the Buſineſs.

Thirdly, That where the Miniſter is not well-affected, the Ruling-Elder be choſen by the Commiſſioners of the Shire, and ſpoken to particularly for that effect.

Fourthly, That they be careful that no Chappel-men, Chapter-men, or Miniſter Juſtice of Peace, be choſen, although Covenanters, except they have publickly renounced or declared the unlawfulneſs of their places.

Fifthly, That the Ruling-Elders come from every Church in equal number with the Miniſters; and if the Miniſter oppoſe, to put themſelves in poſſeſſion, notwithſtanding of any oppoſition.

Sixthly, That the Commiſſioner of the Shire cauſe convene before him the Ruling-Elders of every Kirk choſen before the day of the Election, and enjoin them upon their Oath, That they give vote to none but to thoſe who are named already at the Meeting at Edinburgh.

Seventhly, That where there is a Nobleman in the bounds of the Presbytery, he be choſen; and where there is none, there be choſen a Baron, or one of the beſt Quality, and he only a Covenanter.

Eighthly, That the ableſt Man in every Presbytery be provided to diſpute de poteſtate ſupremi Magiſtratus in Eccleſiaſticis, præſertim in convocandis Conciliis, &c.

Whereby it is moſt evident what Prelimitations, indirect and partial Courſes, and dangerous Propoſitions have bin uſed in the Preparations and Elections to this pretended Aſſembly. By which unlawful doings, although We had ſufficient Reaſon to have diſcharged the meeting of the ſaid Aſſembly, yet We were pleaſed patiently to attend the ſame, ſtill hoping, that when they were met together, by the preſence of our Commiſſioner, and aſſiſtance of ſome well-affected Subjects who were to be there, and by their own ſeeing the real performance of what was promiſed by our Proclamation, they ſhould have bin induced to return to the due Obedience of Subjects: But when We perceived that their turbulent Diſpoſitions did increaſe, as was manifeſt by their repairing to the ſaid pretended Aſſembly, with great Troops and Bands of Men, all boddin in fear of War, with Guns and Piſtolets, contrary to the Laws of this Kingdom, and in high contempt of our Proclamation at Edinburgh the 16th day of November laſt. And alſo by the peremptory refuſing to the Aſſeſſors authorized by Us (although fewer in number than Our deareſt

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Father was in uſe to have) the power of voting in this Aſſembly, as formerly they had done in all others; openly averring, That We, nor Our Commiſſioner, had no further Power there than the meaneſt Commiſſioner of their number. And by their partial and unjuſt refuſing, and not ſuffering to be read the Reaſons and Arguments given in by the Biſhops, and their adherents to our Commiſſioner, why they ought not to proceed to the Election of a Moderator, neither yet to the trying and admitting of the Commiſſioners before they were heard, though in our Name they were earneſtly required thereto by our Commiſſioner: And notwithſtanding that our Commiſſioner, by Warrant from Us, gave in under his hand a ſufficient Declaration of all that was contained in our late Proclamation, bearing likewiſe Our pleaſure of the Regiſtration of the ſame in the Books of Aſſembly, for all aſſurance of the Truth and Purity of Religion to all Our good Subjects, as doth clearly appear by the Declaration it ſelf, whereof the tenour follows.

The King's Majeſty being informed, That many of his good Subjects have apprehended, that by the introducing of the Service-Book, and Book of Canons, the inbringing of Superſtition hath bin intended, hath bin graciouſly pleaſed to diſcharge, like-as by theſe he doth diſcharge the Service-Book, and Book of Canons, and the practice of them, and either of them; and annuls and reſcinds all Acts of Council, Proclamations, and other Acts and Deeds whatſoever, that have bin made or publiſhed for eſtabliſhing them, or either of them; and declares the ſame to be null, and to have no force nor effect in time coming. The King's Majeſty, as he conceived, for the eaſe and benefit of the Subject, eſtabliſhed the High Commiſſion, and thereby Juſtice might be adminiſtred, and the Faults and Errors of ſuch Perſons as are made liable thereto, taken order with, and puniſhed with the more conveniency, and leſs trouble to the People. But finding his gracious Intention therein to be miſtaken, hath bin pleaſed to diſcharge, like-as by theſe he doth diſcharge the ſame, and all Acts and Deeds whatſoever made for eſtabliſhing thereof. And the King's Majeſty being informed, that the urging of the five Articles of Perth-Aſſembly hath bred diſtraction in the Church and State, hath bin graciouſly pleaſed to take the ſame into his Roial Conſideration, and for the Quiet and Peace of this Country, hath not only diſpenſed with the practice of the ſaid Articles, but alſo diſcharged all and whatſoever Perſons from urging the practice thereof, upon either Laick or Eccleſiaſtical Perſon whatſoever; and hath freed all his Subjects from Cenſure and Pains, whether Eccleſiaſtical or Secular, for not urging, practiſing, or obeying them, or any of them, notwithſtanding of any thing contained in the Acts of Parliament, or General Aſſembly to the contrary. And his Majeſty is further contented, that the Aſſembly take the ſame ſo far to their conſideration, as to repreſent it to the next Parliament, there to be ratified as the Eſtates ſhall find fitting. And becauſe it hath bin pretended, that Oaths have bin adminiſtred different from that which is ſet down in the Acts of Parliament, his Majeſty is pleaſed to declare by me, That no other Oath ſhall be required of any Miniſter at his entry, but that which is ſet down in the Act of Parliament. And that it may appear how careful his Majeſty is, that no Corruption nor Innovation ſhall creep into this Church, neither yet any Scandal, Vice, or Fault of any Perſon whatſoever, cenſurable or puniſhable by the Aſſembly, go along unpuniſhed, his Majeſty is content to declare by me, and aſſure all his good People, That General Aſſemblies ſhall be kept ſo oft, and as oft as the Affairs of this Church ſhall require. And that none of his good Subjects may have cauſe of Grievances againſt the proceedings of the Prelates, his Majeſty is content that all and every one of the preſent Biſhops, and their Succeſſors, ſhall be anſwerable, and accordingly from time to time cenſurable, according to their merits by the General Aſſembly. And to give all his Majeſty's good People full aſſurance that he never intended to admit any alteration or change in the true Religion profeſſed within this Kingdom; and that they may be truly and fully ſatisfied of the reality of his Intentions and integrity of the ſame, his Majeſty hath bin pleaſed to require and command all his good Subjects, to ſubſcribe the Confeſſion of Faith, and Band for maintenance thereof, and of his Majeſty's Perſon and Authority, formerly ſigned by his dear Father in Anno 1580; And now alſo requireth all theſe of the preſent Aſſembly to ſubſcribe the ſame. And it is his Majeſty's Will, That this be inſert and regiſtrate in the Books of Aſſembly, as a Teſtimony to Poſterity, not only of the ſincerity of his Intentions to the ſaid true Religion, but alſo of his Reſolutions to maintain and defend the ſame, and his Subjects in the profeſſion thereof.

Which Declaration was by our ſpecial command and direction given in, and ſubſcribed by our Commiſſioner, upon proteſtation made by him, that his aſſenting to the regiſtration hereof, ſhould be no approbation of the lawfulneſs of this Aſſembly, nor of any of the Acts or Deeds done, or to be done therein. And finding them in like ſort no ways to be ſatisfied therewith, and that nothing elſe was able to give them contentment, except at their own pleaſure they were permitted to overthrow all Epiſcopal Government in the Church, and thereby to abrogate our publick Laws, ſtanding in vigour by the ſpace of many Years by-gone, and to alter the Fundamental Government of this Kingdom, in taking away one of the three Eſtates, contrary to expreſs Acts of Parliament. And leſt the continuance of their Meetings might have produced other the like dangerous Acts ſo derogatory to Roial Authority, We were forced, for preventing thereof, and for the Reaſons and Cauſes above-mentioned, and divers others importing true Monarchial Government, to diſſolve and break up the ſaid pretended Aſſembly, and to diſcharge them of all farther meeting, treating, and concluding any thing therein. And yet in that calm and peaceable way, as our Commiſſioner before his removing deſired their pretended Moderator for that time to have ſaid Prayer, and ſo concluded that days Seſſion, that ſo they might have had time to think upon the juſt Reaſons of his refuſing to aſſiſt, or be any longer preſent at the ſaid pretended Aſſembly, and of the Cauſes moving Us to the diſſolving thereof: And notwithſtanding his earneſt urging the ſame, and being willing to return the next morning to hear their Anſwer; in place of all other ſatisfaction to his ſo reaſonable and moderate deſires, it was refuſed, and met with a Proteſtation of an high and extraordinary ſtrain, thereby preſuming to cite and call our Council in queſtion, for their dutiful aſſiſtance and obedience to Us and Our Commiſſioner. And finding their Diſobedience thus to increaſe, We were conſtrained to diſcharge them of new

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again the next day thereafter, by publick Proclamation, under the pain of Treaſon. And albeit that their contumacy is ſuch as hath not bin heard of in former Times, yet they ſhall never move Us to alter the leaſt Point or Article of that We have already declared by Proclamation or Declaration under our Commiſſioner's hand. All which was publickly read, and by our Commiſſioner required to be inſert and regiſtrate in the Books of Aſſembly, therein to remain as a Teſtimony to Poſterity, not only of the ſincerity of our Intentions to the True Religion, but alſo of our Reſolution to maintain and defend the ſame, and our Subjects in the profeſſion thereof: And perceiving likewiſe that in contempt of our Proclamation at Glaſgow, the 29th of November, they go ſtill on to convene, meet, and to make illegal and unwarrantable Acts, We have conceived it fitting to forewarn all our good Subjects of the Danger that they may incur by being enſnared by theſe their unlawful Procedures. And to this purpoſe do not only liberate and free them from all Obedience to any of the pretended Acts, made, or to be made at the ſaid pretended Aſſembly or Committees direct therefrom, but do alſo free them from all pain and cenſure which the ſaid pretended Aſſembly ſhall inflict upon them, or any of them. And therefore do diſcharge and prohibit all our Subjects, That they, nor none of them, acknowledg nor give Obedience to any pretended Acts nor Conſtitutions, made, or to be made at the ſaid pretended Meetings, under all higheſt pains. And We command, charge, and inhibit all Presbyteries, Seſſions of Kirks, Miniſters within this Realm, that none of them preſume, nor take upon hand privately nor publickly in their Seſſions and Meetings, nor in their Conferences, Sermons, nor no other manner of way, to authorize, approve, juſtify, or allow the ſaid unlawful Meeting, or Aſſembly at Glaſgow, neither yet to make any Act thereupon, nor to do any other thing private or publick, which may ſeem to countenance the ſaid unlawful Aſſembly, under the pain to be repute, holden, and eſteemed, and purſued as guilty of their unlawful Meeting, and to be puniſhed therefore with all rigour. And ſicklike We command all and ſundry Noblemen, Barons, Gentlemen, Magiſtrates, and all other our Lieges who ſhall happen to be preſent and hear any Miniſters, either in publick or private Conferences or Speeches, or in their Sermons, to approve and allow the ſaid unlawful Aſſembly, caſt and utter any Speeches againſt Our Roial Commandments, or Proceedings of Us, or Our Council, for puniſhing or ſuppreſſing ſuch Enormities, that they make Relation and Report thereof to Our Council, and furniſh Probation, to the effect the ſame may be accordingly puniſhed, as they will anſwer to Us thereupon; certifying them who ſhall hear and conceal the ſaid Speeches, that they ſhall be eſteemed as allowers of the ſame, and ſhall accordingly be taken order with, and puniſhed therefore without favour. And to this effect We likewiſe ſtraightly Charge and Command all Judges whatſoever within this Realm, Clerks and Writers, not to grant or paſs any Bill, Summons, or Letters, or any other Execution whatſoever, upon any Act or Deed proceeding from the ſaid pretended Aſſembly, and all keepers of the Signet from ſigneting thereof, and that under all higheſt pains. And becauſe We gave Order and Warrant to Our Commiſſioner to make open Declaration, not only of our Senſe, but even of the true meaning of the Confeſſion of Faith, in Anno 1580; by which it may clearly appear, that as we never intended thereby to exclude Epiſcopacy, ſo by no right conſtruction can it be otherwiſe interpreted, as is more than evident by the Reaſons contained in the ſaid Declaration, and many more, which for brevity (the thing in it ſelf being ſo clear) are omitted; wherefore We do not only prohibit and diſcharge all our Subjects from ſubſcribing any Band, or giving any Writ, Subſcription, or Oath to, or upon any Act or Deed that proceeds from the foreſaid pretended Aſſembly, but alſo to require them not to ſubſcribe nor ſwear the ſaid Confeſſion, in no other ſenſe than that which is contained in the ſaid Declaration, and manifeſtly emitted by our Commiſſioner, under all higheſt pains. And that none of our good Subjects, who in their Duty and bound Obedience to Us, ſhall refuſe to acknowledg the ſaid pretended Aſſembly, or any of the pretended Acts, Conſtitutions, Warrants, or Directions proceeding therefrom, may have juſt ground of fear of danger or harm by doing thereof, We do by theſe promiſe, and upon the Word of a King oblige our Selves, by all the Roial Authority and Power wherewith God hath endowed Us, to protect and defend them, and every one of them in their Perſons, Fortunes, and Goods, againſt all and whatſoever Perſon, or Perſons, who ſhall dare or preſume to call in queſtion, trouble, or any ways moleſt them, or any of them therefore. And our Will is, and We charge you ſtraitly and command, That incontinent theſe our Letters ſeen, ye paſs, and make publication hereof by open Proclamation, at the Market-Croſs of Edinburgh, and other places needful, where-through none pretend ignorance of the ſame.

Given from Our Court at *Whitehall*, the 8*th* day of *December*, and of Our Raign the 14*th* Year, 1638.

Per Regem.

After the publiſhing of this Proclamation, the Aſſembly at *Glaſgow* made a Proteſtation at the Marker-Croſs at *Edinburgh*, the 18*th* of *December* 1638. which by reaſon of the very great length of it, and the many repetitions of former Paſſages, we forbear to trouble the Body of the *Story* or the *Appendix* therewith, referring the Reader rather, for his further ſatiſfaction, to the King's Large Declaration, *page* 375, unto *page* 401.

King's Declaration, *f.* 401, 403, &c.

Not long after this Proclamation and Proteſtation, the King's Commiſſioner (ſeeing all things tending to a preſent Rupture) began his Journey, according to the leave granted him by his Majeſty for his Return. After which time, and ever ſince, the *Scots* have throughout the whole Kingdom, by threats, made the Acts of their unlawful Aſſembly to be received, in many Places have perſwaded the reception of them by Force and Arms, have levied Souldiers, and impoſed Taxes upon the King's Subjects for paiment of them; have required of the Judges, or Lords of the Seſſion, to approve their Acts, though none of them conſented thereunto, have threatned and menaced them for refuſing of it; have raiſed divers Fortifications in our Kingdom; have blocked up our Caſtles and Forts; and now at laſt forcibly taken our Caſtle at *Edinburgh*: Have at home got their Preachers moſt ſeditiouſly and rebelliouſly to teach the People, That there is a neceſſity of their carrying Arms againſt his Majeſty, under pain of Perjury and Damnation; have ſcattered abroad, eſpecially here in *England*, divers infamous Libels juſtifying their own wicked and rebellious Courſes, inciting the People of *England* to attempt the like Rebellion, and to deface our Eccleſiaſtical Government.

One of them, upon the Commiſſioner's coming home, *Prayed God to deliver them from all crafty Compoſitions.* Another refuſed to pray in the Church for Sir *William Nesbett* late Provoſt of *Edinburgh*, when he was lying upon his Death-Bed, only *becauſe he had not ſubſcribed the Covenant.* Another *prayed God to ſcatter them all in* Iſrael, *and to divide them in* Jacob, *who had counſelled us to require the Confeſſion of Faith to be ſubſcribed by the King's Authority.* Many Miniſters would not admit to the Communion thoſe who had not ſubſcribed their Covenant, but in their Exhortation before it, barred them in expreſs tearms with *Adulterers, Slanderers,* and *Blaſphemers, &c.* Others would not ſuffer Children to be Baptized in the Churches of thoſe Miniſters who were not of the Covenant, though they were their own Pariſh Churches, but carried them ſometimes many miles *to be baptized by Covenanting Miniſters.* One preached, *That all the non-ſubſcribers of the Covenant were Atheiſts*; and ſo concluded, That all the Lords of the Council, and all the Lords of the Seſſion were ſuch, for none of them had ſubſcribed it. Another preached, *That as the Wrath of God never was diverted from his People, until the ſeven Sons of* Saul *was hanged up before the Lord in* Gibeon; *ſo the Wrath of God would never depart from that Kingdom, till the twice ſeven Prelats* (which makes up the number of the Biſhops in that Kingdom) *were hang'd up before the Lord there*; which is extream foul and barbarous. Another preached, *That though there were never ſo many Acts of Parliament againſt the Covenant, yet it ought to be maintained againſt them all.* Another delivered theſe words in his Sermon, *Let us never give over till we have the King in our Power, and then he ſhall ſee how good Subjects we are.* Another in his Sermon delivered this, *That the bloodieſt and ſharpeſt War was rather to be endured, than the leaſt Error in Doctrine and Diſcipline.* Another in his Sermon wiſhed, *That he and all the Biſhops in that Kingdom were in a bottomleſs Boat at Sea together; for he could be well content to loſe his Life, ſo they might loſe theirs,* &c.

Titles

Titles of PROCLAMATIONS, *&c.*

Pro Anno 1638.

A Proclamation for the apprehenſion of *Gilbert Carr* and *James Locker*.	*Whitehall*, April 3.
A Proclamation that all Woollen Clothes and Stuffs, made or mixed with Wooll, and brought to *London* to be ſold or tranſported, be firſt brought to *Blackwel-Hall*, there to be ſearched.	*Whitehall*, April 16.
A Proclamation for reſtraint of the unlawful Sale and Tranſportation of Engliſh Horns.	*Whitehall*, April 20.
A Proclamation to reſtrain the tranſportation of Paſſengers and Proviſions to *New-England* without Licenſe.	*Whitehall*, May 1.
A Proclamation for allowance of the uſe of Hard Silk in ſome ſpecial Manufactures.	*Whitehall*, May 18.
A Proclamation touching the Corporation of Bever-makers of *London*, and to reſtrain the importing of Foreign Hats, and the wearing of Demy-caſters within his Majeſty's Dominions.	*Whitehall*, May 26.
A Proclamation for the free and lawful uſe of Maulting.	*Greenwich*, June 18.
A Proclamation concerning Playing-Cards and Dice.	*Greenwich*, June 18.
A Proclamation appointing the Times for his Majeſty's healing of the Diſeaſe called the *King's Evil*.	*Greenwich*, July 1.
A Proclamation for the well-ordering the Trade and Vent of Wines throughout the Kingdom.	*Greenwich*, July 15.
A Proclamation for reſtraining the Importation of Lattin Wire into this Kingdom, and for ſupport of that Manufacture here.	*Oatlands*, Auguſt 19.
A Proclamation for ſuſpending the time of healing the Diſeaſe called the *King's Evil*, until *Eaſter* next.	*Oatlands*, Septemb. 2.
A Proclamation for reforming ſundry Abuſes in Manufactures of Silks and Stuffs of Foreign Materials made here, or imported from Foreign Parts.	*Bagſhot*, Septemb. 5.
A Proclamation for the due aſſizing of Bread.	*Weſtminſter*, Novemb. 19.

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Whitehall, Novemb. 25. A Proclamation providing for the relief of maimed, Shipwrackt, and other diſtreſſed Seamen, their Widows and Children.

Whitehall, Jan. 11. A Proclamation for the prizing of Wines.

Whitehall, Feb. 9. A Proclamation for the well-ordering and making of White Starch within the Realm, and for reſtraint of the Importation thereof from Foreign Parts.

Weſtminſter, Feb. 19. A Proclamation concerning Tin, and to reſtrain the importation thereof from Foreign Parts.

Whitehall, Feb. 27. A Proclamation and Declaration, to inform Our loving Subjects of Our Kingdom of *England,* of the ſeditious practices of ſome in *Scotland,* ſeeking to overthrow Our Regal Power under falſe pretences of Religion.

Whitehall, March 22. A Proclamation for reſtraint of Diſorders in Souldiers preſſed, and to be preſſed for his Majeſty's Service.

Hiſtorical

10a-4

Hiſtorical Collections

For the Year 1639.

The Arch-Biſhop of Canterbury's *Diary.*

March 27.

Wedneſday, Coronation day, King *Charles* took his Journey Northwards againſt the Scotiſh Covenanting-Rebels. *God of his infinite Mercy bleſs him with Health and Succeſs.*

April 3. *Wedneſday*, Before the King's going, I ſetled with him a great Buſineſs for the Queen, which I underſtood ſhe would never move for her ſelf. The Queen gave me great thanks; and this day I waited purpoſely on her, to give her thanks for her gracious acceptance. She was pleaſed to be very free with me, and to promiſe me *freedom*.

April 29. *Monday*, This day the King went from *York* towards *Newcaſtle*, but ſtays at *Durham* for a week at leaſt.

May 28. His Majeſty encamped two miles Weſt from *Berwick* by *Tweed*.

June 4. *Whitſun-Tueſday*, As I was going to do my Duty to the Queen, an Officer of the Lord Mayors met me, and delivered me two very Seditious Papers, the one to the Lord Mayor and Aldermen, the other to excite the Apprentices, *&c.* both ſubſcribed by *John Lilburn* a Priſoner in the *Fleet*, ſentenced in *Star-Chamber*, &c.

June 5. *Wedneſday*, I delivered both theſe to the Lords of the Council.

June 15. *Saturday*, and *June* 17. *Monday*, The Peace concluded between the King and Scotiſh Rebels; *God make it ſafe and honourable to the King and Kingdom.*

June 28. *Friday*, I ſent the remainder of my Manuſcripts to *Oxford*, being in number 576, and about a hundred of them were *Hebrew*, *Greek*, *Arabick*, and *Perſian*; I had formerly ſent them above 700 Volumes.

Auguſt 1. *Thurſday*, His Majeſty came back from the Northern Journey to *Theobalds*, and to *Whitehall*.

Auguſt 3. *Saturday*, Many Varieties ſince the Aſſembly held and ended in *Scotland*; The Biſhops thruſt out, the Parliament there ſitting.

October 11 and 12. *Friday* and *Saturday*, The *Spaniſh* Navy was ſet upon by the *Hollanders* in the *Downs*; the Fight began to be hot when they were paſt *Dover*; they were in all near ſixty Sail. The *Spaniards* ſuffered much in that Fight, *not without our diſhonour*, that they ſhould begin the Fight there; but this is one of the Effects of the *Scotiſh* Darings.

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December 2. *Monday*, A. Sh. my Chirurgeon in truſt, gave me great and unexpected eaſe in my great Infirmity; but after the Weakneſs continued.

December 5. *Thurſday*, The King declared his Reſolution for a Parliament, in caſe of the *Scotiſh* Rebellion. The firſt Movers to it were my Lord *Deputy* of *Ireland*, my Lord Marqueſs *Hamilton*, and my Self. *And a Reſolution voted at the Board, to aſſiſt the King in extraordinary ways, if the Parliament ſhould prove peeviſh, and refuſe*, &c.

January 24. *Friday* at night, I dreamed that my Father (who died 46 years ſince) came to me, and to my thinking he was as well and as chearful as ever I ſaw him. He asked me what I did there? And after ſome Speech, I asked him how long he would ſtay with me? He anſwered, He would ſtay till he had me along with him. I am not moved with Dreams, yet I thought fit to remember this.

January 26. *Sunday*, I received the Queens gracious aſſurance of her Favour, in the Buſineſs which his Majeſty had committed to me with others.

At *Whitehall*, *March* 26. 1639.

His Majeſty's Inſtructions to his Privy-Council, before he went from London *to* York.

The Lords to attend the Queen's Majeſty on *Sundays*, in his Majeſty's abſence.

'THis day his Majeſty did recommend unto their Lordſhips, the care of the Queen's Majeſty, and the Prince, and his other Children in his abſence, with direction to attend her every *Sunday* whiles ſhe ſhall remain hereabouts; and if ſhe ſhall go further off, to *Oatlands*, or ſuch, or a greater diſtance for any long time, then likewiſe to attend her, as conveniently their Lordſhips may, though not ſo frequently; and that nothing that ſhall be fit for her be wanting or neglected.

King's Inſtructions to the Privy-Council in his abſence.

'Next, His Majeſty did recommend to their Lordſhips, to give notice to all Lord Lieutenants, and Deputy Lieutenants, to reſort to, and remove within the Limits of their Lieutenancies, except ſuch of his Privy-Council as are appointed to ſtay here; and the Earl of *Bridgwater* is to go, as ſoon as conveniently he can, into his Preſidency, to give notice likewiſe to all Governors of Iſlands and Forts, to repair to their Commands; or in caſe they are otherwiſe emploied, in his Majeſty's Service, to ſend able Deputies upon the Places, and ſuch for whom they will be anſwerable.

March the 27*th*, Coronation day, his Majeſty took his Journey Northwards againſt the *Scots*; there went with him in his Coach the Duke of *Lenox*, and Earl of *Holland*, and arrived at *York* the 30*th* of *March*. To whom Sir *Thomas Widdrington*, Recorder of *York* and *Berwick*, made this following Speech.

Moſt Gracious and Dread Soveraign,

March 30.

'BE graciouſly pleas'd to pardon this ſtay, that we, the leaſt and meaneſt Motes in the Firmament of your Majeſty's Government, ſhould thus dare to cauſe you (our Bright and Glorious Sun) to ſtand: Give us leave, who are the Members of this Ancient and decay'd City, to make known unto your Majeſty (even our Sun it ſelf) where the Sun now ſtands,

{ In the City of *York* }

'which (like an ill-drawn Picture) needs a Name: A Place ſo unlike it Self, that we may boldly ſay, *Niobe* was never ſo unlike *Niobe*; never Old Man ſo unlike himſelf, himſelf being young, as is the City of *York* unlike the City of *York*; heretofore an Imperial City, the Place of the Life and Death of the Emperor *Conſtantius Chlorus*, in whoſe Grave a Burning Lamp was found many Centuries of Years after. The Place honoured with the Birth of *Conſtantine* the Great; and with the moſt noble Library of *Egbert*.

'I might go farther, but this were only to ſhew, or rather ſpeak of Ancient Tombs.

'This City was afterwards twice burn'd, ſo that the very Aſhes of theſe Antiquities are not now to be found: And if later Scars had not defaced our former Glory; what was it truly in reſpect of what we now enjoy?

'The Births, Lives, and Deaths of Emperors, are not ſo much for the Honour of *York*, as that King *Charles* was once Duke of *York*. Your very Roial Aſpect ſurmounts our former Glory, and ſcatters our later Clouds.

'It's more honour for us, that King *Charles* hath given us a new Life, Nativity and Being, by a moſt benign and liberal Charter, then that *Conſtantine* the Great had his firſt Being here. And for the Lamp found in the Grave of *Chlorus*, your Majeſty maintains a Lamp of Juſtice in this City, which burns more clearly than that of *Chlorus*, and ſhines into five ſeveral Counties, at which each Subject may light a Torch, by the lightneſs whereof he may ſee his own Right, and find, and taſte part of that ſweet and wholſom Manna here at his own Door, which drops from the influence of your Majeſty's moſt juſt and gracious Government.

'So that if the Library of *Egbert* were now extant among us, that very *Idea* of Eloquence, which the moſt skilful Orator could extract out of it, would not be able to expreſs what we owe to your Majeſty, there being not any acknowledgment anſwerable to our Obligations: For beſides all this,

'The Beams and Lightnings of thoſe Eminent Vertues, Sublime Gifts and Illuminations wherewith you are endowed, do caſt ſo forcible Reflections upon the Eyes of all Men, that you fill, not only this City, this Kingdom, but the whole Univerſe with ſplendor.

'You have eſtabliſhed your Throne upon two Columns of Diamond, Piety and Juſtice; the one gives you to God, the other gives Men to you, and all your Subjects are moſt happy in both.

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‘For our Selves, moſt gracious King, your Majeſty’s humbleſt and ‘meaneſt Subjects, Obedience, the beſt of Sacrifices, is the only Sa‘crifice which we have to offer to your moſt Sacred Majeſty. Yet ‘vouchſafe to believe (moſt mighty King) that even our Works, ſuch ‘as they are, ſhall not reſemble thoſe Sacrifices whereout the Heart is ‘taken, and whereof all the Head, nothing is left ſaving only the ‘Tongue; our Sacrifice is that of our Hearts, not of our Tongues.——

The King’s Attorney General, by Relation of the Lord Wentworth, *Lord Deputy of* Ireland, *againſt the Lord* Mountnorris, *Sir* Pierce Crosby *and others.*

‘THe Defendants are charged for raiſing and divulging Scandals of ‘the Lord Deputy of *Ireland*, giving out as if he was guilty of ‘the death of one *Eſmond*, proceeding from Sir *Pierce Crosby’s* malice, ‘who drew unto his Confederacy the other Defendents; who all re‘pining at the Lord Deputy, reſolved generally to make uſe of the ‘Death of one *Eſmond* a ſick and infirm Man, who died in the 10*th* ‘Year of the ſaid King; and in the 11*th* Year they tell his Wife, That ‘the Lord Deputy gave him divers ſtroaks; and they got her into ‘their Confederacy, and tell her, The Complaints will be well recei‘ved in *England*, offering her 1000 *l.* to come over.

‘To this Sir *Pierce Crosby* pleaded not guilty.

‘The Lord *Mountnorris* in his Anſwer ſaid, He was ſenſible of the ‘Charge, that he ſhould be a Perſon ill-affected to his Majeſty’s Ser‘vice, and pleaded not guilty to all the Offences.

‘The Wife ſaid, ſhe heard a report, That her Huſband received ‘ſeveral blows from the Lord Deputy, and that he died a few days ‘after, that ſhe made her moan to the Lord *Eſmond*.

‘*Marcus Cheevers* ſaith, That Sir *Pierce Crosby* asked him what he ‘heard of the Blows given by the Lord Deputy to *Robert Eſmond?* ‘and ſaid, There was a report of it at the Lord *Eſmond*’s Houſe; and ‘Sir *Pierce Crosby* in a Letter writes, That the Lord *Eſmond* did firſt ‘raiſe the Report, and firſt encouraged *Margery* to complain.

‘*Richard* and *William Eſmond* pleaded not guilty.

‘*Walter Fitz-Harris* anſwered, That he delivered the Meſſage from ‘Sir *Pierce Crosby* to *Margery Eſmond*, to ſuch Effects in the Informa‘tion, and to all Offences pleaded not guilty.

‘*Lawrence Archer*’s Anſwer was read, but pleaded not guilty.

‘*William Halloway* his Anſwer read, who was preſent when the Lord ‘Deputy committed *Eſmond*, and ſaid, He believes he did *Eſmond* no ‘wrong; and to all Offences pleaded not guilty.

‘The King’s Attorny General deſcended to Proof, and declared, ‘That Sir *Pierce Crosby* was the Forger of the Accuſation, and that it ‘will be proved *Eſmond* died of other Wounds, that no Blow was ‘given by the Lord Deputy.

‘Then the Depoſition of *Margery Turner* was read, who ſaith, That ‘*Robert Eſmond* her late Huſband, long before his Death, was woun‘ded in his Back with a ſmall Knife by one *Egerton*; and that the ſaid ‘*Eſmond*, after the Wound, ſpitted Blood for about a Year before he ‘died; and that he had alſo a *Cough of the Lungs* about ſeven Years, and ‘died of a *Conſumption*.

‘*Lawrence* Lord *Eſmond* being examined, ſaith, That *Robert Eſmond*, ſix or ſeven Years before his Death, received a Wound in his Back with a Knife by one *Egerton*; and that he was not of a weak or ſick Conſtitution before his Death; and that he and other his Friends conceived the ſaid Wound to be the cauſe of his Death.

‘*Walter Fitz-Harris* depoſed, That he told the Defendent *Margery* to go into *England*, to take part againſt the Lord Deputy; and that he promiſed her that Sir *Pierce Crosby* ſhould give her 1000 *l.* to go and make complaint of the Death of her Huſband; and told her, That he was ſent for that purpoſe into *Ireland* by Sir *Pierce Crosby*, and ſhe ſeemed willing to come into *England*.

‘*Richard* repair'd to *Robert* in his Sickneſs,and aſked him, Whether he had any ſtroak from the Lord Deputy? and ſaid, He had received no ſtroak from the Lord Deputy upon his Salvation;He alſo ſaid, That *Margery Turner* came to his Lodging, and complained of the loſs of her Huſband, and ſaid; She had bin ſent for by a Meſſenger, which ſaid, He came from my Lord *Mountnorris*, Sir *Pierce Crosby*, and *Marcus Cheevers* to come and ſpeak with them; and the Examinant conceived they ſent for her, to perſwade her to go into *England* to complain.

‘Sir *Philip Manwairing* ſaith, He was preſent when *Eſmond* was brought to the Lord Deputy, *Eſmond* was charged with Contempt, in refuſing to take a-board the King's Timber, and taking in other Timber; the Lord Deputy ſhook his Cane at *Eſmond*, and ſaid, He would teach him better Manners; but whether he touched him or not he cannot Depoſe.

‘Sir *Philip Manwering* further ſaid, That the Lord *Eſmond*, Lord *Mountnorris*, and Sir *Pierce Crosby* were of the Privy-Council in *Ireland*, and Sir *Pierce Crosby* renewed about the end of the laſt Parliament the Oath of a Privy-Counſellor.

‘*Joſhua Carpenter* ſaid, That about *November* 1634, that *Eſmond* was preſſed to carry Timber, and refuſed it, ſaying, He had undertaken to carry Timber for the Uſe of the Lord Chief-Juſtice, that the Lord Deputy ſhook his Cane, but whether touched him with it or not, he knows not; but the Lord Deputy committed *Eſmond* for neglect of the King's Service.

‘*Jeremy Woodworth* ſaith, That *Eſmond* was troubled with a violent Cough, but went quickly over; and when he viſited him in Priſon, he heard him not complain of any Blow, though he aſked him if the Lord Deputy did ſtrike him? but *Eſmond* anſwered, He did not, but only ſhaked a Cane over his Shoulders, but he felt no harm, that he would not have hidden it if he had beaten him. That *Cheevers* ſaid, that day that *Eſmond* died, Did not I tell you he would die of the ſtroaks the Lord Deputy gave him?

‘Sir *Francis Wortly* ſaith, That Sir *Pierce Crosby* ſaith, That the Lord Deputy had a hard heart in *Ireland*, he ſtruck *Eſmond*, and committed him to Priſon, and two or three days after he died, and on his Death-bed ſaid, he died of the Blows given by the Lord Deputy.

Sir Pierce Crosby *Defendent.*

'*William Atkins Interrog.* firſt; About *November* or *December* 1634, *Robert Eſmond* was brought before the Lord Deputy, who committed him to *Dublin* Caſtle; *Atkins* was preſent when *Eſmond* was convented, the Lord Deputy was angry with him, and ſaid, *Sirrah, Sirrah*, and ſtruck *Eſmond* on the Head and Shouldiers, three or four ſtroaks with a Cane, and then committed him.

'Immediately after *Robert Eſmond*'s Death, he heard *Richard Roach*, and divers others report, That the ſaid ſtroak occaſioned it; that he did daily viſit *Robert Eſmond*, and he ſtill complained of the blows; and that this Deponent's Wife anointed his Shoulders; He often wept and grieved, and he would often ſay, His Heart was broken.

'*Richard Roach* ſaith, That *Eſmond* was in Priſon about ſix days and a half; daily complained and refuſed ordinary Food.

'*William Holloway* ſaw the Lord Deputy ſtrike three or four ſtroaks over the Pate with a Cane, agreeing with *Eſmond*'s Relation.

'That in *November* or *December* 1634, he being a Priſoner in *Dublin*-Caſtle; *Robert Eſmond* told him, That he had bin convented before the Lord Deputy, and committed, by reaſon that after his Bark was laded for the Lord Chief Juſtice, he refuſed to take in the Lord Deputy's Timber, which he could not have taken, in reſpect of the length.

'*Eſmond* further ſaid to this Deponent, That the Lord Deputy had made him *Knight of the Cane*; and complained of the ſtroaks the Lord Deputy had given him, and wiſhed them to feel what ſwellings he had in the hinder part of his Head, and this Deponent felt ſeveral knots and ſwellings by his Ears: He lay in Priſon about ſix days and a half, and daily complained, and refuſed ordinary Food; and from his commitment to his death, he did more and more languiſh; and at his going out of the Caſtle, he ſhook his Head towards it, and ſaid, *He might thank the Lord Deputy for that.*

'*William Holloway* agrees with the ſame Depoſition.

'*William Eſmond* ſaith, That in *July* 11. *Car.* 1. Sir *Pierce Crosby* and Lord *Mountnorris* were at *Wexford*, and then and there Sir *Pierce* did ſpeak of ſuch Reports as is before depoſed, that it was no Crime; and they did inquire of *Eſmond*'s Wife, but no Proof that ever they ſpoke with her till the Information was exhibited.

After the reading of a few more Depoſitions, and Mr. Attorney General's Reply in this Cauſe, and magnifying the Worth and Merit of the Lord Deputy, and ſhewing the improbability of any Truth in the Defendents Witneſſes, the Court proceeded to Cenſure.

May 22. 15. Car. Regis, 1639.

Some Paſſages of the Lord Cottington's *Sentence, at the hearing of the Cauſe between the King's Attorney General Plantiff,* Sir Pierce Crosby *and others Defendents.*

'THat there lay a neceſſity upon the Lord Deputy to bring this Cauſe to a Hearing, elſe he had not done Right to his own Honour, and the King's Service, nor to his Poſterity, and he had great reaſon to expect Satisfaction from the Court. That he blames not all the Council at the Bar, who pleaded for the Defendents, but blames him that made Defence, in way of Juſtification of the Scandal, after *not guilty* pleaded; and leaves it to the Court, whether it be not fit to repair the Lord Deputy for ſuch a Defence, conſidering the Deputy's great Merit to the King, State, and their Lordſhips; being one who hath done ſo good, ſo juſt, and ſo honourable Services, not to be parallel'd by any that went before him in that Place.

'His equal diſtribution of Juſtice, advancing his Majeſty's Revenue, *&c.* ſo that *Ireland* was never in that ſtate as now it is: And that this Noble Lord ſhould have theſe Reflections caſt upon him by Sir *Pierce Crosby*, is an ill Reward.

'I am well ſatisfied Sir *Pierce Crosby* endeavoured to draw this ſcandalous Accuſation upon this Lord, and hath bin a publiſher of it, particularly to Sir *Francis Wortly*: And how ridiculous a thing it was (the Proofs conſidered) to ſay that *Eſmond* died of the Blows the Lord Deputy gave him, when only he ſhaked his Cane over his Head.

'I hold my Lord *Eſmond* alſo guilty of ſpreading this Report. *Fitz-Harris* tells how he was hired to go into *Ireland*, on Sir *Pierce Crosby's* account; It is ſaid he is a Man Indicted of Felony, Why did Sir *Pierce Crosby* make uſe of ſuch a Fellow?

'I fine Sir *Piece Crosby* 4000 *l.* to the King, and to give ſuch Satiſfaction to the Lord Deputy as this Court ſhall direct. I am ſorry for Sir *Pierce Crosby*, for time was when he did good Service at the *Iſle of Ree* for his King and Country.

'As for the Lord *Eſmond*, I hold him clearly guilty of ſpreading this Scandal, to the diſhonour of my Lord Deputy. My Lord *Mountnorris* ſaid, He had it from the Lord *Eſmond*. Now for Men of Honour to report a thing falſe for a Truth, is a very great Crime, I fine my Lord *Eſmond* 3000 *l.* and I do declare him to be unworthy to ſerve under the General (my Lord Deputy) and to make Satiſfaction in ſome publick Way, and in ſuch Words as this Court ſhall direct.

'As for *Marcus Chevers*, the beginner of this Report, I Sentence him, for publiſhing of it, a 1000 *l.* and to acknowledg his Offence.

'And all the Defendents in 5000 *l.* Dammages to the Lord Deputy.

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Lord Chief Juſtice Finch *his Sentence.*

‘MY Lords, The Charge in this Information is double; It is a Conſpiracy to raiſe a Scandal, to bring my Lord Deputy in Queſtion, both in his Honour, Life, and Fortune. And it is for the publiſhing and divulging of this, to the diſhonour of my Lord Deputy, and to ſtir up ill Conſequences likewiſe to his great damage.

1. ‘That there was a Scandal raiſed, I am fully ſatisfied; but who are the firſt raiſers of this Scandal, that in judgment doth not appear before your Lordſhips. But my Lord Deputy hath very good reaſon to charge this as a Conſpiracy and Practice in the Defendents, and I think your Lordſhips have great reaſon to ſuſpect it ſtrongly; and in my own private Conſcience I do believe it. But I dare not, upon the proof in Court, go ſo far as to Sentence any of the Defendents, not Sir *Pierce Crosby*, whom I hold to be the chiefeſt Delinquent in the Cauſe. I dare not, I ſay, upon the proof in Court, condemn any of them of a Conſpiracy, or of a practiſe with others, to raiſe this Scandal *ab origine*, to bring my Lord Deputy in danger of his Life.

‘For the publiſhing of the Scandal, I am ſatisfied that it was a falſe Report, and that it is a Crime that ought ſeverely to be ſentenced in this Court.

‘There are Preſidents of it in my Lord Arch-Biſhop of *York*'s Caſe that now is, and the Biſhop of *Lincoln* and *Osbaldſton*'s Caſe. And your Lordſhips know as well the Statute of *R.* 2. *& Weſtm.* 1. doth as well puniſh thoſe that are the Tellers and Speakers of falſe Lies and Tales, as the Inventers.

‘In the Caſe of a Common Perſon there may be ſufficient reaſon to juſtify the Words, but in the Caſe of a Publick Magiſtrate, and ſo great a Perſon, as the Viceroy, in a manner, of the Kingdom of *Ireland*; I ſay, Though there were probable and juſt grounds, it was not fit for them to ſcatter and divulge things in an irregular way, but it is puniſhable; I did learn it in King *James* his time, in the Caſe of *Henry* Earl of *Northampton*, Lord Privy-Seal, that was here ſentenced.

‘I am clearly ſatisfied, that this is ſo far from being true, or from a probability of Truth, or from being a *non liquet*, that there is no colour for it; and to ſatisfy my own Conſcience, I ſhall be bold to reckon to your Lordſhips the Grounds upon which I go.

‘I do fix it upon the Teſtimony of the Parties preſent, and of the Witneſſes preſent, I do find there were fifteen preſent. For Sir *Philip Manwairing*, your Lordſhips know his Quality and Reputation in the Kingdom, and I know he beareth it as worthily in your Lordſhips Judgment; He expreſly ſweareth his Lordſhip did but ſhake the Cane, and that he believeth in his Conſcience, (for ſo he ſaid here in Court) he did not ſo much as touch him: And I would not have any to go away unſatisfied of any thing againſt my Lord Deputy. There are many Preſidents and Rules, that this Court hath liberty in their Judgments, to call for Witneſſes at Hearing to ſatisfy their Conſciences. My Lords, Beſides, Sir *Philip Manwairing*'s Depoſition, that which he did here affirm, That he was ‘near to my Lord all the while, and that he did diligently obſerve all that paſſed.

‘Another Witneſs was *Iſaac Carpenter*; he doth agree with Sir *Philip*, he ſaith, my Lord did but ſhake the Cane, and he doth not know whether he touched him, and he was the Man that brought the Fellow thither.

‘The third Witneſs was *Holloway*; It is true, ſome ſpeak out of his Mouth, he ſpeaketh exactly in his Anſwer, He knoweth of no hurt or wrong was done by my Lord Deputy, neither doth he believe it.

‘*Atkinſon* the Goaler, he was the only ſingle Man of thoſe that were preſent, that ſaith, my Lord Deputy did ſtrike *Robert Eſmond* with a Cane.

‘Take the Quality of their Perſons, take their Number, four to five, I wonder whether any Man can think there was a ſtroak.

‘The ſecond part of the Proof, is from the Relation of *Robert Eſmond* himſelf, wherein you ſhall ſee a great deal of maliee in the Defendents.

‘Yet he ſweareth upon his Salvation, he took no hurt by any ſtroak from my Lord Deputy; he did declare it was an old hurt with a Knife that did wound him; he did there proteſt he never ſtruck him, only ſhaked his Cane: And when his Uncle ſaid unto him, Tell the Truth; indeed Uncle, ſaid he, if it were otherwiſe I would tell you; I pray God I never enter into Heaven if ever he ſtruck me or hurt me: So here is as ſtrong a Relation as can be, and agreeth in the Point with the ſhaking of the Cane.

‘I ſhall not forget to reckon up to your Lordſhips, what on the Defendents part hath bin alleged. It was a grave and honourable Admonition which was given by my Lord *Cottington* to the Counſel at Bar,and I wiſh they would never give occaſion to be reprehended, but to take admonition by this; time hath bin, when Practiſers of Law knew their Duty, which if they obſerved, they ſhould never do more than their Cauſe would bear, and yet do their Duty to their Clients with modeſty to the Court, and reſpect to Perſons of great Eminence. In this they have gone further than the courſe of the Court, wherein I do commend Mr. Attorny that did ſo reſpect the Innocency of my Lord Deputy that he would not cut them off. It hath not bin uſual with the Practice of this Court, to ſuffer him that pleads *not guilty*, to make a Juſtification for the Plantiffs to prove him guilty; and it ſhall ever be my practice in ſuch Caſes, when they do fail of a Proof of *not guilty*, that they ſhall pay ſound Dammages.

‘For my Lord's Merit I ſhall ſay nothing, I am prevented by my Lord *Cottington*. If ever any deſerved reparation in this Court, my Lord Deputy doth, who hath bin ſo excellent a Miniſter for the King.

‘For Sir *Pierce Crosby*, I ſhall obſerve to your Lordſhips, he was a diſcontented Man, removed from the Council Table by my Lord Deputy and the Conncil, and by direction from the King. He ſaid, My Lord Deputy bore a hard hand in *Ireland*, and wiſhed my Lord Deputy was diſplaced, and my Lord *Fawkland* in it again. I have known Sir *Pierce* long, and ſorry I am to meet him here.

‘The firſt Witneſs againſt him was Sir *Francis Worſley*, who ſaith, He

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‘told him, My Lord Deputy ſtruck him, and that he died of the blows, and did name ſome Perſons in *Ireland* that would proſecute againſt my Lord Deputy.

‘The ſecond Witneſs was *Edwards*; Sir *Pierce Crosby* asked him, If he had not a Kinſman that died of a Blow given him by the Lord Deputy of *Ireland*? It did not concern Sir *Pierce Crosby* at all to inquire.

‘Your Lordſhips remember what *William Eſmond* ſaid, then what Sir *Thomas Eſmond* ſaid, the Lord Deputy ſtruck him: And *Marcus Cheevers* asked if he had heard of any ſuch thing? I tell your Lordſhips why I reckon up theſe Defendents, becauſe of the Knowledg I have of Sir *Pierce Crosby*; and I am ſorry that he ſhould upon his Oath deny that ever he ſpoke any ſuch word, when ſo many do witneſs againſt him for it; therefore Sir *Pierce Crosby*'s Oath muſt not move me in Judgment, for no hold is to be taken of it. And let Men take heed how they take a liberty to deny upon their Oath; For your Lordſhips know how many Preſidents have bin in this Court, for ſentencing Men for Perjury in their own Cauſe.

‘For *Fitz-Harris*, he is a Witneſs that doth accuſe himſelf, as for the Indictment againſt him, he ſtood upright when he was examined; and in theſe things wherein he concurs with others, he is without exception; and being a ſingle Teſtimony in the main Point for the Conſpiracy, is the Reaſon why I cannot Sentence Sir *Pierce Crosby* for a Conſpiracy: And I am not on the other ſide ſo ſatisfied, but that in my own private Conſcience I do think there was a Conſpiracy. Why ſhould *Fitz-Harris* alſo go about this? and why ſhould *Archer* make this Relation? and why this Conference with *Robert Eſmond*'s Wife, and her Counſel, (though I will not ſay but one Defendent may confer with another); I do utterly diſlike the manner of it, and ſo I ſhall leave Sir *Pierce Crosby*.

‘The next is my Lord *Eſmond*, a Perſon unknown to me, yet I am ſorry to find him here; but I muſt agree with my Lord that went before me, and to Sentence him for the Reaſons already opened. My Lord Deputy ſhould know it was an *Eſmond* he had kill'd, tho he was the Man that brought my Lord Deputy word that *Robert Eſmond* ſaid, upon his Salvation, He took no hurt by any ſtroak from my Lord Deputy. This Lord being a Counſellor of State, to go and do otherwiſe, doth aggravate his Offence. Nothing is more for my Lord Deputy's Honour, than this very Particular; with what clearneſs and candor my Lord Deputy did proceed in putting ſo much truſt in my Lord *Eſmond*, in a thing that ſtandeth ſo deeply in his Honour and Fortune, and might be a Cloud that might hang over him all the days of his Life.

‘Next was *Cheevers*, he ſaid, It was no wonder if he died of it, *&c.*

‘Here my Lord *Finch* ſpoke of a Report which he had ſeen 4 *Car.* where my Lord *Say* brought an Action of the Caſe upon the Statute of *Scandalum Magnatum*, for ſaying, *Thou art a Traitor to the King*; and upon a *Not guilty* pleaded, it was found for the King. But the Inference he drew from this, the Author could not perfectly take.

‘For *Holloway* and *Fitz-Harris*, there is enough to convince them.

‘I ſhall deſcend to my Sentence, and will not diſſent in any thing from my Lord *Cattington*, only have *Archer*'s and *Fitz-Harris*'s Ears nailed to the Pillory, and fined 1000 *l.* a-piece.

A few Notes of ſome other of the Lords Sentences.

Secretary Windebanck.

'I Am ſatisfied of the clearneſs of my Lord Deputy. To have ſo worthy a Miniſter of the King's thus traduced, eſpecially in this time of Troubles in *Scotland*, it much concerns him. I had rather have found Sir *Pierce Crosby* in ſome Regiment attending the King in *Scotland*. Yet I muſt Sentence him as a Man guilty of the divulging of the Report, and that with a great deal of Malice; I concur with my Lord *Cottington*.

Sir Thomas Jermain.

'SInce it is ſo, that with theſe Lords that have gone before me, I cannot concur; I ſhall uſe the liberty of my Place, and the ſtrength of my Conſcience, and ſpeak what I think; and think I muſt; and I think it my part to render a Reaſon and Account of my Thoughts. You have in Judgment before you thirteen Defendents, ſome Noblemen, ſome Gentlemen, and others.

'Here is a great and heavy Charge upon Sir *Pierce Crosby*, it ſtandeth upon three heads.

1. 'That he is a Perſon ill-affected to the Government and State.
2. 'That he ſhould be the firſt publiſher of this Scandal.
3. 'That he ſtirred up the Wiſe of *Robert Eſmond* to proſecute my Lord Deputy.

'If I find my Lord Deputy's Honour invaded by Sir *Pierce Crosby*, or any Man elſe, he being a Perſon of great Place and Truſt in another Kingdom, where a great part of his Majeſty's Government is committed to his care, it behoves my ſelf, and all your Lorſhips here preſent, to vindicate his Honour. And I am verily perſwaded, that neither my ſelf, nor any here preſent, can think my Lord Deputy could procure the death of this Man by his Cane, there his Honour is not in danger.

'For Sir *Pierce Crosby*, he was a principal means for the preſervation of our Mens lives that eſcaped at the *Iſle of Ree*. Sir *Pierce Crosby* was not the firſt Mover, for Mr. *Raileton* in his Depoſition ſaith, (before ever Sir *Pierce* was thought to have ſpoken of this Matter) that he heard at Court by Mr. *Leveſton*, and divers others, of *Robert Eſmond*'s Death. It ſeems ſtrange to me, that theſe Publiſhers were not made Parties to the Suit; and if it may ſtand with the courſe of the Court, before I proceed any further, I would know whether this be an Offence, To ſpeak that for which he can produce ſeveral Perſons that ſpoke it before him?

'Lord Chief Juſtice *Finch* ſaith, Though a Man ſpeak that which a hundred ſpeak before, it is a ſcandal in him.

'Then I ſhall deſcend to my Sentence.

'Next Witneſs againſt Sir *Pierce*, was Sir *Fr. Wortley*, but he remembreth not the time. And againſt Sir *Pierce* here is only *Fitz-Harris*, and twenty more that ſpoke out of his Mouth, and all but as one

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‘Witneſs; and he is ſuch a Witneſs, as for my part I ſhall not believe.

‘I Sentence none but only *Fitz-Harris* and *Archer*.

Barret Lord *Newburgh*.

‘I Conceive the Offence ſo foul, as that it deſerveth a very ſevere Sentence, were it fully proved againſt all the Defendents. I am fully ſatisfied of my Lord Deputy's great care in his Majeſty's Service in that Kingdom, and that nothing hath bin ſaid of him in this Court but what is his due. I can Sentence none of the Defendents but *Fitz-Harris* and *Archer*.

‘Earl of *Exeter* concurred with my Lord *Newburgh*.

‘My Lord of *Suffolk* agreed with my Lord *Cottington*, and added this, To have *Fitz-Harris* to loſe one Ear in *England*, another in *Ireland*, and if he have a third Ear, to loſe it in *Scotland*.

Earl of Mancheſter *Lord Privy-Seal*.

‘MY Lord Deputy's Life, Name, and Fortune, lieth at the Stake; and a ſtupid Man he had bin not to have ſtirr'd, he had wrong'd his Honour, Perſon, Eſtate, and Government it Self, not to have ſtirred.

‘I will ſpeak my own Judgment freely, without checks to my Conſcience.

‘For the Plot, to ſpeak truly, I ſee none. To publiſh this Scandal was a fault, and the greater, becauſe it was againſt a great Man.

‘For the Fact, Who ſhall a Man believe in this Caſe? The Party himſelf, his Wife, his Kindred, his Friends; his Proteſtations, his Execrations, that upon his Salvation he had no ſtroak.

‘Mr. *Recorder* put as good Colours upon this Cloth as it would bear for a Defence.

‘Sir *Pierce* hath carried himſelf very cloſely, he was never ſeen but at *Eaſter* when he ſent for *Margery*.

‘In Sentence I concur with my Lord *Cottington*.

Dr. Juxon *Biſhop of* London, *Lord Treaſurer*.

‘FOr Scandals raiſed upon Superiors, they are the Diſeaſes of the Time. Not to ſpend time to ſpeak of my Lord Deputy's worth, This injury to him juſtly requires a heavy Sentence. Sir *Pierce Crosby* I conceive is a great Delinquent, if not a Plotter; yet a ſubtil, induſtrious and diligent Labourer in the Proſecution. If it took no effect, it was no fault of his. *Fitz-Harris* was alſo an Offender, your Lordſhips may do well to make him an Example. For my Sentence, I agree with my Lord *Cottington*.

Some

Some Paſſages in my Lord Arch-Biſhop of Canterbury's *Sentence, in my Lord Deputy's Cauſe, againſt* Sir Pierce Croſby *and others.*

'I Conceive there was a marvellous great neceſſity to bring this Cauſe to Judgment, for the Report was ſpread ſo far and ſo high, that if it had bin ſuffered to have lain a-ſleep, it might have endangered my Lord Deputy, and his Poſterity after him; and therefore it did concern him, by all the means in the World he could, to bring this Cauſe into this Court.

'My Lords, for the Counſel at Bar I was extreamly troubled to ſee them, after a *Not guilty* pleaded, to juſtify the Act; and yet I cannot but commend Mr. *Attorney* to give way unto it, that the Innocency of my Lord Deputy might the more clearly appear.

'My Lords, For the Cauſe it ſelf, I am not only of Opinion that it is a great Offence, but that it is an Offence which hath a dangerous Conſequence following it, if you look by whom, and againſt whom it was committed.

'My Lord Chief Juſtice hath ſo divided this Cauſe in the Particulars, that I ſhall be very brief.

'I conceive the Defendents are guilty of a grievous, malitious, and dangerous Scandal; and whether true or falſe it is no matter, for it ſtands againſt the Foundation of all Law, that if the thing were true, yet they are ſcandalous Reports. Certainly, my Lords, for the Conſequence that is upon this, I hold it to be very dangerous. And if ſuch a thing ſhall go unpuniſhed, or with a light puniſhment, no Man in his Place can live in ſafety of his Life, Honour, and Fortune.

'My Lords, This is not only a dangerous Cauſe, but dangerous in the way of Proſecution, that there ſhould be ſuch cunning in the carriage of this Buſineſs, that they would take away with one blow his Honour and Service in *Ireland*, and cut him off from his Defence and Protection in *England*. It is very bad it ſhould be againſt a Peer of the Realm, but this againſt my Lord Deputy, that doth repreſent the King's Perſon in that Kingdom; for the whole Truſt and Government of that Kingdom doth reſt in him, under God and the King. And it argueth, to my underſtanding, that ſuch Spirits as theſe, that ſtrike at the Authority of him that beareth the Power under his Majeſty in *Ireland*; they that ſhall begin thus with Tongue and Pen to ſcandalize any in Authority, I ſhall think the ſame Man will be very bold to ſcandalize the King too. *Gregory Nazianzen*, where he ſpeaketh of Kings, he ſaith, *They are lively Pictures of the Almighty God, drawn ſhort, but not at length, for no reſemblance of God Almighty can be drawn out at length.* As Kings are Repreſentations of God drawn out ſhortly, ſo Deputies and Lieutenants are Repreſentations of ſuch as are their King, but drawn out ſomewhat ſhorter than the reſemblance of their King.

'For my part, I have ever bin of Opinion, that the great Miniſters of the State, which ſhall not be very ſenſible of the Authority impoſed on them, and of Injuries offered unto them, cannot perform, nor be ſo careful in their Places as they ought.

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‘It is very high time to look about, for great liberty is taken in this Age, and the Tongues and Pens of Men, againſt Men of Place and Authority, are too frequent, that ſin is grown very common, almoſt Epidemical, and ready to prophane all Authority; and the next to that is the confuſion of all Mens Fortunes.

‘Theſe Times, in the greateſt Empires that ever were in the World for Riches, one of the greateſt, the *Roman* Empire, do manifeſt, That thoſe Men on whom the Emperor at thoſe Times did ſet any great Office upon, or did any other ways favour, certainly they had the greater eſteem among the People, and good reaſon for it; but now it is grown quite contrary. The Scripture ſaith, *Thus ſhall it be done to the Man whom the King honoureth.* Now it is changed and quite otherwiſe, with all manner of reproach, and caſting of ſcandal upon him whom the King honoureth. This in general.

‘Now for my Lord's Perſon in particular, and for his dexterity in the Government of that Kingdom; in particular, for that he hath ſhowed himſelf a great favourer of the Church: But becauſe I am a Church-man my ſelf, I ſhall ſpeak little of him in that, but leave him and his great care in that Service without any *Elogium*, ſince it ſpeaks loud enough all Chriſtendom over.

‘This I will ſay, without diſparagement of thoſe great Peſons that have gone before him, and I hope to the encouragement of thoſe that may ſucceed, That for the Government of the State in general, and for the ſtate of the Church, for the ſetling of Religion, for the vindicating of Juſtice according to their Laws; for improving their Trade, and ſetling a Military Defence in that Kingdom, no Story nor Memory of Man can ſay, that ever *Ireland* was in that caſe ſince *Ireland* did belong to the Crown of *England.*

‘My Lords, I ſhall add one thing more in reſpect of theſe boiſterous Times we are fallen into. The State doth not owe a little to my Lord Deputy, that the Kingdom of *Ireland* is kept in that great Peace and Security; for at this day (God be thanked) that Kingdom is at Peace, notwithſtanding the multitude of *Scots* in that Kingdom, and thoſe Rebels that are within an hour and a halfs paſſage of *Ireland.* No part of *England* is in more ſecurity than they are at this time; and under God and the King, I can attribute it to nothing but the Wiſdom, Courage, and Care of my Lord Deputy; and therefore God forbid Offenders againſt his Reputation ſhould go away without exemplary puniſhment.

‘The greateſt Empire that ever was in the World was the *Roman Empire*; give me leave to repreſent unto your Lordſhips what the Law was then, and it cometh home to many particular things that are in this Caſe before your Lordſhips.

Here the Arch-Biſhop mentioned ſome *Roman* Authors, but ſpoke ſo faſt, as at that Time the Pen could not hold pace with him.

1. ‘There was a neceſſity, but in thoſe times (ſaid his Author) then to complain, to deter People from caſting Scandals on Perſons in high Authority; therefore there is now a neceſſity for my Lord Deputy to complain, or elſe no puniſhment to the Offender.

2. ‘Whom

15 *Caroli.*

2. ‘Whom doth the State vindicate, a Senator? From what? From ſome notorious Brand as this is. God forbid but that the State ſhould do it, for the State cannot be ſafe unleſs it doth defend every one of us *ab omni injuria*. Certainly, ſay what you will, it is impoſſible for the Government of the State to go on, if theſe Scandals muſt be ſuffered.

‘I ſhall further obſerve, This is no matter of Favour you do my Lord Deputy, nor was it in the Empire at that time, for the Senators did require it by Law, *defendere jus Senatoris*; and not only *defendere jus*, but *Authoritatem juris*. And then, my Lords, after there cometh in the laſt, and that is remarkable, that the great Empire, famous over all the World, and ſo continueth, yet that great Emperor did reckon himſelf as one of the Senators; not but that he was greater, but the *Jus & Authoritatem* of them, he did aſſume unto himſelf.

‘I hold this libelling of the Tongue and Pen to be a ſin of a very crying nature, and will get up by the leaſt Twig that may be; and the nature of the Thing is ſuch, that if it can but once come and ride ſafely upon the Shoulders of a Nobleman, it will mount and come to the King himſelf, and the greateſt Emperor that is; which God forbid that it ſhould be ſo. This I thought good to ſpeak upon the Conſequence of theſe Things, becauſe the Venom of this Crime is in the Conſequence, more than in the Formality of the Crime.

‘My Lords, I did beg leave to ſpeak this for the ſatisfaction of my own Conſcience; and to expreſs how ſenſible I am of this, I ſhall now come to the Particulars of this Cauſe in Judgment before me, in which I did promiſe brevity; and my Lord *Finch* hath ſo fully handled this Matter, that he hath ſpared me a great deal of pains.

‘I begin with Sir *Pierce Crosby*, and I think all your Lordſhips agree with me, for the generality of the Scandal, that it is notoriouſly falſe, without probability of Truth. I have heard heretofore well of Sir *Pierce Crosby*, but I muſt obſerve a good Rule given in the Common-Wealth, *That if a Man have deſerved Well, and now deſerves Ill; his well-doing formerly ſhall not excuſe him for his ill-deeds now*; therefore I ſhall paſs by the goodly Report I have heard of him. In my Notes, I find him guilty of the ſpreading of this falſe and malitious Report, and is a fomenter thereof; though I cannot make him the firſt Author of the Report, yet after once he came in, he was a malitious Proſecutor. Sir *Francis Wortley*'s Teſtimony convinces him, beſides it is corroborated with *Fitz-Harris*'s Teſtimony.

‘For my Lord *Eſmond*, I hold him almoſt as great an Offender as Sir *Pierce*; his Ingratitude is far beyond Sir *Pierce*'s. The apprehenſion which the World had of him, the Honour and Countenance my Lord Deputy had given him; the Truſt my Lord put in him, to take the examination of this Buſineſs; and after all this, for him to turn tail againſt my Lord Deputy, muſt needs be a foul fault, and argue a canker'd heart.

‘For my Lord *Mountnorris*, I cannot Sentence him, becauſe the proof againſt him is not clear; but let him make a happy uſe of coming ſo near the Fire, and yet eſcape.

‘For *Marcus Chevers*, I conceive him to be one of the firſt Raiſers of this Report, he ſaith he heard it from my Lord *Mountnorris*; ſo between them two, and my Lord *Eſmond*, and Sir P. *Crosby*, was

‘this

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'this Scandal broached. I think theſe four Men ſtood upon ſome *Iriſh* Bog, and a foul Miſt did there ariſe; and there ſtood about this ſame Bog theſe four Defendents, and they have fomented the Filth they received by it.

'For *Fitz-Harris* and *Archer*, I think he could get no Men of worth to undertake ſuch a Buſineſs, therefore ſuch Men were moſt fit to be imploied. I conceive there was a deep Conſpiracy with theſe two Men about this Buſineſs.

'For *Holloway*, I muſt ſentence him in 200 *l.* fine.

'For *Robert Eſmond*'s Wife, I am loath to condemn her, a Wife that had loſt her Husband, and ſwears ſhe conceived he died of his old Diſeaſes.

'For *Fitz-Harris* and *Archer*, I agree to the loſing of their Ears; and for the Sentence of the other three Defendents, I agree with my Lord *Cottington*, In Fine, Acknowledgment, and Dammages.

'And I add further, That my Vote is, My Lord *Eſmond* ſhall be removed from being any longer a Privy-Counſellor, it being not fit that ſuch a canker'd Heart, and ulcerated Man, ſhould ſit at the Council-Table there.

Lord Keeper's Speech.

'MR. *Attorney* hath proceeded with a great deal of Judgment; He did a very good Act for my Lord Deputy, to bring this Cauſe to Sentence. And for the way of Defence, I am clearly ſatisfied it is againſt the Rules of the Court; yet had they bin interrupted in the way of their Defence, it would have reflected both upon my Lord Deputy and the Court: Therefore as I do comdemn this way of Defence to the Court, (and by the way do adviſe them to take care and heed how they do practiſe it in other Cauſes) yet I do commend it as neceſſary in this Caſe, for Mr. *Attorney* to give way unto their Method of Pleading.

'My Lords, In the next place I muſt needs ſay, upon the whole courſe of this Cauſe, I am of the ſame Opinion with my Lord *Cottington*; that howſoever perchance this or that Man might think my Lord Deputy ſhould have done well to have forborn this Cauſe, yet certainly it was a great neceſſity for my Lord Deputy to bring it on. It was neceſſary for him in the point of his Honour, for I am very confident, that had he not taken that way, this Rumour and Calumny had ſpread ſo far, that of neceſſity it would have required him at laſt for his ſafety to do this; becauſe for *Atkins* and *Roche*, I am ſatisfied in my Conſcience, by the Proof of the other ſide, that that they are falſe Witneſſes, and therefore it might have concerned my Lord Deputy, as in his Honour, ſo in his Life and Eſtate.

'It was a point of Moderation, that he did not put in my Lord *Eſmond* firſt. I once had a good Opinion of him; but when my Lord *Eſmond* (whom my Lord Deputy entruſted to examine this Buſineſs) did diſcover himſelf, he had great reaſon to bring him on the Stage.

'My Lords, there was one thing out of the Proofs concerning *Marcus Cheevers* to be of Counſel with Sir *Pierce Croſby* in a Croſs Bill, to let your Lordſhips know ſomething of what I know; It is 'true, Sir *Pierce* came unto me, and deſired me to write a Letter to 'my Lord Deputy, to come and appear to his Suit in the *Star-Chamber* here; but the truth was, I did deny it, becauſe I thought it 'could not ſtand with my Duty to ſend to my Lord Deputy a Letter 'to appear here, before I told the King of it. So there was ſome intention of a Croſs Bill, but I never acquainted the King with it, nor 'heard more from Sir *Pierce* of it.

'My Lords, In the next place I ſhall declare my Opinion, as moſt 'of your Lordſhips have done.

1. 'I am ſatisfied in my Conſcience, my Lord Deputy did not 'ſtrike him, only it was a ſhaking of the Cane; that maketh the very 'ground-work to be falſe. It was objected, if it did but haſten his 'Death an hour, it was the occaſion of his Death. I do not conceive 'it did either haſten it, or occaſion it, and believe nothing that *Atkins* ſaith.

'Next place for the Statute in this Point; here is the ſpreading of 'a ſcandalous Rumour, to the prejudice of a Nobleman, this is a very 'great and grievous Crime. Then, my Lords, in this Caſe I look upon the Perſon of my Lord Deputy, as he is a Privy-Counſellor to 'the King, as well in this Kingdom as in *Ireland*. He is a Peer of 'this Kingdom, yea, a great Officer both in *England* and *Ireland*; 'Lord Preſident of the North in *England*, and Lord Deputy of *Ireland* in *Ireland:* He is truſted by the King immediately under himſelf; though it be granted unto him by the Name of Lord Deputy, 'yet he hath both the Honour and Power of a *Viceroy*.

'Now, my Lords, I do obſerve in the Evidence of this Cauſe, 'that all the reſt of the Privy-Counſellors have a ſpecial Article in 'their Oaths,not to diſcover any thing that may reflect upon the Lord 'Deputy.

'Next thing, If a rumor of a Report be divulged, and a Man doth 'hear this commonly ſpoken, and he reports it, Whether this ſhall be 'a Crime in this Man? And I make no doubt of this but it is, for it 'is full within the Matter of the Act. If this ſhall be an excuſe to 'ſay, I ſpoke no more than what I heard, and heard it from this or 'that Man, the Conſequence would be, that none poſſibly would be 'ſafe. Plainly, The Law of the Kingdom meaneth it to the meaneſt 'Subjects in it, as to ſay to the pooreſt Man that he meeteth in the 'ſtreets, that it is reported he hath committed Murder, *&c.* What 'ſhall he ſay? I did ſay no more than what was told me. This is no 'Defence for the meaneſt Subject the King hath, much leſs in this 'Caſe of ſo great a Miniſter of State. If one call another Thief, or 'Murderer, and he bring an Action, and if it be true he be guilty of 'the Fact, no Action will lie. But in Caſes of *Scandalum Magnatum* 'it is otherwiſe. I find a Reſolution in this Point in this Court, by 'the two Lord Chief Chief Juſtices, *Arundel*'s Caſe; That a Man 'hearing a Scandal of a Nobleman, and ſhall report this to another, 'although he do expreſs his Author, yet he ſhall be puniſhable. If a 'Man of Quality ſhall ſay of one, That he is a Traitor, Felon, *&c.* 'or any ſcandalous Speeches, and ſay that he hath heard it of ſuch a 'Man, this is no juſtification; for when it cometh out of a more diſcreet Man's Mouth, the Scandal increaſeth; for any Man to ſay he 'heard it, and name the Man of whom he heard it, he ſhall never juſtify it in an Action of the Caſe.

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‘*Object.* But here you may ſay was a probability, and ſo it may be left with a *Non liquet.*

‘*Anſw.* But I conceive there is no manner of probability, much leſs a *Non liquet.*

26 Junii, 15 Carol. Regis, 1639.

‘*Lawrence* Lord *Eſmond*, and Sir *Pierce Crosby* Knight and Baronet, this day appeared at the Bar, in obedience to the Sentence of the Court, and made their ſeveral Acknowledgments, according as the Court had directed, being penned by the Judges. The like acknowledgment did *Marcus Cheevers* make at the Bar.

The Earl of *Strafford*'s Letter to the King, concerning his ſhipping of 500 *Iriſh* to be put into *Carliſle*.

May it pleaſe your Sacred Majeſty,

MY laſt humbly preſented your Majeſty an account of putting five hundred Men aboard the day appointed, and by this time I truſt they have attained their Port.

This Letter is occaſioned by another received from Mr. Secretary Windebank, *and bears date the 23d of* March. *In this I find much for me to do, and ſomething wherein to conſult your Majeſty's clearer direction, leſt I tread awry, or at leaſt beſide your Roial Intentions. Thoſe fully underſtood in theſe, as in all other, I ſhall execute to my uttermoſt beſt.*

Here incloſed is the Duplicate of my Letter to my Lord of Antrim; *wherein I have to my Judgment complied with that, which in relation to his Lordſhip was appointed for me; to which only I have bin bold to add unexpectance of my going down into that Province, howbeit not intending it, unleſs otherwiſe commanded, or upon ſome more preſſing occaſion than God be praiſed yet appears.*

The reaſon why I went ſo far, in regard I did believe the rumour of my coming ſo near him, would not amuſe the Earl of Argile *the leſs, or invite him ſooner out of his own Country. Your Majeſty's Pinnace, the* Confidence, *is gone with the Regiment to* St. Bees, *to ſee your Men ſafely landed, together with another ſmaller Pinnace of Sir* George Radcliffs *and mine; they have both order to return hither with all diligence, only your Majeſty's Pinnace is to attend at* Beaumorris *the tranſportation of* Mr. Serjeant Whitfield, *and* Mr. Fotherby, *as was appointed for her; by direction ſent me hither by Mr. Secretary.*

Againſt their return, Victuals ſhall be prepared for them, and putting forty Men upon our Pinnace, which carries five Saker, I will forthwith diſpatch them for the North-Eaſt of Ireland, *to beat it to and fro about the Head of* Cantire *and* Dunbarton-Frith.

Theſe two will, I am confident, be Maſters of all the Scotiſh Bottoms trading upon Air, Erwin, *and* Dunbarton; *yet to leave all out of queſtion, I ſhall in all diligence call Capt.* Owen *up hither with the* Whelp, *and direct him after them.*

Mr. Secretary Windebank *ſignifies your Majeſty's allowance, that if occaſion offer, they may land and take what they can get from any Towns upon that Coaſt. I humbly deſire, whether you will admit us to take as many*

many of their Barks at Sea as we can meet with; which doubtleſs will be much more eaſily, and ſafely done, eſpecially to deſtroy the Earl of Argile's Long-Boats, prepar'd as well to annoy us by ſome ſudden Incurſion, as to ſecure himſelf; I confeſs, where the greater is granted, it may reaſonably be thought the leſs is implied.

But in a Buſineſs of ſuch weight, I love not to take my Leſſon without Book, and therefore moſt humbly crave your Majeſty's Directions, expreſs under your own hands, in caſe it may ſeem ſo good unto your Majeſty: Let me but clearly know what I am to do, and if I neglect my Duty in the Execution, let not only the Shame, but the Puniſhment light deſervedly upon me.

I have already ſent out my Directions to all the Troops and Companies garriſoned in Ulſter, *requiring them to be ready to march out at five days, to ſuch Rendezvous as ſhall be appointed for them; and I will preſently ſend unto the Foot their proportion of Muſquets, in regard their Old are not ſo good as they ſhould be, ſo as there will be* 300 *Men ready for the Relief of* Dunbarton-Caſtle, *or any other Service your Majeſty may think fit to command them.*

It doth not appear to me how your Majeſty's Pleaſure is thoſe Men ſhould be Paid, and Victualled; but if your Majeſty have not otherwiſe thought of it, upon your Majeſty's Warrant, I will forth of this Revenue take order for both, without further trouble to your Majeſty's Coffers, or Miniſters on that ſide.

The fitteſt Perſon here to command them, as I think, will be Sir Robert Steward. *I take his Affections to be good, and that he hath a better Stake here among us, than he is like to get in* Scotland: *Howbeit it befits me to conſult your Majeſty's Wiſdom herein, and do as that ſhall ordain for me. Beſides, his knowledg of the Country ſhould, me-thinks, fit him better for the Service.*

Laſtly; It was writ me from good hands out of England, *That it was thought there your Majeſty intends to go to* Edinburgh, *and to be preſent at their Parliament in Perſon. Sir, the reading of it went as cold to my Heart as Lead; and the Conſequences of ſuch an Aſſurance, fright me to think of them.*

But, I truſt, God is not ſo angry with Us, as to ſuffer your Majeſty to be led into ſuch apparent Danger, or by any perſwaſion, to conſent the truſting of ſo precious a Jewel in the cuſtody of ſuch, as (to my underſtanding) are ſo great ſtrangers to Honour, or Morality.

Beſides, if there were any ſuch purpoſe, the publiſhing your Majeſty's late Roial and Righteous Proclamation, manifeſting your juſt Cenſure of thoſe Diſorders, and thoſe late Directions to provoke them, and exaſperating the Humour, by falling thus upon them with your Shipping on the North-Weſt of Scotland, *were, to my apprehenſion, to fight againſt your Self. Therefore, I beſeech you, admit me, howbeit the meaneſt, yet as faithful a Servant as any, to deprecate this Evil by all means.*

For, as to my poor Judgment, your Majeſty hath no more to do this Summer, but to ſecure Berwick *and* Carliſle *by ſtrong Gariſons; to exerciſe your Army in the knowledg of their Arms; prevent their Incurſion into your Kingdom of* England, *and by all means to avoid Fighting this Year.*

An. 1639.

Thus much effected, will prove an excellent Work, as well in Judgment as in Conſequence; and by the Bleſſing of Almighty God, infallibly bend thoſe Rebels to your Princely Will within a Year or two at moſt. God long preſerve Your Majeſty.

Dublin, *April* 1.
1639.

Your Majeſty's
moſt faithful, moſt humble
Subject and Servant,

WENTWORTH.

Marqueſs *Hamilton* left by the King at *London*.

When the King went towards *York*, he left Marqueſs *Hamilton* at *Whitehall*, to take care about the ſhipping of 5000 Men, and to haſten Northwards with the ſame as faſt as he could.

They were to be commanded by three experienced Commanders, viz. *Byron*, *Morton*, and *Harecourt*.

And on the ſecond of *April*, his Majeſty writ this enſuing Letter to the Marqueſs.

HAMILTON,

I Received yours but this Morning, to which before I anſwer, I muſt tell you News. Firſt, That Sir Jacob Aſhley has poſſeſſed Berwick with a thouſand Foot and ſixty Horſe, and Carliſle is likewiſe poſſeſſed by my Lord Clifford with three hundred Men. Secondly, I have commanded Traquaire to keep his Chamber, until he give me an account how he left Dalkeith without ſtriking one ſtroak, and before any Cannon was brought before it, having left the Ammunition (not deſtroyed) to their Reverence, and likewiſe the Regalia: Of this more by the next.

Now for Anſwer, I have given the Proclamation to be written by the Clerk Regiſter, with the General Oath, both which you ſhall have with all ſpeed. For your Military Oath, I like it extream well, as likewiſe your Opinion for detaining the Patents of Honour until the Country be ſetled.

York, *April* 2. 1639.

The ſame day the Earl of *Strafford*, Lord Deputy of *Ireland*, writ to his Majeſty a Letter concerning the employing the Ships in *Ireland* to the North-Weſt of *Scotland*, as followeth.

May it pleaſe your Sacred Majeſty,

MY thoughts of this laſt Night, and this Mornings peruſal of what I wrote Yeſterday, moved me humbly to crave leave to expreſs my ſelf ſomething more fully concerning that which I have in charge.

Mr. Secretary Windebanck *ſignifies your Pleaſure, to have the Ships of the North-Weſt of* Scotland *by the ſixteenth or twentieth of this month.*

This circumſtance of time we ſhall, I truſt, be able to comply with, or very near it, God ſending us the Winds favourable.

Next he writes, theſe upon the place, if they commit any ſpoil, or any other Act of Hoſtility, your Majeſty will not diſlike it.

Now before I come to the Time of the Execution, I beſeech your Majeſty take into conſideration what the Advantage or Diſadvantage may be to your other Affairs, to begin with them ſo early on this ſide.

The Advantages to my ſeeming are very ſmall; the taking perchance of ſome inconſiderable Prey, ſome diſquiet to the Covenanters, *indeed ſo ſmall, as ſhall rather ſerve to awaken them at Home, than divert them from aſſiſting others of that Covenant elſewhere.*

And as for the conſiderable Service it ſelf to be done on that Coaſt, to wit, the taking and deſtroying of their Shipping; that is to be done as well, if not better, towards Auguſt *than now.*

On the other ſide, the Diſadvantages are, to my apprehenſion, great and many.

If the War were with a Foreign Enemy, I ſhould like well to have the firſt Blow; but being with your Majeſty's own natural (howbeit rebellious) Subjects, it ſeems to me a tender point to draw Blood firſt; for till it come to that, all hope is not loſt of Reconciliation; and I would not have them, with the leaſt colour, impute it to your Majeſty to have put all to extremity, till their own more than words enforce you to it.

It might provoke them to aſſault ſome part of England, *at leaſt to hinder the putting in of Men and Ammunition into* Barwick *and* Carliſle, *which as yet they have no colour for, but falls flat upon them as an open and inexcuſable Rebellion, which ſhall to the World juſtify your Majeſty as compelled, not only to take, but to uſe and turn your juſt Arms againſt them.*

It will haſten upon Marqueſs Huntley, *and the reſt of your Majeſty's Party there, and open a general Force, before they be ſo well ſet, I truſt, both to defend themſelves, and offend others, as hereafter they may be.*

It ſhall precipitate the War ſooner upon England, *than in preſent were to be wiſhed; and rendring the* Covenanters *deſpairing of your Majeſty's Grace, thruſt them conſequently upon deſperate Counſels, wherein they are the more to be apprrehended, by how much leſs they have to loſe.*

Conſidering therefore, that the ſecuring of Berwick *and* Carliſle, *are the Pledges, under God's Goodneſs, of your Majeſty's proſperous Succeſs: Methinks nothing ſhould be done to provoke them till that were done: That it would be expected and tried for this Summer, whether their Fury might ſpend away upon it ſelf, before your Majeſty were compellable to diſtemper the Trade of your three Kingdoms, by falling thus upon their Shipping and Coaſt.*

My moſt humble Opinion is, That the preſent emploiment for theſe Ships, ſhould be only to move up and down on the North-Weſt of Scotland, *rather for ſecuring, and encouraging the good Subjects on this ſide, than to attempt any thing of force againſt them, when our Gains to be expected by the contrary way are ſo ſmall, but the Prejudices that may thereby fall upon your Majeſty's Affairs ſo important and many: At leaſt not to begin any Act of Hoſtility till* Auguſt, *for by that time the Seaſon of the Year will ſecure both Kingdoms from an Invaſion till the next Spring, by which time, I truſt, we ſhall on all hands be readier to receive them than now I fear we are.*

But

An. 1639.

But now, Sir, I have done, and command what you pleaſe, in full aſſurance, to be as perfectly and chearfully obeyed by me, as by any Soul living. God long preſerve your Majeſty.

Dublin, *April* 2.
1639

Your Majeſty's

moſt faithful, moſt humble

Subject, and Servant,

WENTWORTH.

I moſt humbly beſeech your Majeſty's Direction, what we ſhould do with the Mariners, or others of better Quality, we may chance to take Priſoners, in caſe your Majeſty will have us to uſe preſent Force againſt their Perſons and Goods.

His Majeſty writ another Letter to the Marqueſs, That he hath not yet ſeen *Traquaire* his Defence; and that if he had not taken notice of his baſe Actions, he is ſure it would have diſheartned a number of honeſter Men than ever he was, or ever will be.

April 3.

About two days after the Earl of *Traquaire* preſented a Paper in writing to his Majeſty, then at *York*, concerning the Buſineſs at *Dalkeith*, the Contents whereof was as followeth.

The Earl of Traquair's *Relation of the Surrender of* Dalkeith *to the Covenanters, delivered to Majeſty at* York, *in* April 1639.

‘AT my laſt being at Court, amongſt other Directions, your Majeſty was pleaſed to give me order for drawing of Proclamations to be ſent from this State, and for drawing of Commiſſions of Lieutenancy; concerning which, and ſome other Particulars then ſpoken of with the Marqueſs of *Hamilton*, your Majeſty did require Sir *Lewes Steward* to repair to *York*. Your Majeſty's Will likewiſe was, That ſome preſent Courſe ſhould be thought upon for liſting of ſome Souldiers in *Scotland*, both of Foot and Horſe; and to that effect did reſolve, That all the Noblemen who were then at Court, ſhould preſently repair to *Scotland*, and that there might be ſome ready way for entertainment of thoſe Souldiers your Majeſty allowed me. Beſides the ſupply of Mony which was to come from *England*, to coin all the Plate that was in the Abby, and withal to provide in ſtore in *Dalkeith* all the Victual I could, which place I was hopeful might be ſenſible againſt ſuddain Invaſion, where there were no Cannon.

‘With theſe and other Directions I went Home, and I believe your Majeſty's Self, nor yet thoſe Noblemen who were privy to my Inſtructions, did apprehend any thing of that which I found at my return.

‘After I came to *Dalkeith*, the next Morning I went towards *Edinburgh*, where by the way, I was advertiſed by a Friend, That as I loved my own Self, I would not go to *Edinburgh*, for the Covenanting Rabble had reſolved, upon my firſt appearance there, to make me faſt: This coming from a ſure hand, made me ſo far change my Reſolution, as inſtead of going directly to *Edinburgh*, I went to *Hally-Rood-Houſe*, and about twelve of the Clock, advertiſed ſuch of the Council as were in Town, to meet at the ordinary place of Meeting in the *Tolboth* of *Edinburgh*: But Sir *John Hamilton*, and ſome others of the Council, being acquainted with my return, came to me, and diſſwaded me altogether from thinking to enter *Edinburgh*, becauſe the People (ſaid they) are mightily incenſed againſt me, and are all in Arms, and this day are to beſiege the Caſtle.

‘And that ſame day advertiſement came to me to retire; and the next was the ſound of the Petard, which was ſoon after ſeconded by the noiſe of the Peoples Acclamations, upon the intaking of the Caſtle of *Edinburgh*.

‘Hereupon I returned back and came to *Dalkeith* about eight of the Clock at Night, and with me Colonel *Macheſon*, and took his Opinion concerning the Fortifying of *Dalkeith*; who ſaid, it might in a ſhort time be made ſenſible againſt a ſudden Aſſault, but not againſt Canon; and conſidering that they were all *Covenanters* round about, it was not Tenable.

‘I was preſently advertiſed of the Reſolution taken at their Table, both for apprehending of my Perſon, and taking in *Dalkeith* the next day; my care was to have ſtollen away, and ſo have ſaved the Powder and Muſquets that were in the Houſe; which I endeavoured, and moſt of it was removed to ſeveral Places, as I could think moſt fitting. And before twelve a Clock at Night had gotten the moſt part of all put away; about which time, according to their former Reſolution, there came towards *Dalkeith* betwixt three and fourſcore Horſemen: And as I was returning from helping away ſome of the Powder, I had fallen into their hands, if through the darkneſs of the Night I had not eſchewed amongſt the Houſes of the Town.

‘The next morning as I came back to the Houſe, the *Covenanters* ſent two of their number to me, deſiring that ſome of the Lords might ſpeak with me; and being thus ſurprized, beyond expectation, I being no Souldier, nor expert in Military Capitulations, and being in this, as in every thing elſe, ſince the Marqueſs went from *Scotland*, left alone, without the help either of Countenance or Advice of any; few or none daring ſo much as appear to give Advice in any thing might ſeem againſt theſe *Covenanters*, nor none ſo buſy both publickly and privately to countenance them, and all their Actions, and flatter them by their Diſcourſes, as thoſe who are moſt buſy at this time to inform againſt me.

‘At our firſt Meeting, the Earl of *Rothes*, in the Name of the reſt, began to repreſent to me the Reaſons of their Procedures; where preſently I interrupted him, and deſired him to ſpare his pains, for I intended not to hear or hearken to any ſuch purpoſe. His next was, Whether I would not willingly deliver up the Houſe of *Dalkeith* to them. I told him, If it were a Houſe fencible againſt Power or Force, they durſt not offer to take it from me. They had now ſurprized me, and their own folly would in the end ſurpriſe them, but I ‘would keep the Gates faſt, and if they durſt preſume to make them open in any violent way, I hoped er'e long they ſhould be made anſwer for this, and more. But withal I told them, That the *Crown* and the *Scepter* lay there, wherewith if they ſhould preſume to meddle in any place where it was, it was more than ever Subject did, or could be anſwerable for. It was ſcornfully anſwered, That *Dalkeith* was not a Place good enough for ſuch Things, and therefore they would carry them to the Caſtle of *Edinburgh*, where they ſhould be more carefully kept than they could be there. Hereupon I charged them, under all higheſt pains of *Treaſon*, not to dare to meddle with the *Crown*, *Scepter*, or *Sword*.

‘As I was offering to retire, *Rothes* again urged one word more, which was, to require me, as he ſaid he had done all the reſt of the Subjects whom they could meet with, to declare my ſelf, Whether I would come againſt my Religion and Native Country. My Anſwer was, I intend to make no anſwer to ſuch Propoſitions; but as I hoped never to be required to come againſt either, ſo I was moſt confident that when-ever my Maſter ſhould ſhew himſelf, I and with me, many honeſt *Scots* Hearts would ſhew themſelves to vindicate his Sufferings, and curb their Inſolencies. To this *Rothes* and *Balmerino*, as I remember, both replied at one time, That if I did declare my ſelf in that manner, they would diſcharge with me, and thereafter I was to look to my ſelf.

‘Whereupon they, with four Companies of Muſquetiers, (to one whereof Sir *John Hay*'s Siſters Son, as I am informed, was Captain) conducted by Colonel *Munro*, and 500 Horſemen, (amongſt which was Colonel *Hamilton*) went to the Houſe, and finding the Gates ſhut, required my under-Keeper to make open Gates; which he, according to the direction given him refuſing, charging them of new, under all pains of *Treaſon*, to retire from the Gates, and not offer any violence to his Majeſty's Houſe: All this was done to make their Fault and Inſolency appear the greater. Whereupon they ſcornfully anſwered, That the fear of all ſuch Charges were long ago paſt, and with that put the Ladders to the Walls where the Stables are; and having climed over the ſame, came to the Inner Gate of the Houſe, which they forced likewiſe, and ſo entred, and in great Joy and Triumph ſeized the *Regalia*, *Crown*, *Scepter*, and *Sword*, and carried them away with all the reverence they could ſhow, and placed them in *Edinburgh*-Caſtle.

Some few days after *Traquaire* had given this Narrative to the King at *York*, his Majeſty thought fit to ſet him at liberty from his Confinement: And ſhortly after his Majeſty ſet at liberty from the like Confinement, the Earl of *Roxborough*, whoſe Son the Lord *Carr* (or *Kirr*) turned to *Monroe*, and took part with the *Covenanters* againſt his Father's Will.

After the King had bin a few days at *York*, there was great reſort to Court of the Nobility and Gentry of the Northern Parts; and ſuch as were Colonels of the Trained-Bands, expreſſed much forwardneſs to ſerve his Majeſty in that Expedition, in defence of the Nation, if the *Scots* ſhould Invade.

The Commanders of the Yorkſhire *Foot and Horſe.*

The Regiments of Foot were commanded by	The Horſe of the County of *York*, appointed to march, were commanded by
Ferdinando Lord *Fairfax.*	*Thomas* Lord Vicount *Wentworth.*
Sir *William Savil.*	*Thomas* Lord *Clifford.*
Sir *John Hotham.*	Sir *Thomas Fairfax.*
Sir *William Penniman.*	Captain *Butler.*
Sir *Thomas Metham.*	

Whilſt his Majeſty remained at *York*, the Earls of *Newcaſtle* and *Darby* came thither with two gallant Troops, and marched toward *Barwick*; which being at that time newly poſſeſſed by the Earl of *Eſſex* and Sir *Jacob Aſhley* with Forces, prevented *Monroe*, who was marching with Scots Forces to ſurprize that Place.

Thoſe *Engliſh* who returned from *Barwick* to the King then at *York*, alſo brought the news, how the Nobility, Gentry, and Citizens of *Edinburgh*, brought away the *Crown*, *Sword*, and *Scepter*, from *Dalkeith* in ſtate to *Edinburgh*, to be there ſafely kept, publickly making a Proteſtation of their Loialty to their Prince, and expreſſing their Wiſhes, That it might be a perpetual Crown to the King and his Roial Iſſue.

Dunbarton-Caſtle taken.

Soon after came the advertiſement to the Court at *York*, that his Majeſty's Caſtle at *Dunbarton* was alſo ſeized by the *Covenanters*, being a place of great Strength, and great Advantage, in reference to the ſecure landing of the *Iriſh* Forces, deſigned for thoſe Parts by the Lord Deputy of *Ireland*.

Theſe Places of ſtrength being thus poſſeſſed, divers of the Nobility, Gentry, Biſhops, and Clergy, oppoſers of the *Covenant*, were conſtrained to fly their Country, and to repair to *Newcaſtle* for ſhelter.

Aberdeen taken,

And like *Job*'s Meſſengers, news was alſo brought, That the King's Forces, near *Aberdeen*, were beaten and diſperſed by *Monroe*, and *Aberdeen* taken, with great ſtore of Arms, Ammunition, and ſome Treaſure which was ſent thither to advance the Service of the King in thoſe Parts.

It was obſerved at *York*, that not any two of the *Scotiſh* Nation did agree in their Information concerning the Condition of the *Scotiſh* Army, and the Number of their Forces; ſome making them to be 30000, ſome 40000 at leaſt; others ſaid they were a moſt contemptible Army, not 10000, and not half of thoſe well Armed.

Upon the 5*th* of *April* the King writes to the Marqueſs, That he will ſend him a Proclamation againſt the Rebels; yet thinks he ſhall alter that Clauſe in it, not to ſet Prices upon the declared *Rebels* Heads, until they have ſtood out ſome little time, which time is to be expreſſed in the ſame Proclamation; and deſires to know of the Marqueſs when

An. 1639. when to ſend *Devick* unto him, and whether the King ſhall ſee him before he puts to Sea.

On the 7*th* of *April*, the King alſo wrote this ſhort Letter to the Marqueſs, *Viz.*

HAMILTON,

I Send you herewith my Pleaſure in a Proclamation to my Subjects of Scotland; and by this command you to uſe all ſort of Hoſtility, againſt all thoſe who ſhall not ſubmit themſelves according to the Tenour of the ſame; for which this ſhall be your Warrant.

York, *April* 7. 1639. CHARLES *R*.

Whilſt the King was at *York*, the Privy-Council ſitting at *London*, were not wanting to promote the King's Service what they might in the Southern Parts; and to that purpoſe writ a Letter to ſuch of the King's Subjects whom they conceived fit, for their Abilities, to lend the King Mony; which Letter ſo written, was to this effect following.

After our hearty Commendations, *&c.*

April 9. *THe King is gone in Perſon with an Army to reſiſt the dangerous Rebellion in* Scotland, *that threatens the Peace and Safety of this Kingdom. All the Nobility, and many other Perſons of Quality, do readily and dutifully aſſiſt him, ſome in their Perſons, and others with conſiderable Sums of Money; whereof we hereby give you notice, that you may alſo lay hold on this occaſion, to expreſs your Fidelity and good Affection; and you ſhall do very well forthwith to ſignifie your Reſolution to this Board, from whence his Majeſty ſhall underſtand the ſame. And ſo we bid you heartily farewel.*

A Liſt of the Names, as well of ſuch Gentlemen as have paid Contributions into the *Exchequer*, towards his Majeſty's Journey into the North, upon Letters from the Board; as of ſuch who have promiſed, but not paid in their Contributions towards that Service; together with the particular Sums paid in, and promiſed by each.

Counties.	Perſons.	Sums paid.		
Berks.	Sir *George Willmot*	50	00	00
Dorſet.	*John Freak* Eſq;	50	00	00
Devon.	*James Welſh* Eſq;	10	00	00
London.	Sir *Matthew Liſter*	20	00	00

Southampton.	Sir *Francis Dowſe*	20	00	00
	Richard Whithead Eſq;	20	00	00
	Sir *Henry Clark*	40	00	00
	John Doddington Eſq;	50	00	00
	Thomas Neal Eſq;	20	00	00
Somerſet.	*John Coventry* Eſq;	100	00	00
	John Luterel Eſq;	100	00	00
	Sir *John Stowel*	100	00	00
Surrey.	Sir *Nicholas Carew*	20	00	00
	Sir *Richard Onſlow*	20	00	00
	Richard Evelin Eſq;	20	00	00
	Sir *Thomas Grimes*	20	00	00
Wilts.	Sir *William Calley*	50	00	00
	John Toppe Eſq;	20	00	00
	Thomas Bond Eſq;	40	00	00
	Total paid	770	00	00

Counties.	Perſons.	Sums promiſed.		
Berks.	Sir *Humphrey Forſter*	100	00	00
	Sir *Francis Pile*	100	00	00
Cornwal.	Mr. *Francis Baſſet*	00	00	00
Devon.	Mr. *Arthur Baſſet*	10	00	00
	Sir *John Chicheſter*	20	00	00
	Sir *Henry Wallrond*	20	00	00
	Sir *Sampſon Heley*	20	00	00
Dorſet.	*Henry Haſtings* Eſq;	50	00	00
London.	Doctor *Clarke*	10	00	00
	Doctor *Meverel*	10	00	00
	Dr. *Sim. Fox* will give to this as to the Shipping.			
	Dr. *Chambers*	00	00	00
Middleſex.	Sir *William Balfore*	30	00	00
	Mr. *Fra. Poulton*	20	00	00
Somerſet.	Sir *Hen. Berkeley*	05	Subſidy.	
	Sir *Edw. Berkeley*	20	00	00
Southampton.	Mr. *Tho. Coteal*	60	00	00
	Sir *Rob. Dillington*	30	00	00
Suſſex.	*Ralph Cooper* Eſq;	20	00	00
	Hen. Goring Eſq;	10	00	00
Wilts.	Lord *Gorges*	100	00	00
	Total	620	00	00

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The Names of ſuch Gentlemen as have returned their Anſwers to the Lords Letters, by way of excuſe, or ſignifying that they have contributed by another way.

Berkſhire.

Sir *Fra. Knowles.*
Mr. *John Fettiplace.*
Mr. *John Parker.*
Mr. *William Lenthall.*
Mr. *Tanfield Vachell.*
Mr. *Hen. Poole.*
Mr. *Dolman.*
Mr. *Hen. Martin.*

Cornwal.

Sir *Richard Vivian.*

Dorſet.

Mr. *Rich. Rogers.*

Devon.

Sir *Fra. Vincent.*
Sir *George Chudley.*
Sir *Lewis Pollard.*
Sir *John Poole.*
Sir *Nich. Martin.*

Hartford.

Sir *Rich. Lucy* Kt & Baronet.
Sir *John Cæſar.*
Sir *William Litton.*
Arthur Capell.
Fra. Tavernour Eſq;
William Lemon.

Southampton.

Sir *John Oglander.*
Mr. *Edw. Pitt.*
Sir *Tho. Biſon.*
Sir *Tho. Jervois.*

Somerſet.

Sir *Edw. Rodney.*
Sir *Will. Walrond.*
Mr. *Will. Baſſet.*
Sir *Charles Berkely.*

Surrey.

Sir *Charles Howard*, Knight,
Captain of *Upnor.*
Sir *John Litcott.*
William Muſchamp Eſq;

Wilts.

Sir *Edw. Bainton.*
Sir *John Evelin.*
Mr. *Serjeant Glanvile.*
John Penruddock Eſq;

Middleſex.

Inigo Jones Eſq;
John Hawtre Eſq;

London Medici.

Sir *Theod. Mayerne.*
Dr. *Argent.*
Dr. *Tourner.*
Dr. *Winſton.*
Dr. *Oxenbridge.*

A Liſt of ſuch Perſons as have ſent no Letters in Anſwer to the Lords, touching the ſaid Contribution.

Berkſhire.

Sir *Edw. Yates.*
Sir *Rich. Harriſon.*
Sir *John Bachus.*
Sir *Thomas Read.*
Sir *John Stonehouſe.*
Sir *Henry Lamborne.*
Mr. *Dunch.*
Mr. *Standen*, Mort.
Mr. *Geo. Palfrey.*
Mr. *Lawrence Halſtead.*
Mr. *John Aſhcomb.*

Cornwall.

Sir *Reynold Mohun.*
Sir *John Trelawney.*
Sir *Rich. Edgecombe.*
Sir *Rich. Buller.*
Mr. *Charles Trevanion.*
Mr. *William Coriton.*
Mr. *Rich. Eriſey.*
Mr. *John Treſuſes.*
Mr. *Nich. Treſuſes.*
Mr. *Godolphin.*
Mr. *Noy.*
Mr. *Tho. Gawen.*
Mr. *John Roe.*
Mr. *Hugh Boſcowen.*
Mr. *Edw. Coſworth.*
Mr. *Amb. Maningſton.*

Devon.

Sir *Tho. Drew.*
Sir *Geo. Southcott.*
Sir *Edward Juell.*
Sir *John Specott.*
Sir *Hen. Roſwell.*
Mr. *Henly* of the *K's Bench.*
Mr. *Sainthill.*
Sir *Sam. Rolls.*
Sir *Rich. Revel.*
Mr. *John David.*
Mr. *Barth. Berry.*

Dorſet.

Sir *Geo. Norton.*
Sir *Fra. Fulford.*
Sir *Tho. Trenchard.*
Sir *John Croke.*
Sir *John Brane.*
Sir *John Strode.*
Sir *John Strangeways.*
Mr. *Denzil Hollis.*
Mr. *Hen. Drake.*
Mr. *Gerard Napier.*
Mr. *William Cook.*
Mr. *Roger Gallop.*
Mr. *Hubbert Huſſey.*
Mr. *Tregonnell.*
Mr. *Walter Earl.*
Sir *Peter Prideaux.*
Sir *Edward Seimore.*
Sir *Tho. Hele.*
Sir *Gregory Norton.*
Sir *Tho. Prideaux.*

Hartford.

Sir *John Watts.*
Sir *Edward Alford.*
Henry Anderſon.
John Gulſton.
Arthur Poulter.
John Gore.
John Harriſon.
William Priſley.
Ralph Sadler.

London Medici.

Dr. *Moore.*
Sir *Simon Baskervile.*
Dr. *Floud.*
Dr. *Chamberline.*
Dr. *Reade.*
Dr. *Chaddiman.*
Dr. *Gifford.*
Dr. *Wright.*

Middleſex.

Sir *Edward Spencer.*
Sir *Tho. Fowler.*
Sir *Robert Coke.*
Sir *John Frankline.*
Sir *Tho. Lake.*
Sir *Hen. Spiller.*
Sir *William Parkhurſt.*
Sir *Edward Carre.*
Cornelius Holland.
Captain *Peirce.*
Sir *John Heydon.*
John Huxly Eſq;
George Long Eſq;
Thomas Marſh Eſq;
Edward Nowell Eſq;
Edward Roberts Eſq;
Sir *Charles Pliddall.*
Sir *Robert Parkhurſt.*
John Denham.
Paynings Moore.
John Fowles.
Nicholas Stoughton.
Thomas Bennet.
John Combes.
John Evelin.

Southampton.

Sir *John Boteler.*
Sir *John Jennings.*
Mr. *Thomas Blunt.*
Sir *Robert Cheſter.*
Sir *Tho. Dacres.*
Sir *Hen. Wallop.*
Sir *John Mills.*
Sir *Rich. Morton.*
Sir *William Lewis.*
Sir *Edward Dennis.*
Sir *Tho. Hook.*
Sir——— *Worſley*, Bar.
Capt. *Bad.*
Mr. *Hunt.*
Mr. *Jephtſon.*
Sir *Edward Baniſter.*
Robert Wallop Eſq;
Mr. *Henry Sands.*
Sir *William Waller.*

Somerſet.

Sir *William Portman.*
Sir *John Windham.*
Sir *John Horner.*
Sir *Fra. Doddington.*
Mr. *John Sims.*
Mr. *Abraham Burrel.*
Mr. *Thomas Smith.*
Mr. *Hodges.*
Sir *Robert Gorge.*
Sir *Fra. Baker.*
Sir *Jo. Mallet.*
Mr. *Anth. Socker.*
Sir *Ralph Hopton.*

Surrey.

Sir *Ambroſe Browne.*
Sir *John James.*
Sir *Fra. Howard.*
Sir *Fra. Stidolph.*
Sir *John Lenthall.*
Sir *John Howland.*
Sir *Tho. Evelin.*
Sir *William Elliot.*

Suſſex.

Sir *Hen. Compton.*
Sir *Tho. Pelham.*
Sir *William Goring.*
Sir *Tho. Sackvile.*
Sir *John Leedes.*
William Foord.
Sir *John Parker.*
Thomas Chowne Eſq;
Geo. Carthop Eſq;
Walter Bartlet Eſq;
Anth. Stapley Eſq;
James Rivers Eſq;
Anthony Fowle Eſq;
William White Eſq;
James Baker Eſq;
Harbret Hay Eſq;
Sir *Edw. Biſhop.*

Wilts.

Sir *Laurence Hide.*
Sir *George Egliffe.*
Rob. Drew Eſq;

——Grub Esq;
Sir *Hen. Ludlow.*
Sir *Tho. Thin.* Mort.
Mr. *Grobham.*
Sir *Fra. Seimor.*
Sir *John St. John.*
Sir *Edward Hungerford.*
Sir *Nevil Pool.*
Sir *John Danvers.*
Sir *Walter Smith.*
Sir *Fra. Popham.*
Sir *William Button.*
Sir *John Earnly.*
Sir *Giles Eſcourt.*
Sir *Walter Vaughan.*

A Proclamation, declaring his Majeſty's Gracious Pleaſure, touching ſundry Grants, Licences, and Commiſſions, obtained upon untrue Surmiſes.

Wheres divers Grants, Licences, Priviledges, and Commiſſions, have been procured from his Majeſty, ſome under his Great Seal of England, and ſome others under his Privy-Seal, Signet, or Signe Manual, upon pretences that the ſame would tend to the common Good and Profit of his Subjects: which ſince upon experience have bin found prejudicial, and inconvenient to his People, contrary to his Majeſty's Gracious Intention in granting the ſame. And whereas alſo upon like ſuggeſtions, there hath been obtained from his Majeſty, and the Lords, and others of his Privy Council, divers Warrants, and Letters of Aſſiſtance for the execution of thoſe Grants, Licences, Priviledges, and Commiſſions, according to his Majeſty's good intention and meaning therein. Forasmuch as his moſt Excellent Majeſty (whoſe Roial Care and Providence is ever intentive on the publick Good of his People) doth now diſcern that the particular Grants, Licences, and Commiſſions hereafter expreſſed, have been found in conſequence far from theſe Grounds and Reaſons whereupon they were founded, and in their execution have been notoriouſly abuſed, He is now pleaſed of his meer Grace and Favour to all his Loving Subjects (with the Advice of his Privy-Council) by his Regal Power to publiſh and declare the ſeveral Commiſſions and Licences hereafter following, whether the ſame have paſſed his Great Seal, Privy-Seal, Signet, and Sign Manual, or any of them, to be from hence utterly void, revoked, and hereby determined, that is to ſay,

A Commiſsion touching Cottages and Inmates.

A Commiſsion touching Scriveners and Brokers.

A Commiſsion for compounding with Offenders touching Tobacco.

A Commiſsion for compounding with Offenders for tranſporting of Butter.

A Commiſsion for compounding with Offenders in the importing or uſing of Logwood.

A Commiſsion to compound with Sheriffs, and ſuch as have been Sheriffs, for ſelling their Under-Sheriffs places.

A Commiſsion for compounding for deſtruction of Woods in Iron-Works.

A Commiſsion for Concealments and Incroachments within twenty Miles of London.

A Licence to tranſport Sheep-Skins and Lamb-Skins.

An. 1639.

A Commiſsion to take Men bound to dreſs no Veniſon, Pheaſants, or Partridges in Inns, Ale-houſes, Ordinaries, and Taverns.

A Commiſsion touchiug the licenſing of the uſe of Wine-Caſk.

A Comiſsion for licenſing of Brewers.

A Licence for the ſole tranſporting of Lamperns.

And that all Proclamations, Warrants, or Letters of Aſsiſtance for putting in execution any of the ſaid Commiſsions or Licences, be from henceforth declared to be void, determined, and hereby revoked to all Intents and Purpoſes.

And his Majeſty in like favour and eaſe of his Subjects, is further pleaſed to declare his Royal Will and Pleaſure to be, that the particular Grants hereafter mentioned (upon feigned ſuggeſtions obtained from him to publick damages) whether the ſame have paſſed his Majeſty's Great Seal, Privy-Seal, Signet, or Sign-Manual, or any of them, ſhall not hereafter be put in Execution, viz.

A Grant for weighing Hay and Straw in London and Weſtminſter, and three Miles compaſs.

An Office of Regiſter to the Commiſsion for Bankrupts in divers Counties of the Realm.

An Office or Grant for gauging of Red-Herrings.

An Office or Grant for the marking of Iron made within the Realm.

An Office or Grant for ſealing of Bone-Lace.

A Grant for marking and gauging of Butter Caſks.

A Grant of Priviledg touching Kelp and Sea-Weed.

A Grant for Sealing of Linnen-Cloth.

A Grant for the gathering of Rags.

An Office or Grant of Factory for Scotiſh Merchants.

An Office or Grant for Searching and Sealing of Forraign Hops.

An Office and Grant for the Sealing of Buttons.

All Grants of Fines, Penalties, and Forfeitures before Judgment, granted, or mentioned to be granted, by Letters Patents, Privy-Seals, Signet, Sign Manual, or otherwiſe.

All Patents for new Inventions, not put in practiſe within three Years next after the date of the ſaid Grants.

And the ſeveral Grants of Incorporation made unto Hatband-makers, Gutſtring-makers, Spectacle-makers, Comb-makers, Tobacco-Pipe-makers, Butchers, and Horners.

And his Majeſty doth further Require and Command, that there ſhall be a proceeding againſt the ſaid Patentees by quo Warranto, or *Scire facias*, to recall the ſaid Grants and Patents, unleſs they will voluntarily ſurrender and yeild up the ſame.

And alſo all Proclamations, Warrants, or Letters of Aſsiſtance obtained from his Majeſty, or the Lords and others of his Privy-Council for execution thereof, from henceforth utterly to ceaſe and be determined, and are hereby abſolutely revoked and recalled.

And his Majeſty doth further expreſly Charge and Command all and ſingular the Patentees, Grantees, or others any ways intereſſed, or claiming under the aforenamed Grants, Licences, or Commiſsions, or any of them, and their Deputies, that they or any of them do not at any time hereafter preſume to put in uſe or execution any of the

the ſaid Grants, Commiſſions, or Licences, or any thing therein contained, or any Proclamations, Warrants, or Letters of Aſſiſtance obtained in that behalf, upon pain of his Majeſties Indignation, and to be proceeded againſt as contemners of his Majeſty's Royal Commands, whereof he will require a ſtrict account.

Given at our Manour at *York*, the *9th* day of *April*, in the *15th* Year of our Raign, 1639.

This Proclamation gave great Satisfaction to the King's Subjects in the North, and much more in the South, for theſe Projects and Monopolies had been grievous to the People, who caſt out Words of an Indiſpoſition to march in the Army whilſt theſe Burthens were upon the People.

The People were much ſatisfied with the Proclamation.

And now having this occaſion to make mention of thoſe Monopolies and Projects, ſo particularly enumerated in this Proclamation, we deſire to look a few days beyond the time limitted to this ſecond part, and to let the Reader underſtand what an ill ſavour ſuch Patents and Monopolies granted by the King, had amongſt the People of better Rank, and which will beſt appear by a Speech made by Sir *John Culpeper*, of the County of *Kent* Knight, immediately after the beginning of the Parliament, which met the third of *November*, and in regard it proceeded from him being a Perſon of very great repute in his Country, and alſo who afterwards, during the late Wars, was with the King in Perſon at *Oxford*, We think fit to communicate a Branch of his Speech, in reference to Monopolies, which the Author took with his Pen at large, as he ſpoke the ſame.

Sir John Culpeper *his Speech in Parliament.*

Mr. SPEAKER,

‘I Have but one Grievance more to offer unto you, but this one comprizeth many: It is a Neſt of Waſps, or Swarm of Vermine, which have over-crept the Land, I mean the Monopolies and Polers of the People; theſe, like the Frogs of *Egypt*, have gotten Poſſeſſion of our Dwellings, and we have ſcarce a Room free from them. They ſup in our Cup (*a*). They Dip in our Diſh (*b*). They ſit by our Fire (*c*). We find them in the Dye-Fat, Waſh-Bowl (*d*), and Powdring-Tub (*e*). They ſhare with the Butler in his Box (*f*). They have Marked (*g*), and Sealed (*g*) us from Head to Foot. Mr. *Speaker*, they will not bate us a Pin (*h*). We may not buy our own Cloaths without their Brokage. Theſe are the Leeches, that have ſuckt the Common-Wealth ſo hard that it is almoſt become Hectical. And Mr. *Speaker*, ſome of theſe are aſhamed of their Right Names, They have a Vizard to hide the Brand, made by that good Law in the laſt Parliament of King *James*, they ſhelter themſelves under the Name of a Corporation, they make By-Laws which ſerve their turn to ſqueze us, and fill their Purſes: Unface theſe, and they will prove as bad Cards as any in the Pack. Theſe are not Petty-Chapmen, but Whole-Sale-Men. Mr. *Speaker*, I have ecchoed to you the Crys of the Kingdom, I will tell you their Hopes, They look to Heaven for a Bleſſing upon this Parliament. They hang upon his Majeſty's exemplary Piety and great Juſtice, which renders his Ear leſs open to the

(*a*) Patent for 4 *l. per* Tun on Wine.
(*b*) Licence to dreſs Meat in Taverns.
(*c*) Impoſition on Coals.
(*d*) Patent for Soap.
(*e*) Tax upon Salt.
(*f*) Patent for Cards & Dice.
(*g*) Beavers, Felts, Bone-Lace, &c.
(*h*) Patent for Pins.

‘juſt Complaints of his Subjects; We have had lately in his Speech a
‘Gracious Aſſurance of it. The other great Affairs of the Kingdom,
‘and this our Grievance of no leſs import may go Hand in Hand, in
‘Preparation and Reſolution. Then by the Bleſſing of God, we ſhall
‘return home with an Olive Branch in our Mouths, and full Confirmations of the Priviledges, which we received from our Anceſtors,
‘and owe to our Poſterity, which every free-born *Engliſh* Man hath
‘received with the Air he breathed in.

These are our Hopes, theſe are our Prayers.

April the 10*th* the King writ to the Marqueſs to this Effect.

Concerning a Proclamation againſt the *Scots.*

HAMILTON,

According to my promiſe on Thurſday laſt, I ſend here-with the Proclamation altered, as I then wrote; and that you may not think that theſe Alterations are grounded upon new Councils, I ſhall deſire you to obſerve, that I do not ſo much as ſeem to add the leaſt thing to my former Promiſes. It is true that I neither mention the late pretended General Aſſembly at Glaſgow, nor the Covenant at this time: my Reaſon is, that if for the preſent I could get Civil Obedience, and my Forts reſtored, I might then talk of the other things upon better terms. As for excepting ſome out of the General Pardon, almoſt every one now thinks that it would be a means to unite them the faſter together; whereas there is no fear, but that thoſe who are fit to be excepted, will do it themſelves, by not accepting of Pardon, of which Number I pray God there be not too many. So that now you are to go on according to your former Directions, only Proclaim this inſtead of my former Signed Proclamation, and ſo to proceed with Fire and Sword, againſt all thoſe that ſhall diſobey the ſame. So Praying to God to proſper you in all things. I Reſt,

York, *April* 10. 1639.
4. Afternoon.

Your aſſured conſtant Friend,

CHARLES R.

The ſame day the King writ again to the Marqueſs this following Letter.

I Have ſpoken with Henry Vane at full of all thoſe things, and agree in all but one, which is that he thinks your going into the Frith, will make the Rebels enter into England the ſooner; whereas on the contrary, I think that my Poſſeſſing of Carliſle and Berwick, hath made them ſo Mad, they will enter in as ſoon as they can perſwade an Army together, except they be hindred by ſome awful Diverſion; wherefore I could wiſh that you were even now in the Frith, though the Borders might be quiet till my Army be brought together; which they ſay will hardly be yet theſe ten days: Yet I am not out of hope to be at Newcaſtle within theſe fourteen days, and ſo to Berwick, as ſoon as I may with either Honour or Safety; wherefore my Concluſion is, Go on a God's Name in your former Intentions, except

I ſend you otherwiſe Word, or your ſelf find ſome inevitable Neceſsity.

York, *April* 10, 1639. **Your aſſured Conſtant Friend,**

CHARLES *R.*

POSTSCRIPT. **I have ſent you ten Blanks, whereof four be Signaturewiſe.**

When the Lord Deputy underſtood that the *Scots* had taken *Dunbarton*-Caſtle, he wrote this enſuing Letter of Advice to the King, dated *April* 15. 1639.

Lord Deputy *Wentworth's* Letter to the King concern- *Dunbarton* Caſtle.

May it pleaſe your Sacred Majeſty,

SIR George Radcliff *being to repair thither for a few Weeks, to ſettle the Payment for the Regiment ſent hence to* Carliſle, *and ſome other private Matters concerning our ſelves, will attend your Majeſty at* York, *and diſpatch hither ſuch Commands as you ſhall vouchſafe to honour me with, therefore I crave Directions in ſome Particulars, leſt when they happen, your Service may ſuffer for want of clear, and good Inſtructions aforehand.*

In caſe any Scotiſh *refuſe to take the Oath of Abjuration: What is your Pleaſure we ſhould do with them? ſhall we* Lege Taliones *here, as there, Impriſon the Parties Delinquent? ſeize their Lands and Holdings to your Majeſty for the uſe of the Publick?*

Whether a Proclamation might not be had, to Command Home to their Dwellings, the Scotiſh *that have Poſſeſſions in this Kingdom? and if they refuſe, in like manner to ſeize their Eſtates; as it ſeems thoſe Lordly Covenanters ſerve your true Subjects there: ſuch of that Nation, I mean, as are now reſiding, and of the rebellious Covenant.*

Whether it be your Pleaſure, that your Ships at Sea take as many Scotiſh *Veſſels as they meet with? and how your Majeſty appoints us to diſpoſe of thoſe Ships, their Men and Ladings?*

Whether it were not good to keep as many of their Maſters of Ships, as we ſhall take, the more to diſable them at Sea, and we to have uſe of them as Pilots, in caſe there be occaſion of Service on their Coaſt?

The Earl of Argile *hath in* Cantire *twenty Boats for Tranſportation of Men: Whether your Majeſties Ships ſhall endeavour to take, or burn them?*

Whether it be your Pleaſure to cut off in preſent all Commerce betwixt the two Kingdoms, the Degrees and Cautions your Majeſty ſhall ordain for us to obſerve therein?

Your Majeſty's Caſtle of Dunbarton, *was extreamly ill loſt, in my opinion of greater Conſequence by far (all duly conſidered) than the Caſtle of* Edinburgh; *therefore much more happy, had it been better ſecur'd, which by your Shipping might hence have been eaſily effected, had your Majeſties deſire thereof been early underſtood by us on this ſide: for by this means, in in caſe* Leſley *prevail againſt* M. Huntley, *and the Town of* Aberdeen, *as the Report goes he hath, there is nothing left behind to ſtay them from breaking down into* England *this Summer, which is the only Danger I apprehend in the Buſineſs.*

An. 1639.

Hence it is that I could wiſh no Hoſtile Act had bin done upon them this Summer, whereby to provoke, or give pretence to ſuch an Invaſive Inſolence; and that the ſtop of their Shipping had been reſpited till toward the beginning of September *at leaſt, and then, by the concurrence of your Miniſters on both ſides, executed on one day through both Kingdoms.*

But now looking upon things as they are, I do moſt humbly, and earneſtly beſeech your Majeſty to Command, that Barwick *and* Carliſle *be fortified in all Diligence, very powerful Garriſons put into them, as well Horſe as Foot, fill'd with all manner of Ammunition, and Stores; Perſons of Experience and Induſtry deputed to the Government of them; by all means poſſible to advance the Number of your Majeſty's Horſe, which alone, with theſe two Towns at the Back of the Rebels, will ſecure us from an Invaſion this Year, and to ſet a reſolution to ſpend the Summer in Diſciplining your Men, accuſtoming both Officer and Souldier to underſtand, and do their ſeveral Duties, and not in anywiſe to hazard a Battel for the preſent; which by God's Bleſſing may infallibly be avoided, by ſtrongly and commodiouſly intrenching your Army in ſome place of Advantage, ſo as it may ſecure* Newcaſtle, *and have both the Town and Sea to friend for all uſes. And this I mention the rather, in regard Sir* Francis Willougby *writes me Word, he finds in the place, where he is, much unreadineſs in all things belonging to a War.*

In this noble and ſafe Poſture your Majeſty may look upon their Madneſs, without oppoſing, till the ſtrength of that Torrent be paſt: that gone, perchance God may yet give them the Grace to ſee their Sin, Repent, and make Satisfaction, which of all other were moſt to be deſired: but if otherwiſe their Hearts be diſpoſed to miſchief themſelves (I truſt) only, not the reſt of your Innocent and Loial Subjects. The Winter comes on, gives time for new Counſels, which if it come to that extremity muſt be thorowly and narrowly intended, indeed on all Hands; Monies, and all other means, both of Defence and Offence, prepared with the firſt beginning of the Spring.

Your Majeſty, I truſt, will graciouſly interpret this Liberty of mine, thus to ſtray forth of my own Employment (which God knows, is more than ſufficient to keep me in work) as proceeding meerly from my Zeal to your Perſon, and having no other Aſpect than to your Service. God long preſerve Your Majeſty.

Fairwood-Park, *Your Majeſty's*
Apr. 15. 1639.

moſt faithful, moſt humble

Subject and Servant,

Wentworth.

York, April the 18*th*, at ten of the Clock at Night his Majeſty writ this enſuing Letter to the Marqueſs.

Hamilton,

It is true that I was content to hear your Advice concerning your going into the Frith, it being chiefly to ſhew Henry Vane, that your Judgment went along as well as your Obedience: though I had a care ever to take off from you the envy of ſeeking of this particular Employment, taking it, as it is juſt, upon my own abſolute Command; yet I will not ſay, but that you might have cauſe to wonder, becauſe neither of us expreſſed our ſelves ſo clearly as we might. But my chief Errand to you at this time is, that upon ſerious Debate upon your long Letter to Henry Vane, only with him and Arundel, (for I dare truſt no other) We found no reaſon to alter my former Commands, but were more confirmed in the fitneſs of them: Only We have thought requiſite to alter ſome things in the Proclamation, which you ſhall receive by the next Diſpatch, at fartheſt within a day or two of this; So that you are not to (indeed I think you cannot) publiſh any until the new one come to you, (for I believe it will be at the Holy-Iſland before you); The Alterations of which you will only find to be, That I do not ſay all I think, but in no ways ſlack my Reſolution, much leſs ſeem to yield to any thing. So referring you to Henry Vane for the relating of your Proceedings here, I reſt,

York, *Apr.* 18. 1639.
10 at night.

Your aſſured conſtant Friend,

CHARLES R.

And the King in another Letter to the Marqueſs, dated *April* 23, writes to him, Not to think of the *North*, till his Majeſty hath done ſome good in the South; to which end he will haſten to *Barwick*.

The King leaves *York*.

On the 29*th* of *April*, the King took his Journey from *York*; but before his departure, he expreſſed himſelf how much Affection he had found from that County, and City, ſaying, That *he had never found the like true love from the City of* London, *to which place he had given ſo many Marks of his Favour*.

Coms to *Raby* from *York*.

His Majeſty came the firſt Night to *Raby*-Caſtle in the Biſhoprick of *Durham*, a Caſtle belonging to Sir *Henry Vane*, Treaſurer of his Majeſty's Houſhold, where he was nobly entertained.

Durham.

From thence he went to *Durham*, where the Biſhop, with great expreſſions of Joy and Welcome, feaſted his Majeſty for ſome time. His Majeſty ſtaied in that County, while the Horſe and Foot intended to be levied there, were raiſed, and upon their March.

From thence he came to *Newcaſtle*, where by the Mayor and Magiſtrates of that Town; he was moſt magnificently entertained, all the Town ſeemed but as one Man againſt the *Scots* in caſe of an Invaſion. Mr. *Alexander Daviſon* then Mayor, and *Thomas Riddell* Eſq; Town-Clerk, were then Knighted by the King. The Recorder at that time was a Knight, being Sir *Thomas Riddell* the Elder, and then living, which diſpoſed the King to honour his Son with Knighthood.

The Lord Deputy having given an Oath to the *Scots* in *Ireland*, whereby to teſtify their Allegiance to the King, thought fit to acquaint his Majeſty therewith, by his Letter dated *May* 13.

May it pleaſe your Sacred Majeſty,

BY our joint Diſpatch to Mr. Treaſurer Vane, *as by the particular Letter of my Lord of* Antrim *to your Majeſty, will appear what hath bin done in purſuance of the late Directions concerning the fitting of his Lordſhip for his Deſign againſt the Earl of* Argile, *and the Terms wherein it reſts, until there may be an Ability to ſet it on foot with more probability, indeed poſſibility, than could be this Summer, which was ſo far ſpent, and his Lordſhip ſo far behind in his Preparations, as not to be recovered, or right-ſtated, before next Spring; no, albeit his Lordſhip had, or could be provided of the Mony he deſires.*

By my Letter to Mr. Secretary Cook, *your Majeſty will alſo find in what good Expreſſions thoſe of the Scotiſh Nation have delivered themſelves toward your Service, and their own Allegiance; and in troth Sir, their manner was very chearful and hearty; and theſe being the Principal who have taken the Oath, it may be with confidence believed, all the reſt of meaner condition will follow their good Example.*

Commiſſions are now iſſuing to take the Oath of all the reſt; they ſhall be all under the Seal by the laſt of this Month; upon which day I have given order to half of the Horſe-Troops and Foot-Companies to be at Knockfergus, *their Rendezvouſe, intruſted the Maſter of the Ordnance with the commandment of them. They are already on their March, and I my ſelf am ready upon five days warning to follow them with the reſt of the Army if there be occaſion.*

Thoſe Forces I haſten the more, as thoſe that will become the Buſineſs looking on, whilſt that caution of the loyalty of the Scots to the Crown is to be taken, and at hand to correct any Miſaccident that might fall forth in the accompliſhment of that Service.

Beſides, they being ſo near, and your Majeſty's Ships on that Coaſt, will certainly give the Earl of Argile *more to think of, and conſider himſelf nearer home, than the raiſing of a Company of naked and unexperienced Iriſh-men by my Lord of* Antrim: *And to give it the bolder countenance, it is generaly believed on this ſide, that I my ſelf will follow them with the reſt of thoſe Forces.*

To the beſt of my diſcerning, all is ſet on this ſide in right Affections to your Roial Perſon and Affairs, and toward Obedience and Peace, which makes me judge, That if your Majeſty had been faithfully and attentively ſerved by your Miniſters in Scotland, *it had bin impoſſible there could have bin ſo general and deſperate a Defection as now ſhews forth it ſelf, even to the wonder and ſcandal of every honeſt Heart.* God long preſerve your Majeſty.

Dublin, May 13.
1639.

Your Majeſty's

moſt faithful, moſt humble

Subject, and Servant,

WENTWORTH.

The

The Oath which the Lord Deputy gave to the Scots in *Ireland* was as followeth.

Scots Oath in *Ireland* to abjure the Covenant.

I. N. do faithfully ſwear, profeſs, and promiſe, That I will honour and obey my Soveraign Lord King Charles, and will bear Faith and true Allegiance unto him, and defend and maintain his Roial Power and Authority; and that I will not bear Arms, or do any rebellious or hoſtile Act againſt any of his Roial Commands, but ſubmit my ſelf in all due obedience thereunto; And that I will not enter into any Covenant or Band of mutual Defence or Aſſiſtance againſt any Perſon whatſoever by Forces, without his Majeſty's Soveraign and Regal Authority. And I do renounce and abjure all Oaths, Covenants, and Bands whatſoever, contrary to what I have herein ſworn, profeſſed, and promiſed. So help me God in Jeſus Chriſt.

Commiſſions to miniſter the Oath of Abjuration.

By an Act of Council in *Ireland* it was ordained, That ſeveral Commiſſions ſhould be iſſued forth under the Great Seal, to certain ſelected Perſons named by the Deputy and Council, authorizing them to give the ſaid Oath, *&c.*

Order of the Deputy and Council of *Ireland*, to impoſe an Oath on the Scots in *Ireland.*

Hereupon the Deputy and Council made an Act, To command all Perſons of the Scotiſh Nation, of the Age of ſixteen years and upwards, who inhabit, or have any Eſtate whatſoever, in Lands or Houſes, within that Kingdom, upon pain of his Majeſty's high Diſpleaſure, and the ſevereſt Puniſhments that may be inflicted, according to the Laws of the Realm, upon the Contemners of Soveraign Authority, to take the Oath.

His Majeſty ſignified his Pleaſure to the Board, That the ſame Oath ordained by the Act of Council in *Ireland*, to be taken in that Kingdom by all the Perſons of the Scotiſh Nation, ſhall in like manner be adminiſtred to, and taken by all and every Perſon and Perſons of that Nation; as well thoſe that have the honour to be Servants to the King and Queen's Majeſty, and to the Princes Highneſs, and Duke of *York*, and all others whatſoever of the Age of ſixteen years and upwards, upon pain of his Majeſty's high Diſpleaſure.

At *Whitehall*, *June* 5. 1639.

Preſent,

Lord Arch-Biſhop of *Canterbury.*	Lord *Cottington.*
Lord *Keeper.*	Mr. *Comptroller.*
Lord *Treaſurer.*	Mr. Secretary *Windebank.*
Lord *Admiral.*	

Order for a Commiſſion to miniſter an Oath to Scots Men.

‘WHereas his Majeſty hath commanded that an Oath formerly adminiſtred to all Scotiſh Men inhabiting within the Kingdom of *Ireland*, ſhould be likewiſe adminiſtred to all Scotiſh Men within

‘this

An. 1639.

‘ this Kingdom; It was thereupon this day thought fit, and ordered,
‘ That the Lord *Keeper* ſhould be hereby prayed and required, to cauſe
‘ a Commiſſion under the Great Seal to be forthwith iſſued unto
‘ the Lords and others of his Majeſty's moſt Honourable Privy-Coun-
‘ cil, reſiding in or near-about the Town; authoriſing them, or any
‘ two or more them, to adminiſter the ſaid Oath accordingly to all
‘ his Majeſty's Subjects of Scotiſh Birth, being Servants to the King
‘ and Queen's Majeſty, *&c.*

At Whitehall, *June* 12. 1639.

A Letter to the Sheriffs of London *and* Middleſex.

‘ THis ſhall be to Will and Require you to repair unto the *Tower-*
‘ *Wharf* on *Friday* Morning next, there to receive unto your
‘ Charge from Sir *Henry Manwairing* Kt, all ſuch Perſons here-under
‘ named, and to ſee them ſafely conveyed and delivered, according
‘ to the Directions of the ten ſeveral Warrants. So not doubting
‘ of your care therein, *&c.*

Signed by,

Lord *Keeper.*
Lord *Treaſurer.*
Earl of *Suffolk.*
Lord *Cottington.*
Lord *Newburgh.*
Mr. Secretary *Windebank.*

Scotiſh Men committed for refuſing to take the Oath.

Colonel *John Monroe.*
Lieutenant Col. *George Forbes.*
Lieut. Col. *Alexander Bartley.*
Lieut. Col. *John Kenemouth.*
David Bartley.
George Mackeinee.
George Forbes.
Gilbert Blane.
David Trile.
Adam Campbell.
Gilbert Campbell.
Alexander Herriot.
George Hay.
Henry Benſon.
John Browne.
Lawrence Swethman.
Robert Humſden.
John Juins.
Lieut. *Harvey.*
Patrick Kircaldy.
David Kennedy.
Thomas Mitchel.
James Crockshanck.
Fr. Forbes.
Henry Browne.
John Cunningham.
David Hunter.
George Hunter.
Arthur Forbes.
Alexander Dunn.
John Defeos.
Lieut. Col. *Mills.*
Capt. *Carr.*
David Donalſdon.
Alexander Dixon.
George Buchanan.
John Sibett.
David Belly.
William Admiſton.
Andrew Ramſey.
Alexander Wollace.
John Graunt.

May the 17*th*, the King wrote to the Marqueſs, not to fight till the King was come upon the Borders.

HAMILTON,

I Have kept this honeſt Bearer the longer, that I may with the more aſſurance give you my Directions what to do; conſiſting of two Points, Fighting and Treating. For the firſt, We are ſtill of the ſame Opinion, That it is not fit that you ſhould go on until I be in the Borders, which will be (by the Grace of God) by this day eight days; except you find that before that time, they march down to meet me with a great Strength; in that caſe you are to fall on them immediately, and in my Opinion, as far up in the Frith as you think probably may do good, thereby to make a Diverſion. In the mean time I like well, That you go on upon the ground of Treaty you ſent a Note of to Maſter Treaſurer, (which you will find I have under-written) no Body elſe being acquainted with it. Thus having given you my Directions, both concerning Fighting and Treating, I leave the reſt to the faithful Relation of the honeſt Bearer; and Reſt,

Newcaſtle, *May* 17.
1639.

Your aſſured conſtant Friend,

CHARLES R.

May 22. The King wrote to the Marqueſs from *Newcaſtle*, That Rumors came ſo thick of the great Forces that the Rebels mean very ſhortly to bring upon his Majeſty, and that he thought fit to advertiſe him therewith, that he might be ready, upon the firſt notice, to land at the *Holy-Iſland*.

Shortly after two Regiments commanded by *Morton* and *Harecourt* were diſpatched away, and landed at *Berwick* on the 29*th* of *May*.

The King drawing near with his Army towards *Berwick*, the Lord General cauſed the Army to be drawn up in *Batalia*, and then the King took a view of that gallant Army, as by the following Liſt it doth appear to be, and marched on the head of them towards the River *Tweed*, which parteth *England* and *Scotland*; and near to that River, two miles Weſt from *Berwick*, at a place called the *Birks*, the King pitched his Tent within a large Pavilion, and encamped there. The Nobility, and the King's Houſhould-Servants, Bed-Chamber-Men, Privy-Chamber-Men, *&c.* pitched their Tents near to the King.

The King marches on the head of his Army.

An. 1639.

A Liſt of the Regiments and Bands of Foot, which ſerved his Majeſty in this Expedition into the Northern Parts, viz.

	Foot.
Lord *General*, Earl of *Eſſex*, Earl of *Newport*, Sir *Jacob Aſhley*, — The four old Regiments, with their Officers, over and above the Officers General of the Field, and the Officers of the Lord General's Train, containing in number	6000
Sir *William Savile*'s Regiment, containing in Officers and Souldiers	886
Sir *Henry Vane*'s Regiment	1099
The Lord *Willoughby*'s Regiment	807
Sir *William Penniman*'s Regiment	1070
Colonel *Hamond*'s Regiment	1007
Sir *Thomas Morton*'s Regiment	1637
Sir *Simon Harcourt*'s Regiment	1637
Sir *John Hotham*'s Regiment	867
Sir *Thomas Metham*'s Regiment	867
Mr. *Henry Percy*'s Regiment	867
The Lord *Fairfax*'s Regiment at *Carliſle*	1300
Captain *Muſgrave*'s Company	160
Captain *Hudleſtone*'s Company	110
Lord *Barimore*'s Regiment	1300
In toto	19614

Beſides the Foot-Companies under the Lord Marqueſs *Hamilton*, and the two Garriſons at *Berwick* and *Carliſle.*

The Charge of the Train of Artillery in four Months, did amount to 5800 *l.*

A Liſt of the Troops of Horſe, and Companies of Dragoons, which ſerved his Majeſty in this Expedition into the Northern Parts, 1639. *viz.*

The Officers General of the Troops.

	Horſe.
The General of the Horſe his Troop of	100
The Earl Marſhal's Troop, containing	100
The Earl of *Eſſex* his Troop, containing	100
The Earl of *Newport*'s Troop	100
The Lieutenant General *Goring*'s Troop	100
The Commiſſary-General *Wilmot*'s Troop	100
The Lord Vicount *Grandiſon*'s Troop	100
The Lord *Wentworth*'s Troop	100
The Lord *Clifford*'s Troop	100
The Earl of *Newcaſtle*'s Troop, not paid by his Majeſty	100
The Lord *Dungarvan*'s Troop	100

Sir

Sir *John Sucklin*'s Troop	100
Six Troops under the Command of the Lord *Chamberlain*, cont.	600

Dragoons.

Six Companies under the Command of Colonel *Francis Trafford*, containing	600
Captain *Widdrington*'s Troop	120
Captain *Douglaſs*'s Troop	100
Captain *Charlton*'s Troop	50
Captain *Elliot*'s Troop	100
Sir *William Lambton*'s Troop, *Dureſme*	100
Sir *Thomas Fairfax*'s Troop	160
Captain *Butler*'s Troop	130
Mr. *Henry Pierce*'s Troop	100
Sum of the Horſe	3260

May 29. Soon after his Majeſty's coming to the Camp at *Barwick*, he received this Letter from Marqueſs *Hamilton*.

Marqueſs *Hamilton*'s Letter to the King, *May* 29.

Moſt Sacred Majeſty,

Every day may produce new Counſels, and if I alter in them, impute it not to fickleneſs, but to the reality of my Intentions to your Majeſty's Service, that writes what I think.

Hearing for certain that the Covenanters *have given Obedience to your Majeſty's laſt Proclamation, and will not come within ten miles of the Borders, there is now no more doubt to be made, but that you will be ſo faſt in your Leaguer, that it will not be in their Power to do the leaſt affront to your Army. So as my farther Treaty in theſe Parts where I am is to no end, ſince that is effected which was only laboured for, your Majeſty being in ſecurity. So I conceive it will now be time to ſpeak other Language than hitherto hath bin done, and they to be enjoined a total Obedience to your juſt Commands. This will be beſt put in execution by your own immediate Directions, you being now ſo near the Rebels; for if your Pleaſure ſhould be ſent to me, the Winds being uncertain, and I more uncertain how to put the ſame in execution, (I mean, if they be Commands of Treaty) your Service might receive prejudice by delays; and to deal really with your Majeſty (which I humbly deſire your Majeſty to pardon me for expreſſing) I have no deſire at all to be imploied in Treaty with this People, for many Reaſons: Amongſt which this is not one of the leaſt, That as I hear the Earl of* Traquaire *and* Southesk *are deſirous to have leave to come to me, which (whatſoever courſe your Majeſty ſhall be pleaſed to take) I beſeech you not to grant; for the effects of their coming to me, will produce no great good to your Service, and prove infinitely prejudicial to me; for ſo unhappy am I ſtill, that if by the Faults of others your Service miſcarrieth, the Fault is ſtill laid on me, by thoſe whom I have not deſerved it from.*

Notwithſtanding my averſeneſs of farther Treaty, I have not refuſed as yet to admit any that ſhall be ſent with their Petitions; but this I only do till the return of Sir James, *by whom I expect the ſignification of your Majeſty's Pleaſure: in the interim, if any deſires of theirs be ſent me,* *my Anſwers ſhall be ſuch as your Majeſty ſhall be no ways ingaged by them.*

I have writ of ſome other Particulars to Mr. Treaſurer, *ſo your Majeſty ſhall be no more for the preſent troubled by*

From aboard the Rainbow
in Leith-*Road*, May 29.
at 7 morning, 1639.

Your Majeſty's
Moſt Loyal Subject, and
Humble Servant,
HAMILTON.

The Lord Deputy underſtanding his Majeſty was on his March, in order to encamp himſelf and Army, offers his Advice in that Particular, by a Letter dated *May* 30.

May it pleaſe your Majeſty,

Lord Deputy's Letter of Advice to the King to encamp his Army

Having given ſo particular an Anſwer to what Mr. Treaſurer Vane *wrote unto me from your Majeſty, this may well be of leſs pain in the reading, craving leave to refer my ſelf thereunto.*

The Commiſſions for taking the Oath of Abjuration *from all of the Scotiſh Nation on this ſide, are already under* Seal, *and ſhall be ſped with all poſſible care and diligence, not doubting but they will produce the Effect deſired and expected.*

Sir Henry Bruce *came hither this week, and hath already his diſpatch toward my Lord of* Antrim. *In truth he ſeems to be a very fair conditioned Gentleman, and knowing in his Profeſſion; and there is need he be ſo, for he will not find among all that Earl employs, one other that doth therein underſtand any thing at all.*

We hear now and then, that they intend to Beat, to Bang, to Conquer; *but the way how, the means wherewith they ſhould make themſelves as good as their word, as yet appears not to the Miniſters of this State; nor can I find, by the Diſcourſe I have had with him, that Sir* Henry Bruce *hath hitherto any great opinion or belief in the Deſign of the Earl, or his Party.*

Theſe Lines will have the honour to be delivered to your Majeſty in the Camp Royal; God Almighty fight for you, and with your Batalions; *and admit the liberty humbly to beſeech your Majeſty,*

To intrench your Army with all poſſible ſtrength and diligence, that ſo you may not be conſtrained to any thing above your liking by the Enemy; and that the place be ſo choſen, wherein you may both have the Sea to Friend, and a ſafe and free Paſſage betwixt your Majeſty's Camp and Barwick, *for by this means you ſhall not only ſecure your* Perſon, *but the Kingdom of* England *from any ſudden and deſperate fury of the Rebels, being that which they only can endanger either the one or the other by.*

Next; Not to provoke them by any Offenſive Act to break in upon their Neighbours this Summer, till it be the end of Auguſt, *keeping all quiet as poſſibly may be till then.*

Indeed, I conceive ſtrengthning your Horſe all that poſſibly you may the whilſt, by the beginning of September, *if no other ſenſe of their own Tranſgreſſions, and your Majeſty's Clemency, ſhall be able to perſwade them into their Duty, you may with great ſucceſs ſuddenly march up all your Horſe as far as* Edinburgh, *and ſpoiling and burning all the Corn of their Champian Country, and taking from them all their Shipping, Fiſhing and Commerce, leave them to fight it out for the reſt of the Winter among themſelves with cleanneſs of Teeth, when a ſtrong Garriſon at* Berwick, *and the very inſtant ſeaſon of the Year ſhall move them, whether they will or no, to keep near their own Fires ſide.*

And Laſtly, Your Majeſty to give order to ſecure Carliſle, *by putting* 1500 *Men more into the Town;* 500 *Men being too ſmall a number, to make it good againſt an Enemy; however, not to divide thoſe* 500 *at leaſt, as lately they were, one hundred of them being taken forth of the Town to defend* Bencaſtle, *and another hundred to the guarding of another Caſtle, being places of no ſtrength, or conſequence, and which an Enemy would ſcarcely ever think upon, unleſs incited thereunto out of a hope to have Execution of thoſe two Companies, ſo ſeparated from the reſt of the Regiment.* God long preſerve your Majeſty.

Dublin, *May* 30.
1639.

Your Majeſty's

moſt faithful, moſt humble

Subject and Servant,

Wentworth.

May 30.

The Earl of *Newcaſtle* marches with the Prince's Troop into *Berwick.*

Thurſday, the King goes to *Berwick*, to ſee in what poſture that Garriſon was, and what Proviſions was laid in there for the ſame, and the ſame day the Earl of *Newcaſtle* marched with his Troop, carrying the Princes Colours, into *Barwick*, and ſent out Parties to ſcout upon the *Scots* Borders; his Troop conſiſted all of Gentlemen, moſt of them of very good Eſtates, and Fortunes, ſome of 2000 *l.* 1500. *l.* 1000. *l.* and 500. *l. per Annum*, and the reſt of good Annual Revenue; all gallantly mounted and armed, and well attended, with their own Servants well mounted: for the maintaining of which Troop the King was put to no Charge at all.

The Earl of *Holland* marches with 2000 Horſe to *Dunſlaw.*

The ſame Day the King had Intelligence, that General *Leſly* with about 6000 of the *Scotiſh* Army were quartered at *Dunce*, a Town about ſeven Miles diſtant from the *Engliſh* Camp, and the Day following, *May* 31. commanded the Earl of *Holland*, General of the Horſe, to march with 2000 Horſe into *Scotland*, and take his Advantage upon the Enemy. Accordingly the Earl marched, but the Enemy (having better Intelligence of our Motions and Intentions, than we had of their Quarters) was not to be found; upon the coming of our Forces into the Town, the People cryed, *God bleſs the King*, and that they were all his Majeſty's obedient Subjects, and readily brought forth their *Scots* Ale, and what they had, to bid the *Engliſh* Welcome, and ſo the Earl having read the King's Proclamation, returned back to the Camp. This Paſſage was obſervable in that March, that the Earl of *Holland* put the Princes Colours, commanded by the Earl of *Newcaſtle*, in the Rear,

An. 1639.

The Earl of *Newcaſtle* takes off his Colours from his Staff.

Rear, which ſo offended the Earl of *Newcaſtle*, and that Troop, as his Lordſhip commanded Cornet *Edward Gray* (Brother to the Lord *Gray* of *Wark*) to take the Colours from off the Staff, yet marched in order without Colours, which afterwards produced a Challenge, of which more in another place.

Bartue Lord *Willoughby*, Earl of *Lindſey*, was that day made Governor of *Barwick*, Sir *Michael Earnley* an experienced Commander, had the Command of that Garriſon till the King came that day in Perſon to *Barwick*.

Now having ſetled the King and his Land Forces in the Camp, give the Author leave a little to revert in point of time, to give a brief account of the Forces ſent by Sea under Marqueſs *Hamilton*, againſt the *Scots* from the time the Marqueſs entred the *Frith* with his Fleet.

May 1. Marqueſs *Hamilton* entred the *Frith*, an Arm of the Sea, and caſt Anchor in *Leith-Road*: but as ſoon as he came thither, Beacons were ſet on Fire upon all the Hills, to alarm the Country to riſe and get together for the defence of the *Frith* on both ſides, and to prevent the Landing of Forces, but the Marqueſs's Orders, were in the firſt place to get the Proclamation publiſhed, to which purpoſe he ſent a Letter to the Clerk of the Council, then at *Endinburgh*, to come to him: but the Clerk returned anſwer, That he was kept by force from coming to wait upon him.

May 2. The Marqueſs landed his Forces on *Inchkeith* and *Inchkome*, two little Iſlands in the *Frith*, and the Wells being out of order, he cauſed them to be cleanſed for the relief of his Souldiers, and exerciſed thoſe raw Men that were ſent unto him, but the Small-Pox fell among them and many died.

May 5. Three days after his former Meſſage to the Magiſtrates of *Edinburgh*, he ſent one aſhore, with his Majeſties Proclamation incloſed in a Letter to them, commanding them to publiſh it the next day in due form, under all pains; and ſent another Proclamation to the Clerk of the Council, commanding him to ſee it publiſhed, or if that were not done, to affix it at the Croſs. But the Magiſtrates deſired a delay of three days, to which he yeilded, becauſe he would have the eight days fully paſt which were prefixed for People to come in upon the Proclamation, which was to expire on the *9th* of *May*.

About which time his Majeſty writ this Letter to the Marqueſs.

May 8. His Majeſty writ this Letter from *Newcaſtle* to the Marqueſs.

HAMILTON,

I Give you my opinion, that if you find it not fit to land all your 5000 Men upon Lothian-**ſide, then it may be counſellable to ſend moſt of your Land-Men to the North, to ſtrengthen my Party there. As for your landing in the South, I ſhall only name** Tentallon **and** Sterlin,**(if that be not too far off to be relieved): as for** Tentallon **I ſhall command the Marqueſs of** Dowglaſs **to ſend one to agree that Buſineſs with you. So longing to hear from you, and wiſhing you good Luck, I Reſt,**

Newcaſtle, *May* 8. 1639.

Your aſſured Conſtant Friend,

CHARLES R.

On the *9th* of *May*, the Marqueſs received this following Letter, ſignified by about forty of the chief Lords and Gentlemen Covenanters, ſhewing how this Proclamation was againſt Law.

Pleaſe your Grace,

'As we were here met to attend the Parliament, indicted by his 'Majeſty, there was ſhewed to us by the Provoſt of *Edinburgh*, a 'Letter from your Grace to himſelf, and the Bayliffs, and Council of 'this City, with the Copy of theirs returned to your Grace, deferring 'the more full Anſwer till our meeting. And withal there was pre'ſented from your Geace his Majeſties Proclamation, which having 'peruſed, we find it doth contain divers points not only contrary to 'our National Oath to God, but alſo to the Laws and Liberties of the 'Kingdom, for it carries a denunciation of the High Crime of Treaſon, 'againſt all ſuch as do not accept the offer therein contained; albeit it 'be only a Writing put in Print without the Kingdom, and not warranted 'by Act and Authority of the Council, lawfully convened within this 'Kingdom. And your Grace in your Wiſdom may conſider, whether 'it can ſtand with the Laws, Liberties, and Cuſtoms of this Kingdom, 'that a Proclamation of ſo great and dangerous conſequence, wanting 'the neceſſary Solemnities, ſhould be publiſhed at the Market-Croſs of 'this City. Whereas your Grace knows well, that by the Laws of 'this Kingdom, Treaſon and Forfeiture of the Lands, Life and Eſtate 'of the meaneſt Subject within the ſame, cannot be declared but ei'ther in Parliament, or in a ſupream Juſtice Court, after Citation and 'lawful Probation; how much leſs of the whole Peers and Body of the 'Kingdom, without either Court-proof or Trial. And albeit we do 'heartily and humbly acknowledg and profeſs all dutiful and civil 'Obedience to his Majeſty, as our Dread and Gracious Soveraign; 'yet ſince this Proclamation does import in effect the renouncing of 'our *Covenant* made with God, and of the neceſſary means of our 'lawful Defence, We cannot give Obedience thereto, without bring'ing a Curſe upon this Kirk and Kingdom, and Ruin upon our Selves 'and our Poſterity; whereby we are perſwaded, that it did never pro'ceed from his Majeſty, but that it is a deep Plot contrived by the 'Policy of the deviliſh Malice of the known and curſed Enemies of 'this Church and State, by which they have intended ſo to diſ-join 'us from his Majeſty, and among our Selves, as the Rupture, Rent, and 'Confuſion of both might be irreparable; wherein we hope the 'Lord (in whom we truſt) ſhall diſappoint them. And ſeeing we 'have left no means poſſible uneſſayed ſince his Majeſty's coming to '*York* (as before) whereby his Majeſty's Ear might be made patent 'to our juſt Informations, but have uſed the help (to our laſt *Re'monſtrance)* of the Lord *Gray*, the Juſtice Clerk, the Treaſurer, and 'the Lord *Daliel*, as the Bearer can inform your Grace, and yet have 'never had the happineſs to attain any hopes of our End, but have 'altogether bin fruſtrate and diſappointed; and now underſtanding, 'by the ſight of your Grace's Letter, That your Grace, as his Maje'ſty's High-Commiſſioner, is returned with full Power and Authority 'to accommodate Affairs in a peaceable way, we will not ceaſe to 'have recourſe to your Grace, as one who hath chief Intereſt in this

Kirk and Kingdom; deſiring your Grace to conſider, (as in our judgment we are perſwaded) That there is no way ſo ready and aſſured to ſettle and compoſe all Affairs, as by holding of the Parliament according to his Majeſty's Indiction, either by his Sacred Maſty in Perſon, (which is our chiefeſt deſire) or by your Grace, as his Majeſty's Commiſſioner, at the time appointed; wherein your Grace ſhall find our Carriage moſt humble, loyal, and dutiful to our Soveraign, or to your Grace, as repreſenting his Majeſty's Perſon; and in the mean time, That your Grace would open a ſafe way, whereby our Supplications and Informations may have acceſs to his Majeſty's Ears: And we are fully perſwaded, that we ſhall be able to clear the lawfulneſs and integrity of our Intentions and Proceedings to his Majeſty, and make it evident to his Majeſty and to the World, that our Enemies are Traitors to the King, to the Church and State; and that we are, and ever have bin, his Majeſty's Loial and Obedient Subjects. So we Reſt,

Edinburgh, May 9. 1639. Your Grace's humble Servants,

A. Leſley.
Argile.
Marr.
Rothes.
Eglinton.
Caſſils.
Wigtown.
Dalhouſy.
Lothian.
Angus.

Elcho.
Lindſey.
Balmerino.
Montgomery.
Forreſter.
Erskins.
Boyd.
Napier.
Burghly.
Kirkudbright.

And about thirty Commiſſioners for Sheirs and Burroughs.

To this Letter, the Marqueſs wrote the following Anſwer next day, directing it to the Earl of *Rothes*.

My Lord,

I *Received a Letter yeſterday morning, ſigned by your Lordſhip, and divers Noblemen and others, wherein you allege you are come to attend the Parliament; but conſidering your Preparation and Equipage, it appears rather to fight a Battel, than to hold a civil Convocation for the good of the Church and Common-Wealth. You may perceive by his Majeſty's Gracious Proclamation, That he intended, in his own Sacred Perſon, to be preſent at the Parliament, ſo ſoon as with Honour and Safety he might do it, and for that end expreſt therein what was fit to be done. But theſe courſes which you take, and your diſobedience to his juſt Commands, daily more and more ſhewed, will neceſſitate him to have them put in execution another way. It is true, That his Majeſty ſent me hither to accommodate theſe Affairs in a peaceable manner, if it were poſſible, which I have laboured to do, and accordingly my deportment hath bin, which hath bin met with that Retribution, as if I had met with the greateſt Enemy; but your refuſing to publiſh his Majeſty's Grace to his People, ſignified in his Proclamation, hath taken away that Power which otherwiſe I had, that being*

being a Liberty taken to your ſelves, which never any Loial Subjects aſſumed in any Monarchy. You allege many Reaſons for your ſelves of the Illegality of that Proclamation: But you cannot be ignorant that your Carriage hath forced many of theſe Principal Counſellors, for ſafeguard of their Lives, to forſake the Kingdom, out of which they remain; yet for the ſame cauſe you have ſuppreſſed the printing of all Writings, but what is warranted by Mr. Alexander Henderſon, *and one* Mr. Archibald Johnſton. *Neither was the Clerk of the Council, whom I ſent for twice to give him Directions in this Buſineſs, permitted to come aboard to me; upon conference with whom (for any thing you know) I might have reſolved to come aſhore and convened a Council for the publication thereof in the ordinary way. But your extraordinary proceedings in all things, muſt needs force from his Majeſty ſome things which perhaps you may think not ordinary. Whereas you deſire me to be a means that your Supplications may have free acceſs to his Majeſty's Ears: it is a Work of no difficulty, for his Majeſty hath never ſtopt his Ears to the Supplications of any of his Subjects, when they have bin preſented to him in that humble and fitting way which became dutiful Subjects: Nor did I ever refuſe any, all the time I was among you, or conceal any part of them from his Majeſty; ſo that your Allegation of not being heard, is grounded upon the ſame falſe Foundations that your other Actions are, and ſerves only for a means to delude the ſimple People, that by making them believe what you have a mind to poſſeſs them with, they may become backers of your unwarranted Actions; which as it is generally lamented by all his Majeſty's good Subjects, ſo it is more particularly by me, who have had the honour to be imploied in this Buſineſs with ſo bad ſucceſs.*

May 10. *My Lord,*

Your humble Servant,

HAMILTON.

On the 13*th* of *May* the Marqueſs received the following Letter, ſigned, but not written by the Earl of *Rothes*.

Pleaſe your Grace,

'I Should have bin far better contented to have ſeen you here at the
'Parliament with his Majeſty, or holding that indicted as his Ma-
'jeſty's Commiſſioner, than with Navy and Army to conſtrain
'us beyond theſe juſt Limits of Religion, and lawful Obedience which
'we were always willing to perform. It was far by my Expectation, and
'your Grace's Oath & Promiſe, that you ſhould never come in any chief
'Command againſt your Native Country. Whereas your Grace doth
'challenge our coming in ſuch Numbers to attend this Parliament, I
'hope you conceive that this Navy, and Army upon the Borders, and
'the Invaſion threatned in the Weſt, do ſufficiently warrant our Pre-
'parations to defend theſe Places, and divert ſuch Dangers. That
'Proclamation that is ſaid to carry ſo much Grace and Goodneſs, is as
'deſtitute of that, as your Invaſion is of a good Warrant; which per-
'ſwades me, That neither of the two proceeds from his Majeſty's own

‘Gracious Diſpoſition. I cannot ſtand here to anſwer all theſe miſconceived Particulars contained in your Grace's Letter; but if I had the honour to ſee your Grace, before any more miſchief be done, I dare engage my Honour, and my Life, to clear all theſe Imputations laid on our Proceedings; and I can demonſtrate how hardly we have bin uſed, without any juſt Reaſon. I dare not be anſwerable to God Almighty, and to that Duty I owe my Prince and Country, if I do not ſhew your Grace, that your going a little further in this violent and unjuſt way, will put all from the hopes of Recovery; from which both a great deal of Blame from Men, and Judgment from Above ſhall attend you as the ſpecial Inſtrument, which I wiſh you labour to evite. If our Deſtruction be intended, we are confident in that Majeſty who owns this Cauſe, and is able to defend it; and if only Terrors to fright, and prepare us to accept of any Conditions will be offered; that Intention is already as far diſappointed, as any of theſe many former: but as we are ready to defend, ſo ever to inſiſt in ſupplicating, in uſing all humble and lawful means as becomes us.

‘Mr. *Borthwick* will deliver to your Grace our Supplication to his Majeſty, and both his and my Mind, till I ſhall have the occaſion to diſburthen my ſelf, ſurcharged with grief at your Proceedings, being moſt deſirous (as I have bin formerly) to have all theſe Occaſions removed, that may divert me from being ſtill,

Your Grace's humble Servant,

ROTHES.

On the 17*th* of *May*, the Marqueſs returned the following Anſwer to the former Letter from the Lord *Rothes*.

My Lord,

The *Marqueſs* his Anſwer, *May* 17.

I Have received your Lordſhip's Letter, ſigned by you, but I cannot conceive it of your Lordſhip's indicting; for I believe you would not have ſent ſuch an one to me, if you had not had ſome Malignant Spirits buſied in the framing of it: for you cannot but remember, that my words were never other, than that I would die at my Maſter's Feet; and that I would prove an Enemy, to the uttermoſt of my power, to this Kingdom, if my Country-men continue in their Obſtinacy: And here I ſet it under my hand, That I will (by God's Grace) make it good. It is true, knowing my own inability, I neither deſired, nor indeed willingly did accept the Conduct of an Army againſt this Nation; but my backwardneſs proceeded not out of a deſire not to be imploied againſt ſuch in this Country as were diſobedient, but that his Majeſty might have found many more able to have ſerved him; but ſince he hath bin pleaſed to truſt me, I will not deceive him.

You paſs by many Particulars in your Anſwer to my Letter untouched, ſaying, You cannot ſtand here to anſwer them. It is moſt true, they are not to be anſwered, and ſo I take it.

As for your own Juſtification, it is the ſame which you have ever uſed, and ſo continue; but the beſt is, none that were ever truly informed

formed of your Proceedings, doth or can give any approbation of them.

You ſay, If I go any further in a violent Courſe, it will be paſt all hope of Remedy. If I do, none can blame my Maſter: for that can never be called Violence, which is only to ſuppreſs Rebellion: and if I proceed to execute his Commands therein, you are the Cauſers of it. As Mr. Borthwick *told me, I expected to have heard further from you before now; but nothing coming, I would forbear no longer to give you this Anſwer under my hand, that both you and all the World may take notice what my Inclinations are: Which notwithſtanding I do infinitely deſire they may be ſtopt, by your ſpeedy and real ſubmiſſion to his Majeſty's juſt Commands. And this is the Prayer of him, that wiſheth it may be ſtill lawful for him to call himſelf*

From on board the *Your Lordſhip's humble Servant,*
Rainbow, May 17.
1639. HAMILTON,

The Lord *Lindſey* comes on board to the *Marqueſs*.

A little after the Lord *Lindſey*, Brother-in-Law to the Marqueſs, came a-board the Marqueſs, who told him, They would ſooner lay down their Lives, than depart from what they had done; and that their Army conſiſted of 25000 Men. After ſome Diſcourſe, *Devic* and ſeveral Perſons of Quality being preſent all the while, the Marqueſs diſmiſſed him.

And hereupon the Marqueſs informed the King, That beſide 25000 Men which were marching upon the Borders, there were 20000 Men on both ſides of the *Frith* to give ſtop to his landing; and withal adviſed the King, That the three Regiments which he had, conſiſting of 5000 Men, were not ſufficient to ſecure his landing, and to march into the Country; and ſo prayed to have ſome Regiments ſent him from the Army.

Having given a brief account of the Forces at Sea, we return again to the Army at Land, and the Proceedings at the Camp.

On *Sunday*, *June* 2. there was great reſort to Court at the King's Pavilian in the Camp, of the Nobility, Gentry, and Commanders of the Army; a Council of War was then called, to whom information was given, That the Scots were in their Quarters at *Kelſey*, being about 1500 Men, and about ſix miles diſtance.

The Earl of *Holland* with 2000 Horſe again enters *Scotland*.

The Debate produced a Reſolution of *Action*; and the next day, being *Monday*, *June* 3. the Earl of *Holland*, with 2000 Horſe and 2000 Foot, marched again into *Scotland* over the River *Tweed* near *Twiſle*, (a Town belonging to Sir *William Selby*) to fall upon the *Scots* who were at *Kelſey*. That day proved ſultrey hot, the like not known in the memory of Man, the Foot (though ſomewhat refreſhed by wading through the River *Tweed*) were not able to reach the Horſe, already advanced within ſight of the Enemy, being in the Rear two or three miles. The *Scots* ſent a Trumpeter to know who they were that came in that War-like poſture into their Nation; and a Body of Horſe came forward at a diſtance after the Trumpeter; their Foot alſo, who had bin covered by Hedges, and ſome little Hills,

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appeared unexpectedly on both ſides of the *Engliſh* Horſe, being about 4000, who came the night before into *Kelſey.* Whereupon the General of the Horſe conſulting with Sir *Jacob Aſhley*, Lord *Goring*, *&c.* and divers other of his Officers, adviſed him to Retreat, holding it not wiſdom to engage with Horſe alone, againſt Horſe and Foot, in a place of ſo much diſadvantage to the *Engliſh* Horſe; and ſo the General of the Horſe returned to the Camp. But theſe unſucceſsful Attempts at *Dunce* and *Kelſey*, gave great diſcouragement to the King's Army; and the voice of the private Souldiers was, Now let us all march and be in Action, rather than to lie in the Fields, want Proviſions, and contract Diſeaſes.

Now for a more particular Account of this Buſineſs at *Kelſey*, caſt your Eye on this following Letter, written at that time by Sir *Henry Vane* to Marqueſs *Hamilton*, dated the 4*th* of *June.*

Sir *Hen. Vanes* Letter to *Marqueſs Hamilton* concerning the march to *Kelſey.*

My Lord,

BY the Diſpatch Sir James Hamilton *brought your Lordſhip from his Majeſty's Sacred Pen, you were left at your liberty to commit any Act of Hoſtility upon the Rebels, when your Lordſhip ſhould find it moſt opportune. Since which my Lord* Holland *with* 1000 *Horſe and* 3000 *Foot marched towards* Kelſey, *himſelf advanced towards them with the Horſe (leaving the Foot three miles behind) to a place called* Maxwell-heugh, *a height above* Kelſey; *which when the Rebels diſcovered, they inſtantly marched out with* 150 *Horſe, and (as my Lord* Holland *ſays) eight or ten thouſand Foot; five or ſix thouſand there might have bin. He thereupon ſent a Trumpet, commanding them to Retreat, according to what they had promiſed by the Proclamation. They asked whoſe Trumpet he was? He ſaid, My Lord* Holland*'s. Their Anſwer was, He were beſt to be gone. And ſo my Lord* Holland *made his Retreat, and waited on his Majeſty this night to give him this Account.*

This morning Advertiſement is brought his Majeſty, That Leſley *with* 12000 *Men is at* Corkburn-ſpath, *that* 5000 *Men will be this night or to morrow at* Dunce, 6000 *at* Kelſey; *ſo his Majeſty's Opinion is, with many of his Council, to keep himſelf upon a Defenſive, and make himſelf here as faſt as he can; for his Majeſty doth now clearly ſee, and is fully ſatisfied in his own Judgment, that what paſſed in the ** Gallery, *betwixt his Majeſty, your Lordſhip, and my Self, hath bin but too much verified on this occaſion. And therefore his Majeſty would not have you to begin with them, but to ſettle things with you in a ſafe and good poſture, and your ſelf to come hither in Perſon, to conſult what Counſels are fit to be taken, as the Affairs now hold. And ſo wiſhing your Lordſhip a ſpeedy Paſſage, I Reſt,*

* That the Nobility & Gentry of *England* would never incline to invade *Scotland*, and thereby begin an Offenſive War.

From the Camp at
Huntley-field, this
4*th* of *Jun.* 1639.

Your Lordſhip's
moſt humble Servant,
and faithful Friend,

H. VANE.

To which his Majeſty added this following *Poſtſcript* with his own Hand.

Having no time to write my Self ſo much, I was forced to uſe his Pen; therefore I ſhall only ſay, That which is here written, I have directed, ſeen, and approved.

C. R.

It is to be obſerved, That before the Lord General of the Horſe marched to *Dunce* in *Scotland*, the Scots had engaged themſelves unto the King, that they would not march with their Army within ten miles of the Borders of *England*, they ſuppoſing that his Majeſty did not intend to enter into *Scotland* with his Army; but upon the ſaid march of the Earl of *Holland* to *Dunce*, General *Leſley* thought himſelf obliged to march nearer the Borders of *England*, and thereupon advanced with five or ſix thouſand Men to *Kelſey*, which the General of the Horſe found there, when he entred the ſecond time into *Scotland*.

The King takes a view of the Muſter of his own Guards.

Wedneſday, *June* 4. The King commanded all the Nobles, Gentry, and Retinue of his own Perſon, to appear in Arms, who were countenanced with his Majeſty's Preſence; this was a gallant ſhow. They were no ſooner diſmounted, and had ſent their Horſes to their ſeveral Quarters, but the Camp received an Allarm, that the Enemy was upon them; which Allarm cauſed a confuſed riding and hurrying up and down the Camp, and ſeemed to ſtrike an Amazement into thoſe Spirits, otherwiſe undaunted at other times, it coming ſo ſudden and unexpected. The Party that brought the Alarm was Sir *John Biron*, who went immediately into the Pavilion, ſhewed his Majeſty the Enemy marching, and the Colours flying as he apprehended; but the King came out of his Pavilion, and took his Proſpective Glaſs, and went near the River ſide, and diſcerned the whole Body of the Scots Army on this ſide *Dunce-hill*; many of the Nobility and Gentry being about the King, ſaid, They could diſcern the Colours to advance; to which the King replied, (with a Court Oath) They were miſtaken, for they had already pitched their Tents, and their Colours were all fixed upon the Ground, and that the Army ſeemed to be encamped. Have not I (ſaid the King) good Intelligence, that the Rebels can march with their Army, and encamp within ſight of mine, and I not have a word of it till the Body of their Army give the Alarm? Preſently hereupon the Lord General the Earl of *Arundel*, was ſent for to the King; The Scout-Maſter was much exclaimed againſt, and he complained as much of the Souldiers who were ſent out as Scouts, and gave him no timely intelligence. But in the Opinion of the Court and Commanders, the Scout-Maſter General bore the blame; and his Crime was aggravated, becauſe he was a Papiſt.

The Scotiſh Army in ſight of the King before he had notice.

The Scout-maſter queſtioned.

The Lord General made this Reply to thoſe Nobles that accuſed the Scout-Maſter, That he made choice of him, (by Name *Roger Widdrington* Eſq;) as the fitteſt Man in *England* for the Office of Scout-Maſter, being born in that County of *Northumberland*, and one beſt acquainted with all the *Highland*-men upon the Borders of *Scotland*, and

An. 1639. and who was beſt able, of any Man he knew in *England*, to gain Intelligence from thence; and that it was notoriouſly known, he was a Gentleman that ever bore a perfect hatred to the *Scots*, and was a ſtout active Man upon Border-Service in the time of Queen *Elizabeth*; that he was a Perſon of Quality, and he doubted not of his Integrity, and that he would juſtify himſelf.

In concluſion, this Buſineſs was huſht up, but great was the murmuring of the Private Souldiers in the Camp; and now the Army that was ſo forward to engage before, ſeemed more indifferent, complaining of ill-Proviſions, that the Bisket was mouldy, that they could get no drink to the Camp; only Sir *William Savil* had carefully provided for his Regiment more than the whole Camp beſides; no ſupply was there to be got out of *Scotland*, but a few Lambs were brought and ſold in the Army, and *Northumberland* was not able to victual the tenth part of the Army; and the Gariſon of *Barwick* was ſo numerous, that they could not Bake and Brew to ſupply themſelves alone.

While the Army was in this Conſternation of Mind, on *Thurſday, June* the *6th*, there was again great reſort to the Court at the King's Pavillion, to underſtand what the Council of War, then met, would reſolve upon; and while they were in debate what Reſolutions to take, in came a Trumpeter with the Earl of *Dunfermling*, who brought a Petition to the King's Majeſty in theſe words;

To the King's moſt Excellent Majeſty,

The humble Petition of his Majeſty's Subjects of Scotland.

Humbly ſheweth,

'That whereas the former means uſed by us have not yet bin effectual for receiving your Majeſty's Favour, and the Peace of 'this your Native Kingdom, We fall down again at your Majeſty's 'Feet, moſt humbly ſupplicating, That your Majeſty would be graciouſly pleaſed to appoint ſome few of the many worthy Men of 'your Majeſty's Kingdom of *England*, who are well-affected to the 'True Religion, and our Common Peace, to hear, by ſome of us, 'of the ſame Affection, our humble Deſires, and to make known unto us your Majeſty's gracious Pleaſure; That as by the Providence 'of God we are here joined in one Iſland, under one King; ſo by 'your Majeſty's great Wiſdom and tender Care, all Miſtakings may be 'ſpeedily removed, and the two Kingdoms may be kept in Peace and 'happineſs under your Majeſty's long and proſperous Reign. For the 'which we ſhall never ceaſe to pray, as becometh your Majeſty's moſt 'Faithful Subjects.

Unto which Petition, his Majeſty commanded Mr. Secretary *Cook* to ſubſcribe the Anſwer following.

The King's Majeſty having read and conſidered the humble Supplication preſented unto him by the Earl of Dunfermling, commanded Sir Edmond Verney, Knight-Marſhal, to return with the Meſſenger this Anſwer.

That whereas his Majeſty hath publiſhed a Gracious Proclamation to all his Subjects of Scotland, whereby he hath given them full aſſurance of the free enjoying both of the Religion and Laws of that Kingdom; as likewiſe a free Pardon, upon their humble and dutiful Obedience. Which Proclamation hath bin hitherto hindred to be publiſhed to moſt of his Majeſty's Subjects; therefore his Majeſty requireth, for the full information and ſatisfaction of them, that the ſaid Proclamation be publickly read. That being done, his Majeſty will be graciouſly pleaſed to hear any humble Supplication of his Subjects.

Signed, John Cooke.

According to which Anſwer, Sir *Edmond Verney*, Knight-Marſhal, was ſent with the foreſaid Earl to the Scotiſh Camp, there to ſee his Majeſty's ſaid Proclamation proclaimed.

June the *7th*, being *Friday*, the Earl of *Dunfermling*, with the Knight-Marſhal, returned to his Majeſty, being then in his Camp at the *Birks*, with notice, That the foreſaid Proclamation had bin proclaimed in the Scotiſh Army; and brought with him a Petition of the ſame Tenour with the former, humbly beſeeching his Majeſty to vouchſafe them a Gracious Anſwer.

June the *8th*, being *Saturday*, his Majeſty cauſed Mr. Secretary *Cooke* to anſwer the Petition in manner following, *viz.*

His Majeſty having underſtood of the Obedience of the Petitioners in reading his Proclamation, as was commanded them, is graciouſly pleaſed ſo far to condeſcend unto their Petition, as to admit ſome of them to repair to his Majeſty's Camp upon Monday next, at eight of the Clock in the Morning, at the Lord-General's Tent; where they ſhall find ſix Perſons of Honour and Truſt appointed by his Majeſty to hear their humble Deſires.

The ſix perſons deſigned to meet with the ſaid Scotiſh Deputies, were, The Lord General, the Earl of *Eſſex* Lieutenant-General, the Earl of *Holland* General of the Horſe, the Earls of *Salisbury* and *Berkſhire*, and Mr. Secretary *Cooke*.

June the *9th*, being *Sunday*, the foreſaid Earl of *Dunfermling* returned to his Majeſty from the Lords Covenanters, humbly intreating, in their Names, That his Majeſty would be pleaſed to ſign the Anſwer to their Petition with his own Hand; for that although themſelves did not miſtruſt his Majeſty's Word ſignified by the Secretary, yet the People and Army would not ſuffer their Deputies to come without his Majeſty's own Hand and Warrant: whereupon his Majeſty ſigned the like Anſwer himſelf, adding a ſeventh Perſon to the ſix formerly named, which was Sir *Henry Vane*, Treaſurer of the Houſhold. With which Anſwer the ſaid Earl of *Dunfermling* returned to the Scotiſh Camp.

June the 10*th*, being *Monday*, the Scotiſh Deputies ſent unto his Majeſty, humbly praying that their Attendance might be reſpited until the next day.

June 11. *Tueſday*, About ten of the Clock the Earl of *Rothes*, the Earl of *Dunfermling*, the Lord *Lowdon*, and Sir *William Douglaſs* Sheriff of *Tividale*, Deputies for the Scotiſh Covenanters, came from their Camp near *Dunce*, to the Lord General's Tent; where the ſaid Lord General, the Earls of *Eſſex*, *Salisbury*, *Holland*, and *Berkſhire*, Mr. Treaſurer *Vane*, and Mr. Secretary *Cooke*, received them. And being ready to begin their Conference, his Majeſty came unexpectedly in among them; and having taken his Seat, told the Scotiſh Deputies, **That he was informed that they complained they could not be heard; and therefore he was now come himſelf to hear what they would ſay.** Whereunto the Earl of *Rothes* made anſwer, The tenour whereof was, A profeſſion of all Loyalty to his Majeſty, and an humble deſire that they might be ſecured in their Religion and Liberties. And after him the Lord *Lowdon* began to make an Apology in excuſe of their former Actions, and manner of Proceedings. But his Majeſty took him ſhort, and told them, **That he would not admit of any their Excuſes for what was paſt; but if they came to ſue for Grace, they ſhould ſet down their Deſires particularly in writing, and in writing they ſhould receive his Anſwer.** Whereupon (after ſome Conference among themſelves) they copied out of a Paper which they had brought with them, their Deſires, which they exhibited to his Majeſty *in hæc verba*.

The humble Deſires of his Majeſty's Subjects of Scotland.

‘First, It is our humble deſire, That his Majeſty would be pleaſed to aſſure us, that the Acts of the late Aſſembly holden at *Glaſgow* by his Majeſty's Indiction, ſhall be ratified in the enſuing Parliament to be holden at *Edinburgh*, *July* 23. ſince the Peace of the Kirk and Kingdom cannot endure further Prorogation.

‘Secondly, That his Majeſty, out of his tender Care of the preſervation of our Religion and Laws, will be graciouſly pleaſed to declare, and aſſure, That it is his Royal Will, that all Matters Eccleſiaſtical be determined by the Aſſemblies of the Kirk, and Matters Civil by Parliament. Which for his Majeſty's Honour, and keeping Peace and Order amongſt his Subjects, in the time of his Majeſty's perſonal Abſence, would be holden at ſet times, once in two or three years.

‘Thirdly, That a bleſſed Pacification may be ſpeedily brought about, and his Majeſty's Subjects may be ſecured; Our humble Deſire is, That his Majeſty's Ships and Forces by Land be recalled; That all Perſons, Ships, and Goods Arreſted, be reſtored, and we made ſafe from Invaſion. And that all Excommunicate Perſons, Incendiaries, and Informers againſt the Kingdom, who have out of malice cauſed theſe Commotions for their own private Ends, may be 'returned to ſuffer their deſerved Cenſure and Puniſhment, and ſome 'other Points, as may beſt conduce to this happy Pacification.

'As theſe are our humble Deſires, ſo it is our Grief that his Majeſty 'ſhould have bin provoked to Wrath againſt us his moſt humble and 'loving Subjects. And it ſhall be our delight, upon his Majeſty's 'gracious aſſurance of the Preſervation of our Religion and Laws, to 'give example to others of all Civil and Temporal Obedience which 'can be required or expected of Loyal Subjects.

After the reading whereof, his Majeſty told them, That for the better clearing of Particulars, he expected from them the Grounds and Reaſons of their Deſires.

They replyed, They could not ſuddenly ſet them down, nor without the Advice of the reſt of their Fellows.

Whereunto his Majeſty made Anſwer, That he would not ſurpriſe them, and therefore gave them time until *Thurſday* next to come prepared with their Grounds in writing.

The Lord *Lowdon* ſaid, Their Deſires were only to enjoy their Religion and Liberties, according to the Eccleſiaſtical and Civil Laws of the Kingdom; and in clearing Particulars, they would not inſiſt upon any that were not ſuch.

This his Majeſty wiſhed him to ſet down under his Hand in writing, which he did as followeth.

Memorandum, *That our Deſires are only the enjoying of our Religion and Liberties, according to the Eccleſiaſtical and Civil Laws of his Majeſty's Kingdom.*

To clear by ſufficient Grounds that the Particulars are ſuch, we ſhall not inſiſt to crave any Point which is not ſo warranted. And we humbly offer all Civil and Temporal Obedience to your Majeſty, which can be required or expected of Loyal Subjects.

Signed, LOWDON.

After the reading of which Paper, his Majeſty roſe up and departed.

The Scotiſh Deputies, together with the Engliſh Lords, were invited by the Lord General to Dinner in his Tent; and about two of the Clock thoſe of *Scotland* departed towards their Camp.

June 13. *Thurſday*, The aforeſaid Scotiſh Deputies, bringing with them Mr. *Alexander Henderſon* Miniſter of *Edinburgh*, and Mr. *Archibald Johnſton* Regiſter of the late Aſſembly at *Glaſgow*, came to the Lord General's Tent about ten of the Clock; where they met with the aforeſaid Engliſh Commiſſioners, and preſently after his Majeſty arrived; Marqueſs *Hamilton* was likewiſe preſent, being lately come by Sea to *Berwick*, from the King's Fleet in the *Frith*.

In the firſt place his Majeſty cauſed an Anſwer to be read to the Paper which the Lord *Lowdon* had ſigned at the laſt Meeting, and to be delivered to the Scotiſh Deputies, being as followeth.

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That whereas his Majeſty, the 11th of June, received a ſhort Paper of the General Grounds and Limits of their humble Deſires; his Majeſty is graciouſly pleaſed to make this Anſwer.

That if their deſires be only the enjoying of their Religion and Liberties, according to the Eccleſiaſtical and Civil Laws of his Majeſty's Kingdom of Scotland, his Majeſty doth not only agree to the ſame, but ſhall always protect them to the uttermoſt of his Power: And if they ſhall not inſiſt upon any thing but that is ſo warranted, his Majeſty will moſt willingly and readily condeſcend thereunto; ſo that in the mean time they pay unto him that Civil and Temporal Obedience which can be juſtly required and expected of Loial Subjects.

At his Majeſty's Camp, the *13th* of *June*, 1639.

After the receipt whereof, the ſaid Scotiſh Deputies exhibited to his Majeſty a Paper, containing the Reaſons and Grounds of their Deſires, *in hæc verba.*

Reaſons and Grounds of our humble Deſires, delivered the 13*th of* June.

‘We did firſt humbly deſire a Ratification of the Acts of the late Aſſembly in the enſuing Parliament.

‘First, Becauſe the Civil Power is Keeper of both Tables; and where the Kirk and Kingdom are one Body, conſiſting of the ſame Members, there can be no firm Peace, nor ſtability of Order, except the Miniſters of the Kirk in their Conſultations may preſs the Obedience of the Civil Laws and Magiſtrate, and the Civil Power add their Sanction and Authority to the Conſtitutions of the Kirk.

‘Secondly, Becauſe the late General Aſſembly Indicted by his Majeſty, was lawfully conſtituted in all the Members, according to the Inſtitution and Order preſcribed by Acts of former Aſſemblies.

‘Thirdly, Becauſe no Particular is enacted in the late Aſſembly, which is not grounded upon the Acts of preceding Aſſemblies; and is either expreſly contained in them, or by neceſſary Conſequence may be deducted from them.

‘That the Parliament be kept without Prorogation, his Majeſty knows how neceſſary it is, ſince the Peace of the Kirk and Kingdom calls for it without further delay.

‘We did ſecondly deſire, That his Majeſty would be pleaſed to declare and aſſure, That it is his Royal Will that all Matters Eccleſiaſtical be determined by the Aſſemblies of the Kirk, and Matters Civil by the Parliament, and other Inferior Judicatories eſtabliſhed by Law; becauſe we know no other way of the preſervation of our Religion and Laws.

‘And becauſe Matters ſo different in their Nature, ought to be treated reſpectively in their own proper Judicatories, it was alſo deſired, That Parliaments might be holden at ſet Times, as once in two or three Years, by reaſon of his Majeſty's perſonal Abſence, 'which hindereth his Subjects in their Complaints and Grievances, to have immediate acceſs unto his Majeſty's Preſence.

'And whereas his Majeſty requires us to limit our Deſires, to the enjoying of our Religion and Liberties, according to the Eccleſiaſtical and Civil Laws reſpective, We are heartily content to have the occaſion to declare, That We never intended it farther than the enjoying of our Religion and Liberties.

'And that all this time paſt, it was far from our Thoughts to deſire to diminiſh the Royal Authority of our Native King, and Dread Soveraign, or to make an Invaſion upon the Kingdom of *England*, which are the Calumnies forged and ſpread againſt us by the Malice of our Adverſaries; and for which we humbly deſire, That in his Majeſty's Juſtice they may have their own Cenſure and Puniſhment.

'Thirdly, We deſire a bleſſed Pacification, and did expreſs the moſt ready and powerful Means which we could conceive for bringing the ſame ſpeedily to paſs, leaving other Means ſerving for that End, to his Majeſty's Royal Conſideration, and great Wiſdom.

Unto which Paper, after it had bin read, his Majeſty told them, They ſhould receive an Anſwer on *Saturday* next; and afterward departed to his Pavillion. The ſaid Scotiſh Deputies dined with the Lord General and Engliſh Lords, and about two of the Clock returned to their Camp.

June 15. *Saturday*, The foreſaid Scotiſh Deputies came to the Lord General's Tent, about ten of the Clock, where they found the Engliſh Lords before-mentioned, the Lord Chamberlain being likewiſe preſent, who before was abſent by reaſon of ſickneſs. After a while his Majeſty arrived, and commanded a Declaration to be read, which he had cauſed to be framed, in anſwer to the Covenanters Deſires: Which was delivered to their Deputies, and by them conſidered of in a Room a-part among themſelves. Who after ſome time returned, and making Exceptions to certain Clauſes therein contained, the ſaid Declaration was at laſt, with ſome Alterations, agreed upon, and accepted by the ſame Deputies; only they beſought his Majeſty that they might ſhew the ſame to their Fellows, and on *Monday* next they would return with their Anſwer; unto which his Majeſty aſſented, and departed. The Deputies as before, dined with the Lord General, and after Dinner went back to their Camp.

June 17. *Monday*, The ſaid Deputies returned, and in the Name of all thoſe of the Covenanters, gave his Majeſty moſt humble thanks for the Gracious Anſwer he had vouchſafed them to their Petition in the ſaid Declaration: Which after ſome few words altered, was fully agreed upon by all Parties, together with certain Articles. The tenor of both which Declaration and Articles hereafter follow.

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His Majeſty's Declaration.

WE having conſidered the Papers, and humble Petitions preſented unto Us by thoſe of Our Subjects of Scotland, who were admitted to attend our Pleaſure in the Camp; And after a full hearing by our Self of all that they could ſay or alleage thereupon, having communicated the ſame to our Council of both Kingdoms, upon mature deliberation, with their unanimous Advice, We have thought fit to give this juſt and gracious Anſwer.

That though We cannot condeſcend to ratify and approve the Acts of the pretended General Aſſembly at Glaſgow, for many grave and weighty Conſiderations which have happened before and ſince, much importing the Honour and Security of that true Monarchical Government lineally deſcended upon Us from ſo many of our Anceſtors: Yet ſuch is Our gracious Pleaſure, That notwithſtanding the many Diſorders committed of late, We are pleaſed not only to confirm and make good whatſoever our Commiſſioner hath granted and promiſed in our Name, but alſo We are further graciouſly pleaſed to declare and aſſure, that according to the Petitioners humble Deſires, all Matters Eccleſiaſtical ſhall be determined by the Aſſembly of the Kirk, and Matters Civil by the Parliament, and other inferior Judicatories eſtabliſhed by Law. Which Aſſemblies accordingly ſhall be kept once a Year, or as ſhall be agreed upon at the General Aſſembly.

And for ſetling the general Diſtractions of that our Ancient Kingdom, our Will and Pleaſure is, That a Free General Aſſembly be kept at Edinburgh, the ſixth day of Auguſt next enſuing, where We intend (God willing) to be perſonally preſent. And for the legal Indiction whereof, We have given Order and Command to our Council; and thereafter a Parliament to be held at Edinburgh the twentieth day of Auguſt next enſuing, for ratifying of what ſhall be concluded in the ſaid Aſſembly, and ſetling ſuch other things as may conduce to the Peace and Good of our Native Kingdom; and therein an Act of Oblivion to be paſſed.

And whereas We are further deſired, that our Ships and Forces by Land be recalled, and all Perſons, Goods, and Ships reſtored, and they made ſafe from Invaſion, We are graciouſly pleaſed to declare, That upon their diſarming and diſbanding of their Forces, diſſolving and diſcharging all their pretended Tables and Conventicles, and reſtoring unto Us all our Caſtles, Forts, and Ammunition of all ſorts; as likewiſe our Royal Honours, and to every one of Our good Subjects, their Liberties, Lands, Houſes, Goods, and Means whatſoever, taken and detained from them ſince the late pretended General Aſſembly, We will preſently thereafter recall our Fleet, and retire our Land-Forces, and cauſe reſtitution to be made to all Perſons of their Ships and Goods, detained and arreſted ſince the aforeſaid time. Whereby it may appear, that our intention of taking up of Arms, was no ways for invading of our Native Kingdom, or to innovate the Religion and Laws, but meerly for the maintaining and vindicating of our Royal Authority. And ſince that hereby it doth clearly appear, that We neither have nor do intend any alteration of Religion or Laws,but that both ſhall be maintained by Us in their full Integrity, We expect the performance of that humble and dutiful Obedience which becometh Loyal and Dutiful Subjects, as in their ſeveral Petitions they have often profeſſed. And as We have juſt reaſon to believe, that to Our peaceable and well-affected Subjects this will be ſatisfactory, ſo We take God and the World to Witneſs, That whatſoever Calamities ſhall enſue by our neceſſitated ſuppreſſing of the Inſolencies of ſuch as ſhall continue in their diſobedient Courſes, is not occaſioned by Us, but by their own procurement.

Articles agreed upon.

I.

The Forces of Scotland to be Disbanded and Diſſolved within eight and forty hours after the publication of his Majeſty's Declaration, being agreed upon.

II.

His Majeſty's Caſtles, Forts, Ammunitions of all ſorts, and Royal Honours to to be delivered after the ſaid publication, ſo ſoon as his Majeſty can ſend to receive them.

III.

His Majeſty's Ships to depart preſently after the delivery of the Caſtles, with the firſt fair Wind, and in the mean time no interruption of Trade or Fiſhing.

IV.

His Majeſty is graciouſly pleaſed to cauſe to be reſtored, all Perſons, Goods, and Ships, detained and arreſted ſince the firſt day of November laſt paſt.

V.

There ſhall be no Meetings, Treatings, Conſultations, or Convocations of his Majeſty's Lieges, but ſuch as are warranted by Act of Parliament.

VI.

All Fortifications to deſiſt, and no further working therein, and they to be remitted to his Majeſty's Pleaſure.

VII.

To reſtore to every one of his Majeſty's good Subjects their Liberties, Lands, Houſes, Goods, and Means whatſoever, taken or detained from them by whatſoever means ſince the aforeſaid time.

June 18. *Tueſday*, The ſaid Scotiſh Deputies in the morning came to his Majeſty's Pavilion, and there his Majeſty ſigned the foreſaid Declaration; and two ſeveral Copies were made of the above-mentioned Articles, whereof one Copy was ſigned by Mr. Secretary *Cook*, the Earl of *Sterling* Secretary of *Scotland*, the Earl of *Rothes*, the Earl of *Dunfermling*, the Lord *Lowdon*, Sir *William Douglaſs*, *Alexander Henderſon*, with *Archibald Johnſton*, which Mr. Secretary *Cook* retained. The other ſigned by Mr. Secretary *Cook*, and the Earl of *Sterling*, was delivered to the Scotiſh Deputies.

And

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And further the ſaid Deputies ſigned another Paper of Submiſſion to his Majeſty, being as followeth.

In the Camp, the 18*th of* June, 1639.

'IN Obedience to his Majeſty's Royal Commands, We ſhall, upon '*Thurſday* next the 20*th* of this *June*, diſmiſs our Forces, and im'mediately thereafter deliver his Majeſty's Caſtles, *&c.* And ſhall 'ever in all things carry our ſelves like Humble, Loyal, and Obe'dient Subjects.

Subſcribed,

Rothes.	*Lowdon.*
Dunfermling.	*Douglas.*
Alex. Henderſon.	*A. Johnſton.*

The ſaid Deputies did further promiſe and undertake, That his Majeſty's foreſaid Declaration ſhould be read and publiſhed in their Army; which was accordingly done by *Lyon* King of Arms of *Scotland*, on *Thurſday* the 20*th*, in the preſence of the Earl of *Morton*, Sir *Edmond Verney*, Sir *John Burroughs*, (his Majeſty's Commiſſioners, ſent thither to ſee the ſame performed) and that day the Scotiſh Army diſbanded.

June 22. *Saturday*, His Majeſty came from his Camp at the *Birks* to *Berwick*.

June 24. *Monday*, His Majeſty's Army was diſmiſſed and diſſolved.

The Earl of *Holland*, General of the Horſe, after he returned from his firſt Expedition into *Scotland*, complained to his Majeſty of the Earl of *Newcaſtle*'s taking off his Colours from his Staff in that March; the King being alſo by another Noble Perſon made acquainted with the reaſon of his ſo doing, becauſe the Prince his Colours were put in the Rear: The King commended the Earl of *Newcaſtle*'s prudence in ſo doing, and did not attribute it to any unwillingneſs or neglect in that Earl of his Majeſty's Service upon that Occaſion: And his Majeſty commanded, That for time to come, that Troop of the Earl of *Newcaſtle*'s ſhould be commanded by none but himſelf whilſt they remained upon Duty.

Afterwards, when a Peace was concluded, and the Army diſbanded, the Earl of *Newcaſtle* thought fit to require an Account of the Earl of *Holland* for the ſaid Affront which he had put upon him; and ſent a Challenge to him, and Time and Place where to meet was appointed: The Earl of *Newcaſtle* made choice of *Francis Palmes* for his Second, a Man of known Courage and Mettle. The Earl of *Newcaſtle* appeared at the Time and Place, with his Second; but the General of the Horſe his Second came all alone: by which the Earl of *Newcaſtle* preſently concluded, that the Deſign had bin diſcovered to the King; who commanded them both to be confined, and afterwards made a Peace between them.

The Lord Deputy hearing a Peace was concluded at the Camp at *Berwick*, propoſed ſeveral Things to his Majeſty's Conſideration in this following Letter.

May it pleaſe your Sacred Majeſty,

July 3. The Lord Deputy writes to the King at the Camp at *Berwick.*

Upon the return of Sir Henry Bruce *from the Earl of* Antrim, *we found the Judgment he gave of that Action, no way differing, indeed totally confirming our Opinion therein; yet we held it fit to ſtay him here, expecting the return of my Servant, and what your Majeſty might be pleaſed thereby to direct in that Particular: But ſo long had croſs Winds detained that Meſſenger at* White-haven, *as with him alſo came a later Diſpatch, wherein were the News of the Accommodation with thoſe of the* Covenant; *which at preſent ſets a Period both to the Deſigns of that Lord, and all others of that kind.*

And conſidering Sir Henry *will be pleaſed to deliver this Letter, my Diſcourſe needs to be the leſs, being a Gentleman able to repreſent unto your Majeſty the outward ſtate of theſe Affairs, which, God be praiſed, move ſtill upon the Grounds of Quietneſs towards the Publick, of perfect Obedience toward your Majeſty, and certainly ſo would have continued, amidſt thoſe late threatned Troubles and Diſtractions of your other two Kingdoms.*

If your Majeſty vouchſafe to ſpeak with Sir Henry Bruce, *you may be fully ſatisfied in all Particulars, and in my poor Belief, it may be of uſe to your Service to hear him, being of right good Affection to your Perſon, and one whoſe Truth and Underſtanding in his own Profeſſion, are of much clearneſs and conſideration.*

This Teſtimony I muſt alſo give, as well of Captain Read *as of himſelf, That I found them exceeding forward to ſerve the Crown; and, in truth, I deem both of them Gentlemen worthy your Majeſty's gracious Eſteem, Imploiment, and Truſt.*

Notwithſtanding this ſuddain turn, we reſolve to uſe all diligence in taking the Oath of the Scots, in ſuch ſort as was formerly preſcribed, as holding it ſtill to be of very great uſe and advantage, a little to allay, and render leſs poſitive thoſe Demands your Majeſty perchance may meet with in the next Aſſembly of the Covenanters, when they find that all are not minded as themſelves, nor dancing after their Pipe.

Likewiſe we ſhall, if not otherwiſe directed, go on to provide (againſt all Events) your Magazines here, of ten thouſand Foot, and one thouſand Horſe Arms, with all other Ammunitions proportionable thereunto.

All your gracious Directions, tending to an univerſal and laſting Peace, ſhall be on this ſide punctually purſued and fulfilled; may all Affections be rightly ſet and inclined for the accompliſhment of ſo bleſſed a Work.

Yet admit my attention to your Sacred Perſon, and proſperity of your Affairs, moſt humbly to beſeech your Majeſty, not only to keep your Garriſons of Berwick *and* Carliſle *ſtrong, and well provided of all kind of Stores, but to perfect the Fortifications at* Leith; *and if poſſible, to put in a good Power there alſo, of Men approved for their Faith and Zeal to the Service of your Crown; for ſo total a defection as hath appeared in that People, is not to be truſted with your Sacred Perſon? over-early, if at all; and this the rather, for that I conceive your Deſigns, and Royal*

An. 1639. *Purpoſes thus ſuſtained, will have alſo an excellent furtherance and operation amongſt the Subjects in* England.

I ſhould not write thus much, but that I full well know the Goodneſs, Wiſdom, and Secreſy of my Maſter, having otherways ſufficiently contracted already the ill-will of many of the Scotiſh Nation : Howbeit for which Tranſgreſſions, in good Faith I know not, the beſt is I apprehend not much, being already ſeated ſo low, as I have not far to fall. God long preſerve your Majeſty.

Your Majeſty's

moſt faithful, and moſt humble

Subject and Servant,

WENTWORTH.

His Majeſty whilſt he reſided at *Berwick*, took into his ſerious conſideration, the ſending of a High Commiſſioner into *Scotland*, both to the Aſſembly and Parliament, which were to meet, according to the Articles of Pacification, in *Auguſt* next. His Majeſty did much preſs Marqueſs *Hamilton* to go upon that Emploiment; but he did earneſtly excuſe himſelf, and begged of his Majeſty not to think further of it. Which Excuſe prevailed with the King, and thereupon his Majeſty ſent into *Scotland* for *Traquair* to come to the Court at *Berwick*; and about the middle of *July* he came accordingly; and between his Majeſty and him there were many Conſultations about his Inſtructions.

Now whilſt the King remained at *Berwick*, he ſent for fourteen of the principal *Covenanters* to come to the Court and wait upon him: And whilſt the King expected their coming, he gave Inſtructions to Marqueſs *Hamilton* to try what he could do to gain upon thoſe Lords when they came to the Court, and to diſcover from them the bottom of their Intentions, when the Aſſembly and Parliament did meet, eſpecially as to Biſhops, *&c.*

The Scots begun to be jealous that theſe fourteen Lords thus ſent for to wait upon the King (being the Principal Men of that Kingdom, engaged in Zeal for the Covenant) and of great Intereſt in their Army; that if by the Scots Enemies at Court the King ſhould be prevailed with to ſend them Priſoners to *London*, it might diſcompoſe all their Affairs both in the Army and Kingdom, not knowing what Incendiaries about the Court might further prevail againſt thoſe Lords; ſo the Scots only ſent three of the number whom his Majeſty deſired, *viz. Montroſe*, *Lowdon*, and *Lowthian*, which the King took in great indignation; that when he had declared himſelf in his Treaty at the Camp to adventure his Perſon with them at the Aſſembly appointed to meet at *Edinburgh* in *Auguſt* following; and that they the Scots ſhould not adventure thoſe Lords to come to him whom he had ſent for, put the King upon a Reſolution not to go to their Aſſembly.

The three Lords before-mentioned, after they came to Court, and after Diſcourſe with them by Marqueſs *Hamilton*, were much moliſied, but *Montroſe* was only perfectly gained to the King.

The Draught of *Traquair's* Inſtructions were finiſhed on the *27th* of *July* at *Berwick*, and ſigned by the King, in order to paſs the great Seal; but he did not receive the ſame under Seal till afterwards. For on the 28*th* of *July* the King took Poſt at *Berwick*, and having (rid 260 miles in four days) arrived at *Theobalds* and *London* on the firſt of *Auguſt*.

Traquair's Inſtructions paſſed the Seal on the *6th* of *Auguſt*, and he was immediately diſpatched Poſt into *Scotland*, to be at the Meeting of the Aſſembly at *Edinburgh*. The Inſtructions were to the effect following.

Inſtructions for the Earl of *Traquair*, Lord High-Commiſſioner for *Scotland*.

C. R.

AT the firſt meeting of the Aſſembly, before it be brought in diſpute who ſhall preſide, you ſhall appoint him who was Moderator in the laſt Aſſembly, to preſide in this till a new Moderator be choſen.

We allow that Lay-Elders ſhall be admitted Members of this Aſſembly; but in caſe of the Election of Commiſſioners for Presbyteries, the Lay-Elders have had Voice, you ſhall declare againſt the informality thereof; as alſo againſt Lay-Elders having Voice in Fundamental Points of Religion.

At the firſt opening of the Aſſembly, you ſhall ſtrive to make the Aſſembly ſenſible of our Goodneſs, that notwithſtanding all that is paſt, whereby We might have bin juſtly moved not to hearken to their Petitions, yet We have bin graciouſly pleaſed to grant a free General Aſſembly; and for great and weighty Conſiderations, have commanded the Arch-Biſhops and Biſhops not to appear at this Aſſembly.

You ſhall not make uſe of the Aſſeſſors in publick, except you find you ſhall be able to carry their having Vote in the Aſſembly.

You ſhall labour to your utmoſt, that there be no Queſtion made about the laſt Aſſembly; and in caſe it come to the worſt, whatever ſhall be done in Ratification, or with relation to the former Aſſembly, Our Will is that you declare the ſame to be done as an Act of this Aſſembly, and that you conſent thereto only upon theſe terms, and no ways as having any relation to the former Aſſembly.

You ſhall by all means ſhun the Diſpute about Our Power in Aſſemblies; and if it ſhall be urged, or offered to be diſputed, whether We have the Negative Voice, or the ſole Power of Indicting, and conſequently of Diſſolving, except you ſee clearly that you can carry the ſame in Our Favour, ſtop the Diſpute; and rather than it be decided againſt Us, ſtop the courſe of the Aſſembly until We be advertiſed.

For the better facilitating of Our other Services, and the more

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peaceable and plauſible Progreſs in all Buſineſſes recommended to you, We allow you at any time you ſhall find moſt convenient, after the opening of the Aſſembly, to declare, That notwithſtanding Our own Inclination, or any other Conſiderations, We are contented, for Our Peoples full ſatisfaction, to remit Epiſcopacy, and the Eſtate of Biſhops to the freedom of the Aſſembly; but ſo, as no reſpect be had to the determination of the Point in the laſt Aſſembly.

But in giving way to the aboliſhing of Epiſcopacy, be careful that it be done without the appearing of any Warrant from the Biſhops; and if any offer to appear for them, you are to enquire for their Warrant, and carry the Diſpute ſo, as the concluſion ſeem not to be made in prejudice of Epiſcopacy as unlawful, but only in ſatisfaction to the People for ſetling the preſent Diſorders, and ſuch other Reaſons of State: But herein you muſt be careful that Our Intentions appear not to any.

You ſhall labour, that Miniſters depoſed by the laſt Aſſembly, or Commiſſions flowing from them, for no other cauſe but the ſubſcribing the Petition or Declinator againſt the laſt Aſſembly, be upon their ſubmiſſion to the determination of this Aſſembly, reponed in their own Places; and ſuch other Miniſters as are depoſed for no other Faults, that they be tried of new; and if that cannot be, ſtrive that Commiſſions may be directed from this Aſſembly for trying and cenſuring them, according to the nature of their Proceſs.

That immediately upon the concluſion of this Aſſembly, you Indict another at ſome convenient time, as near the expiring of the Year as you can; and if you find that Aberdeen be not a Place agreeable, let Glaſgow be the Place; and if that cannot give content, let it be elſewhere.

The General Aſſembly is not to meddle with any thing that is Civil, or which formerly hath been eſtabliſhed by Act of Parliament, but upon his Majeſty's ſpecial Command or Warrant.

We will not allow of any Commiſſioner from the Aſſembly, nor no ſuch Act as may give ground for the continuing of the Tables, or Conventicles.

In caſe Epiſcopacy be aboliſhed at this Aſſembly, you are to labour that We may have the Power of chuſing of ſo many Miniſters as may repreſent the fourteen Biſhops in Parliament; or if that cannot be, that fourteen others whom We ſhall preſent be agreed to, with a power to chuſe the Lords of the Articles for the Nobility for this time, until the Buſineſs be further conſidered upon.

We allow that Epiſcopacy be aboliſhed, for the Reaſons contained in the Articles, and the Covenant 1580, for ſatisfaction of our People be ſubſcribed, provided it be ſo conceived, that thereby Our Subjects be not forced to abjure Epiſcopacy as a Point of Popery, or contrary to God's Law, or the Proteſtant Religion; but if they require it to be abjured, as contrary to the Conſtitution of the Church of Scotland, you are to give way to it rather than to make a breach.

After all Aſſembly-Buſineſs is ended, and immediately before Prayers, you ſhall, in the faireſt way that you can, proteſt, That in reſpect of his Majeſty's Reſolution of not coming in Perſon, and that his Inſtructions to you were upon ſhort advertiſement, whereupon many things may have occurred, wherein you have not had his Majeſty's Pleaſure; and for ſuch other Reaſons as occaſion may furniſh, you are to proteſt, That in caſe any thing hath eſcaped you, or hath bin condeſcended upon in this preſent Aſſembly prejudicial to his Majeſty's Service, that his Majeſty may be heard for redreſs thereof in his own Time and Place.

At *Berwick* the 27th of *July*, 1639.

At this time the King writ this following Letter to the Arch-Biſhop of St. *Andrews*.

Right truſty and well-beloved Counſellor, and Reverend Father in God, We greet you well.

The King writes to the Arch-Biſhop of St. *Andrews*.

Your Letter, and the reſt of the Biſhops (ſent by the Elect of Cathneſs) to my Lord of Canterbury, hath bin by him communicated to Us: And after ſerious conſideration of the Contents thereof, We have thought fit our Self to return this Anſwer to you for Direction, according to Our Promiſe, which you are to communicate to the reſt of your Brethren.

We do in part approve of what you have adviſed, concerning the prorogating of the Aſſembly and Parliament, and muſt acknowledg it to be grounded upon Reaſon enough, were Reaſon only to be thought on in this Buſineſs: but conſidering the preſent ſtate of Our Affairs, and what We have promiſed in the Articles of Pacification, We may not (as We conceive) whithout great prejudice to Our Self and Service condeſcend thereunto; wherefore We are reſolved (rather neceſsitated) to hold the Aſſembly and Parliament at the Time and Place appointed; and for that end We have nominated the Earl of Traquair Our Commiſſioner: to whom we have given Inſtructions, not only how to carry himſelf at the ſame, but a Charge alſo to have a ſpecial care of your Lordſhips, and thoſe of the Inferior Clergy, who have ſuffered for their Duty to God, and Obedience to Our Commands. And We do hereby aſſure you, That it ſhall be ſtill one of Our chiefeſt Studies, how to Rectify and Eſtabliſh the Government of that Church aright, and to repair your Loſſes, which We deſire you to be moſt confident of.

As for your Meeting to treat of the Affairs of the Church, We do not ſee at this Time how that can be done; for within Our Kingdom of Scotland, We cannot promiſe you any place of Safety; and in any other of Our Dominions We cannot hold it convenient, all things conſidered; wherefore We conceive that the beſt way would be for your Lordſhips to give in, by way of Proteſtation or Remonſtrance, your Exceptions againſt this Aſſembly and Parliament to Our Commiſſioner, which may be ſent by any mean Man, ſo he be truſty, and deliver it at his entring into the Church; but We would not have it to be either Read or Argued in this Meeting, where nothing but partiality is to be expected, but to be repreſented to Us by him; which We promiſe to take ſo into Conſideration, as becometh a Prince ſenſible of his own Intereſt and Honour, joined with the Equity of your Deſires; and you may reſt ſecure, that though perhaps

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We may give way for the preſent to that which will be prejudicial both to the Church and Our own Government, yet We ſhall not leave thinking in time how to remedy both.

We muſt likewiſe intimate unto you, That We are ſo far from conceiving it expedient for you, or any of my Lords of the Clergy to be preſent at this Meeting, as We do abſolutely diſcharge your going thither; and for your abſence, this ſhall be to you, and every of you, a ſufficient Warrant: In the interim, your beſt courſe will be to remain in Our Kingdom of England, till ſuch time as you receive Our further Order, where We ſhall provide for your Subſiſtance; though not in that meaſure as We could wiſh, yet in ſuch a way as you ſhall not be in want.

Thus you have Our Pleaſure briefly ſignified unto you, which We doubt not but you will take in good part: You cannot but know, that what We do in this, We are neceſſitated to; ſo We bid you farewell.

Whitehall, *Aug.* 6.
1639.
C. R.

Afterwards the Biſhop of St. *Andrews*, and other Biſhops, on the 11*th* of *Auguſt*, finiſhed a *Declinator*, and ſigned the ſame with their own hands, and ſent it to the Earl of *Traquair*.

The Biſhops Declinator, Auguſt 10, 11.

‘WHereas his Majeſty, out of his ſurpaſſing Goodneſs, was pleaſed to Indict another National Aſſembly for rectifying the preſent Diſorders in the Church, and repealing the Acts concluded in the late pretended Aſſembly at *Glaſgow* againſt all Right and Reaſon, charging and commanding Us the Arch-Biſhops and Biſhops of the Church of *Scotland*, and others that have Place therein, to meet at *Edinburgh* the 12*th* of *Auguſt* Inſtant, in hopes that by a peaceable Treaty and Conference, Matters ſhould have bin brought to a wiſhed Peace and Unity: and that now we perceive all theſe Hopes diſappointed, the Authors of the preſent Schiſm and Diviſion proceeding in their wonted Courſes of Wrong and Violence, as hath appeared in their preſumptuous Proteſtation againſt the ſaid Indiction; and in the buſineſs they have made throughout the Country, for electing Miniſters and Laicks of their Faction to make up the ſaid Aſſembly; whereby it is evident that the ſame or worſe Effects muſt needs enſue upon the preſent Meeting, than were ſeen to follow the former. We therefore the Underſcribers, for diſcharge of our Duties to God, and to the Church committed to our Government under our Soveraign Lord the King's Majeſty, Proteſt, as in our former Declinator, as well for our Selves, as in Name of the Church of *Scotland*, and ſo many as ſhall adhere to this our Proteſtation, That the preſent pretended Aſſembly be holden and reputed *null* in Law, as conſiſting and made up partly of Laical Perſons that have no Office in the Church of God, partly of Refractory, Schiſmatical, and Perjured Miniſters, that contrary to their Oaths and Subſcriptions, from which no humane Power could abſolve them, have filthily reſiled, and ſo 'made themſelves to the preſent and future Ages moſt infamous, and 'that no Church-man be bound to appear before them, nor any Citation, Admonition, Certification, or Act whatſoever proceeding 'from the ſaid pretended Meeting, be prejudical to the Juriſdiction, 'Liberties, Privileges, Rents, Poſſeſſions, and Benefices belonging 'to the Church, nor to any Acts of former General Aſſemblies, Acts 'of Council or Parliament made in favour thereof; but to the contrary, that all ſuch Acts and Deeds, and every one of them, are and 'ſhall be reputed Unjuſt, Partial, and Illegal, with all that may follow thereupon.

'And this our Proteſtation we humbly deſire may be preſented to 'his Majeſty, whom we do humbly ſupplicate, according to the Practice of Chriſtian Emperors in Ancient Time, to Convene the Clergy 'of his whole Dominions, for remedying of the preſent Schiſm and 'Diviſion, unto whoſe Judgment and Determination we promiſe to 'ſubmit our Selves and all our Proceedings.

Given under our Hands, at *Morpeth*, *Berwick*, and *Holy-Iſland*, the *10th* and *11th* of *Auguſt* 1639.

Signed,

St. Andrews.
Da. Edinburgh.
Jo. Roſſen.
Tho. Galloway.
Wal. Brechinen.
Ja. Liſmoren.
Ad. Aberdeen.

About the middle of *Auguſt* the Aſſembly meeting at *Edinburgh*, the Earl of *Traquair* came thither as Lord High-Commiſſioner, and found the Pulſe of the Aſſembly to beat againſt the *Service-Book* and Book of *Canons*, taxing them with Popery, and the *High-Commiſſion* with Tyranny, and that *Epiſcopacy* muſt be aboliſhed; of all which the Earl of *Traquair* gave the King an Account. Whereupon his Majeſty writ unto him to the effect following.

CHARLES *R.*

Right Truſty,

The King writes to *Traquair*, & gives him poſitive Inſtructions how further to proceed.

We have hitherto commanded Hamilton to anſwer ſeveral of your Letters, but that of the 16th of Auguſt being of more weight than any of your former, We have thought fit to anſwer it Our Self.

And whereas you ſay, That nothing will ſatiſfy them, except in terminis, the laſt Aſſembly be Named and Ratified, or that way be given to the diſcharging of Epiſcopacy as abjured in that Church, as contrary to the Confeſſion of Faith 1580, and the Conſtitutions of the ſame, you being yet in ſome hope that the word Abjured may be got changed; and that in drawing up the words of the Act, it be only condemned as contrary to the Conſtitution of the Curch: We in this point leave you to your Inſtructions, they being full, if you conſider what We have ſaid concerning Epiſcopacy, and ſubſcribing the Confeſſion of Faith 1580, We thinking it fit to declare hereupon unto you, That let their madneſs be what it will, further than We have

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For the Service-Book, and Book of Canons, though We have bin and are content they be diſcharged, yet We will never give Our Voice nor aſſent that they be condemned, as containing divers Heads of Popery and Superſtition: in like manner, though We have bin, and are content that the High-Commiſſion be diſcharged, yet We will never acknowledg that it is without Law, or deſtructive to the Civil and Eccleſiaſtical Judicatories of that Our Kingdom: Nor that the Five Articles of Perth, though diſcharged with Our Approbation, be condemned, as contrary to the foreſaid Confeſſion. As concerning the late Aſſemblies, We cannot give Our Conſent to have them declared Null, ſince they were ſo notoriouſly Our Father (of happy Memory) his Acts; it ſeeming ſtrange, that We having condeſcended to the taking away of theſe things that they complained of, which were done in thoſe Aſſemblies, they will not be content therewith, without laying an Aſperſion on Our Father's Actions. Wherefore if the Aſſembly will, in diſpite of your endeavour, conclude contrary to this, you are to proteſt againſt their Proceedings in theſe Points, and be ſure not to ratify them in Parliament.

Concerning the yearly Indiction of General Aſſemblies, and the Confeſſion of Faith, We commanded Hamilton, in his of the 16th, to Anſwer that Point to this effect, That We think it infinitely to our prejudice that We ſhould conſent to tie Our Self for the keeping yearly of their Aſſemblies, not needing to repeat the Reaſons, they being well enough known to you; ſeeing at Berwick it was conceived upon debate of that Point, That your having Power to Indict a new one within the Year, would ſave that Diſpute, which you are by all means to eſchew. But if this will not give ſatisfaction, you are by no means to give your Aſſent to any ſuch Act, nor to ratify the ſame in Parliament.

The Article in your Inſtructions, which is only that the Covenant 1580 ſhall be ſubſcribed, you muſt have an eſpecial care of, and how you proceed therein; That the Bond be the ſame which was in Our Father's Time, mutatis mutandis; and that you give your aſſent no other ways to the interpretations thereof, than may ſtand with Our future Intentions well known to you; nor is the ſame otherwiſe to be Ratified in Parliament.

Thus you have Our Pleaſure fully ſignified in every particular of your Letter; which you will find no ways contrary to Our Reſolution taken at Berwick, and Our Inſtructions given to you there. But if the madneſs of Our Subjects be ſuch, that they will not reſt ſatisfied with what We have given you Power and Authority to condeſcend to, which notwithſtanding all their Inſolencies We ſhall allow you to make good to them, We take God to Witneſs, That what miſery ſoever ſhall fall to the Country hereafter, it is no Fault of Ours, but their own procurement. And hereupon We do Command you, That if you cannot compoſe this Buſineſs according to Our Inſtructions, and what We have now written, that you Prorogue the Parliament till the next Spring; and that you think upon ſome courſe how you may make publickly known to all Our Subjects, what We had given you Power to condeſcend to. And becauſe it is not improbable that this way may produce a preſent

Rupture, you are to warn and aſſiſt Ruthwen for the Defence of the Caſtle of Edinburgh; and to take in general the like care of all Our Houſes and Forts in that Kingdom; and likewiſe to advertiſe all ſuch who are affected to Our Service, that timouſly they may ſecure themſelves; and ſo We bid you heartily farewel.

The greateſt Point gained in the Aſſembly, was an Explication of a Bond of Defence, which was conceived in theſe words.

The Explication of the Bond of Defence.

WE do Swear, not only our mutual Concurrence and Aſſiſtance for the Cauſe of Religion; and to the utmoſt of our Power, with our Means and Lives, to ſtand to the Defence of our Dread Soveraign and his Authority, in the Preſervation and Defence of the ſaid True Religion, Liberties, and Laws of this Kirk and Kingdom; but alſo in every Cauſe which may concern his Majeſty's Honour, We ſhall (according to the Laws of this Kingdom, and Duty of good Subjects) concur with our Friends and Followers in quiet Manner, or in Arms, as we ſhall be required of his Majeſty's Council, or any having his Authority.

And as to *Epiſcopacy*, it was worded, it was *unlawful* in the Church of *Scotland:* whereupon the *Covenanters* preſented to the Commiſſioner and Council their *Covenant*, with a deſire that it might be ſigned. And it was accordingly done, but his Majeſty was no ways ſatisfied with this, as hereafter appears.

The ſaid Parliament at *Edinburgh*, the day appointed for their Meeting, conſented for that time that *Traquair* as Commiſſioner, ſhould name thoſe Lords of the Articles that were for the Nobility, who ſhould have bin named by the Biſhops, but proteſted it ſhould be no Preſident for the future; and they went on roundly to take away the Lords of the Articles totally.

October 30. The Parliament Prorogued to *Novemb.* 14.

But *Traquair* finding he could not keep cloſe to his Inſtructions, to the Letter of which he reſolved to adhere, did Prorogue the Parliament to the 14*th* of *November*.

The *Covenanters* proteſt againſt the legality of any Prorogation without conſent of Parliament. Which Proteſtation followeth in theſe words.

The Scots Proteſtation againſt the Prorogation of the Parliament, Auguſt 1639.

‘WHereas *John* Earl of *Traquair*, his Majeſty's Commiſſioner, having cloſed the Aſſembly, and ſitting in Parliament with them, did now take upon him, without their Conſent, or Offence given, to Prorogate the Parliament upon a private Warrant; this being a new and unuſual way, without Preſident in this Kingdom heretofore, once being convened, have continuation by the expreſs conſent of the Eſtates. We therefore declare, That any Prorogation made by the Commiſſioner's Grace, without conſent of Parliament, ſhall be of no Force, and the Actors to be cenſured in

'Parliament. And knowing that Declarations have bin publiſhed againſt Us, and our Proceedings made odious to ſuch as do not conſider that we are not Private Subjects, but a Sitting Parliament: We therefore declare, That whatſoever we might do lawfully in ſitting ſtill, yet we have reſolved for the preſent to make Remonſtrance to his Majeſty, and ſome of each Eſtate to remain ſtill at *Edinburgh* to attend his Gracious Anſwer. And if it ſhall happen that our malicious Enemies do notwithſtanding prevail againſt us, We profeſs our ſelves free of the Outrages and Inſolencies that may be committed; in the mean time we do our beſt to prevent Confuſion and Miſery.

'And the Committee appointed to expect the King's Anſwer, were, the Earls of *Lothian* and *Dalhouſe*; the Lords, *Teſter*, *Balmerino*, *Cranſton*, and *Napier*; for the Barons, the Commiſſioners of the *Lothians*, *Fiſe*, and *Twedale*; the Burroughs named the Commiſſioners of *Edinburgh*, *Lithgow*, *Sterling*, *Haddington*, and *Dunbar*, to attend at *Edinburgh* the return of his Majeſty's Anſwer.

The Scots Deputies come to the King at *Whitehall*.

Their Deputies came to the King at *Whitehall*, the Earl of *Dunfermling*, and the Lord *Loudon*; but coming without Warrant from the King's Commiſſioner *Traquair*, they were in diſdain commanded home again without Audience.

The King commands *Traquair* to Prorogue the Parliament to the ſecond of *June* 1640; and commands him to come up to give to the Council an account of the moſt conſiderable Matters propoſed in that Parliament. The end of whoſe Deſign was (as the Covenanters gave out) to foment a War, and to engage the King in Perſon. But he had a cold reception, the King being highly diſpleaſed with his Subſcription of the *Covenant*. But he complained he could have no Aſſiſtance from them if he had not done it; and that it was impoſſible to prevail with thoſe People, except by Force, or a total Complyance.

And he to recover himſelf, was the more earneſt to preſs the King to a New Invaſion.

Traquair helps the King to the Letter directed to the *French* King.

He alſo furniſhed the King with a great many Grounds for juſtifying his Proceedings againſt the *Covenanters*; a chief one being a Letter he had got which the *Covenanters* had written to the French King, deſiring his Protection and Aſſiſtance; which was High Treaſon by the Law of *Scotland*, as being a Treaty with a Foreign Prince, without the King's Permiſſion. And upon theſe Grounds it was that the Earl of *Traquair* was afterwards purſued as the Grand Incendiary.

Afterwards the *Covenanters* ſent up their Petition to his Majeſty by one *Cunningham*, deſiring a permiſſion to ſend ſome of their Number for their own vindication. Which his Majeſty granting, the Earl of *Loudon* and *Dunſermling* were again ſent up.

Some of the Principal Acts of the General Aſſembly, which ſat at Edinburgh *in the Month of* Auguſt, 1639.

Seſſ. 8. Aug. 17. 1639.

Mr. George Grahame *his Renouncing and Abjuring of Epiſcopacy.*

The which day there was given in to the Aſſembly, direct from Mr. *George Graham*, ſometimes pretended Biſhop of *Orkney*, an Abjuration of Epiſcopacy, ſubſcribed with his Hand; which was publickly read, and entred in the Aſſembly-Books, *ad perpetuam rei memoriam*, whereof the Tenour follows.

‘TO all and ſundry whom it effeirs, to whoſe knowledg theſe Preſents ſhall come, eſpecially to the Reverend and Honourable Members of the future Aſſembly, to be holden at *Edinburgh* the *12th* day of *Aug.*1639. Me Mr. *George Graham*, ſome time pretended Biſhop of *Orkney*, being ſorry and grieved at my Heart, that I ſhould ever, for any worldly reſpect, have embraced the Order of Epiſcopacy, the ſame having no Warrant from the Word of God, and being ſuch an Order, as hath had ſenſibly many fearful and evil Conſequences in many parts of Chriſtendom, and particularly within the Kirk of *Scotland*, as by doleful and deplorable Experience this day is manifeſt, to have diſclaimed, like as I by the Tenour hereof do altogether diſclaim and abjure all Epiſcopal Power and Juriſdiction, with the whole Corruptions thereof, condemned by lawful Aſſemblies in the ſaid Kirk of *Scotland*; in regard the ſame is ſuch an Order as is alſo abjured within the ſaid Kirk, by virtue of that National Oath which was made in the Years 1580, and 1581, promiſing and ſwearing, by the great Name of the Lord our God, That I ſhall never whilſt I live, directly or indirectly, exerciſe any ſuch Power within the Kirk; neither yet ſhall I ever approve or allow the ſame, not ſo much as in my private or publick Diſcourſes; but on the contrary, ſhall ſtand and adhere to all the Acts and Conſtitutions of the late Aſſembly holden at *Glaſgow*, *Novemb.*21. 1638, and ſhall concur to the uttermoſt of my power, ſincerely and faithfully, as occaſion ſhall offer, in executing the ſaid Acts, and in advancing the Work of Reformation within this Land, to the Glory of God, the Peace of the Country, and the Comfort and Contentment of all good Chriſtians, as God ſhall be my help. In teſtimony of the which Premiſes, I have ſubſcribed theſe Preſents with my Hand at *Breekneſs* in *Stronnes*, the *11th* day of *February*, in the Year of God 1639, before theſe Witneſſes, Mr. *Walter Stuart* Miniſter at *Southronnaldſay*, Mr. *James Heynd* Miniſter at *Kirkwall*, Mr. *Robert Pierſon* Miniſter at *Frith*, and Mr. *Patrick Graham* Miniſter at *Holm*, my Son.

Seſſ. 8. Aug. 17. 1639.

Act containing the Cauſes and Remedy of the by-gone Evils of this Kirk.

'THe King's Majeſty having graciouſly declared, That it is his Royal Will and Pleaſure, that all Queſtions about Religion, and Matters Eccleſiaſtical, be determined by Aſſemblies of the Kirk; having alſo by publick Proclamation indicted this Free National Aſſembly, for ſetling the Diſtraction of this Kirk, and for eſtabliſhing a perfect Peace, againſt ſuch Diviſions and Diſorders as have bin ſore diſpleaſing to his Majeſty, and grievous to all his good Subjects.

'And now his Majeſty's Commiſſioner, *John* Earl of *Traquair*, intruſted and authorized with a full Commiſſion, being preſent, and ſitting in this Aſſembly, now fully Convened, and orderly Conſtitute in all the Members thereof, according to the Order of this Kirk, having at large declared his Majeſty's Zeal to the Reformed Religion, and his Royal Care and Tender Affection to this Kirk, where his Majeſty had both his Birth and Baptiſm, his great diſpleaſure at the manifold Diſtractions and Diviſions of this Kirk and Kingdom, and his deſires to have all our Wounds perfectly cured, with a fair and fatherly Hand. And although in the way approved by this Kirk, trial hath bin taken in former Aſſembles before, from the Kirk-Regiſters, to our full ſatisfaction; Yet the Commiſſioner's Grace making particular enquiry from the Members of the Aſſembly, now ſolemnly convened, concerning the real and true Cauſes of ſo many and great Evils as this time paſt had ſo ſore troubled the Peace of this Kirk and Kingdom, it was repreſented to his Majeſty's Commiſſioner by this Aſſembly, that beſides many other, the main and moſt material Cauſes were;

'Firſt, The preſſing of this Kirk by the Prelates with a *Service-Book*, or Book of *Common-Prayer*, without Warrant or Direction from the Kirk; and containing, beſides the Popiſh Frame thereof, divers Popiſh Errors and Ceremonies, and the Seeds of manifold groſs Superſtitions and Idolatry, with a Book of *Canons*, without Warrant or Direction from the General Aſſembly, eſtabliſhing a tyrannical Power over the Kirk in the Perſons of Biſhops, and overthrowing the whole Diſcipline and Government of the Kirk by Aſſemblies; with a Book of *Conſecration* and *Ordination*, without Warrant or Authority Civil or Eccleſiaſtical, appointing Offices in the Houſe of God, which are not warranted by the Word of God, and repugnant to the Diſcipline and Acts of the Kirk; and with the *High-Commiſſion*, erected without conſent of the Kirk, and ſubverting the Juriſdiction and ordinary Judicatories of this Kirk; and giving to Perſons meerly Eccleſiaſtical, the power of both Swords; and to Perſons meerly Civil, the power of the Keys and Kirk Cenſures.

'A ſecond Cauſe was the *Articles of Perth*, *viz.* The Obſervation of Feſtival Days, Kneeling at the Communion, Confirmation, Adminiſtration of the *Sacraments* in private Places, which are brought in by a *null* Aſſembly, and are contrary to the *Confeſſions of Faith*, as it ‘was meant and ſubſcribed *Anno* 1580, and divers times ſince, and to the Order and Conſtitutions of this Kirk.

‘Thirdly, The changing of the Government of the Kirk from the Aſſemblies of the Kirk, to the Perſons of ſome Kirk-men, uſurping Priority and Power over their Brethren, by the way and under the name of Epiſcopal Government, againſt the Confeſſion of Faith in 1580, againſt the Order ſet down in the Book of Policy, and againſt the Intention and Conſtitution of this Kirk from the beginning.

‘Fourthly, The Civil Places and Power of Kirkmen, their ſitting in Seſſion, Council, and Exchequer; their riding, ſittting, and voting in Parliament; and their ſitting in the Bench as Juſtices of Peace: Which according to the Conſtitutions of this Kirk are incompatible with their Spiritual Sanction, lifting them up above their Brethren in worldly Pomp, and do tend to the hindrance of the Miniſtry.

‘Fifthly, The keeping and authorizing corrupt Aſſemblies at *Linlithgow* 1606, and 1608; at *Glaſgow*, 1610; at *Aberdeen*, 1616; at St. *Andrews*, 1617; at *Perth*, 1618. Which are all null and unlawful, as being called and conſtitute quite contrary to the Order and Conſtitutions of this Kirk, received and practiſed ever ſince the Reformation of Religion; and withal labouring to introduce Novations into this Kirk, againſt the Order and Religion eſtabliſhed.

‘A ſixth Cauſe is the want of lawful and free General Aſſemblies, rightly conſtitute of Paſtors, Doctors, and Elders, yearly or oftner, *pro re nata*, according to the Liberty of this Kirk, expreſſed in the Book of Policy, and acknowledged in the Act of Parliament, 1592. After which the whole Aſſembly in one heart and voice did declare, that theſe and ſuch other, proceeding from the neglect and breach of the National Covenant of this Kirk and Kingdom made in 1580, have been indeed the true and main Cauſes of all our Evils and Diſtractions: And therefore ordain, according to the Conſtitutions of the General Aſſemblies of this Kirk, and upon the grounds reſpective above ſpecified, That the aforeſaid Service-Book, Books of Canons, and Ordination, and the High Commiſſion, be ſtill rejected: that the Articles of *Perth* be no more practiſed; that Epiſcopal Government, and the Civil Places and Power of Kirk-men, be holden ſtill as unlawful in this Kirk: That the above-named pretended Aſſemblies, at *Linlithgow* 1606 and 1608; at *Glaſgow* 1610; at *Aberdeen* 1616; at St. *Andrews* 1617; at *Perth* 1618; be hereafter accounted as null, and of none effect. And that for preſervation of Religion, and preventing all ſuch Evils in time coming, General Aſſemblies rightly conſtitute, as the proper and competent Judge of all Matters Eccleſiaſtical, hereafter be kept yearly, and oftner, *pro re nata*, as occaſion and neceſſity ſhall require; the neceſſity of theſe occaſional Aſſemblies being firſt remonſtrate to his Majeſty by humble Supplication: As alſo, that Kirk-Seſſions, Presbyteries, and Synodal Aſſemblies, be conſtitute and obſerved according to the Order of this Kirk.

After the voicing of the Act (anent the Cauſes of our by-gone Evils, his Majeſties Commiſſioner conſented verbally to the ſaid Act, and promiſed to give in to the Clerk in Writ, the Declaration of his Conſent, and that he ſhould ratifie this Act in the enſuing Parliament.

Act Seſſ. 21. Aug. 29. 1639.

An Act anent the keeping of the Lord's Day.

‘THE General Aſſembly recommendeth to the ſeveral Preſbyteries, the execution of the old Acts of Aſſembly againſt the breach of the Sabbath-day, by going of Milns, Salt-Panns, Salmond-fiſhing, or any ſuch like labour: And to this end revives and renews the Act of the Aſſembly holden at *Halyrood*-Houſe, 1602. *Seſſ.* 5. whereof the tenor follows.

‘The Aſſembly conſidering that the Conventions of the People, eſpecially on the Sabbath-day, are very rare in many places, by diſtraction of Labour, not only in Harveſt and Seed-time, but alſo every Sabbath, by fiſhing both of white Fiſh, and Salmon-fiſhing, and in going of Milns: Therefore the Aſſembly diſchargeth and inhibiteth all ſuch labour of Fiſhing, as well white Fiſh as Salmon-fiſh, and going of Milns of all ſorts upon the Sabbath, under the pain of incurring the Cenſures of the Kirk: And ordains the Commiſſioners of this Aſſembly to meen the ſame to his Majeſty, and to deſire that a pecunial Pain might be enjoined upon the Contraveners of this preſent Act.

Seſſ. 23. Aug. 30. 1639.

The Supplication of the General Aſſembly to the King's Majeſties Commiſſioner, concerning the Book called, The large Declaration.

‘VVE the Members of this preſent Aſſembly, for our ſelves, and in the name of the ſeveral Preſbyteries, Burghs, and Univerſities, for which we are Commiſſioners, reſenting the great diſhonour done to God, our King, this Kirk, and the whole Kingdom, by the Book called, *A large Declaration*, have here repreſented the ſame to your Grace, and have collected ſome amongſt many of falſe, groſs, and abſurd Paſſages, that from the conſideration thereof your Grace perceiving the intolerable Evils foreſaid contained therein, may be pleaſed to repreſent the ſame to our gracious Sovereign, and in our behalfs humbly to beſeech his Majeſty, ſo much wronged by the many foul and falſe relations ſuggeſted and perſwaded to him as Truths, and by ſtealing the protection of his Royal Name and Authority to the patrociny of ſuch a Book, to be pleaſed firſt to call in the ſaid Book, and thereby to ſhew his diſlike thereof; next to give Commiſſion and Warrant to cite all ſuch Parties, as are either known or ſuſpect to have hand in it; and to appoint ſuch as his Majeſty knows to be either Authors, Informers, or any ways acceſſary, being Natives of this Kingdom, to be ſent hither, to abide their Trial and Cenſure before the Judg Ordinary; and in ſpecial, Maſter *Walter Balcanquel*, now Dean of *Durham*, who is known, and hath profeſſed to be the Author, at leaſt a Vower and Maintainer of a great part thereof; that by their exemplar puniſhment, others may be deterred from ſuch dangerous Courſes, as in ſuch a way to raiſe Sedition betwixt the King and his Subjects, God's Honour may be ‘vindicate from ſo high Contempt; his Majeſty's Juſtice may appear, not only in cutting away ſuch Malefactors, but in diſcouraging all ſuch Underminers of his Throne; his loyal and loving Subjects ſhall be infinitely contented to be cleared before the World of ſo falſe and unjuſt Imputations, and will live hereafter in greater ſecurity, when ſo dangerous a Courſe of Sedition is prevented, and ſo will have the greater and greater cauſe to pray for his Majeſty's long and proſperous Reign.

His Majeſty's Commiſſioner in Council having received the ſaid Supplication, promiſed to impart the ſame to his Majeſty, and to report his diligence therein.

The Supplication of the Aſſembly to his Majeſty's High Commiſſioner, and the Lords of ſecret Council.

‘WE the General Aſſembly, conſidering with all humble and thankful acknowledgment, the many reſent Favours beſtowed upon us by his Majeſty; and that there reſteth nothing for crowning his Majeſty's incomparable Goodneſs towards us, but that all the Members of this Kirk and Kingdom be joined in one and the ſame *Confeſſion* and *Covenant* with God, with the King's Majeſty, and amongſt our ſelves. And conceiving the main Let and Impediment to this ſo good a Work, and ſo much wiſhed by all, to have bin the Informations made to his Majeſty, of our Intentions to ſhake off civil and dutiful Obedience due to Soveraignty, and to diminiſh the King's Greatneſs and Authority: And being moſt willing and deſirous to remove this, and all ſuch Impediments which may hinder and impede ſo full and perfect an Union, and for the clearing of our Loyalty, We in our own Names, and in the Names of all the reſt of the Subjects and Congregations whom we repreſent, do now in all humility repreſent to your Grace, his Majeſty's Commiſſioner, and the Lords of his Majeſty's moſt Honourable Privy-Council, and declares before God and the World, that We never had nor have any thought of withdrawing our Selves from that humble and dutiful Obedience to his Majeſty, and to his Government; which by the deſcent, and under the Reign of 107 Kings, is moſt chearfully acknowledged by Us and our Predeceſſors; and that we never had, nor have any intention or deſire to attempt any thing that may tend to the diſhonour of God, or the diminution of the King's Greatneſs and Authority: But on the contrary, acknowledging our quietneſs, Stability, and Happineſs, to depend upon the ſafety of the King's Majeſty's Perſon, and maintenance of his Greatneſs and Royal Authority, who is God's Vicegerent ſet over us, for the maintenance of Religion, and miniſtration of Juſtice, we have ſolemnly ſworn, and do ſwear, not only our mutual Concurrence and Aſſiſtance for the Cauſe of Religion, and to the uttermoſt of our power, with our Means and Lives, to ſtand to the defence of our Dread Soveraign, his Perſon and Authority, in preſervation and defence of the true Religion, Liberties, and Laws of this Kirk and Kingdom; but alſo in every Cauſe which may concern his Majeſty's Honour, ſhall accordingly to the Laws of this Kingdom, and the Duties of

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‘good Subjects, concur with our Friends and Followers, in quiet manner, or in Arms, as we ſhall be required of His Majeſty, his Council, or any having his Authority. And therefore being moſt deſirous to clear our ſelves of all Imputation of this kind, and following the laudable Example of our Predeceſſors, 1589, do moſt humbly ſupplicate your Grace, his Majeſty's Commiſſioner, and the Lords of his Majeſty's moſt Honourable Privy-Council, to enjoin by Act of Council, that the Confeſſion and Covenant, which, as a Teſtimony of our Fidelity to God, and Loyalty to our King, we have ſubſcribed, be ſubſcribed by all his Majeſty's Subjects, of what rank and quality ſoever.

The King's Majeſty's Commiſſioner's Declarations.

‘THe which day his Majeſty's Commiſſioner, and Lords of Council, after the receiving of the Supplication of the General Aſſembly, anent the *ſubſcribing of the Covenant*, having returned to the Aſſembly, his Majeſty's Commiſſioner, in Name of the Council, declared, That he had received the Supplication of the Aſſembly, deſiring that the *Covenant* might receive the force of an Act of Council, to be ſubſcribed by all his Majeſty's Subjects, that they had found the Deſire ſo fair and reaſonable, that they conceived themſelves bound in duty to grant the ſame, and thereupon have made an Act of Council to that effect; and that there reſted now the Act of Aſſembly. And that he himſelf was ſo fully ſatisfied, that he came now as his Majeſty's Commiſſioner, to conſent fully unto it; and that he was moſt willing that it ſhould be enacted here in this Aſſembly, to oblige all his Majeſty's Subjects to ſubſcribe the ſaid *Covenant*, with the Aſſemblies Explanation. And becauſe there was a third Thing deſired, his Subſcription as the King's Commiſſioner, unto the Covenant, which he behoved to do, with a Declaration in writ; and he declared as a Subject, he ſhould ſubſcribe the *Covenant* as ſtrictly as any, with the Aſſemblies Declaration: But as his Majeſty's Commiſſioner, in his Name behoved to prefix to his Subſcription, the Declaration following, which no Scots Subjects ſhould ſubſcribe, or have the benefit of, no not himſelf as Earl of *Traquair*; the Tenour whereof follows.

‘SEeing this Aſſembly, according to the laudable Form and Cuſtom heretofore kept in the like Caſes, have in an humble and dutiful way, ſupplicate to us his Majeſty's Commiſſioner, and the Lords of his Majeſty's moſt Honourable Privy-Council, That the Covenant, with the Explanation of this Aſſembly, might be ſubſcribed. And to that effect, that all the Subjects of this Kingdom, by Act of Council, be required to do the ſame; and that therein, for vindicating themſelves from all ſuſpitions of Diſloyalty, or derogating from the Greatneſs and Authority of our Dread Soveraign, have therewith added a Clauſe, whereby this Covenant is declared one in ſubſtance with that which was ſubſcribed by his Majeſty's Father (of bleſſed Memory) 1580, 1581, 1590, and often ſince renewed. Therefore as his Majeſty's Commiſſioner, for the full ſatiſfaction of the Subjects, and for ſetling a perfect Peace in Church and Kingdom, do, according to my foreſaid Declaration and Subſcription,

'tion, ſubjoined to the Act of this Aſſembly, of the date the 17*th* of 'this Inſtant, allow and conſent that the Covenant be ſubſcribed 'throughout all this Kingdom. In Witneſs whereof I have ſubſcribed 'the Premiſes.

15 *Caroli.*

Like as his Majeſty's Commiſsioner read and gave in the Declation following, of his conſent to the Act of the Aſſembly, Auguſt 17, *anent the Cauſes of our By-gone Evils.*

'I *John* Earl of *Traquair*, his Majeſty's Commiſſioner in this pre-'ſent Aſſembly, do in his Majeſty's Name declare, That not-'withſtanding of his Majeſty's own Inclination, and many other 'grave and weighty Conſiderations, yet ſuch is his Majeſty's incompa-'rable Goodneſs, that for ſetling the preſent Diſtractions, and giving 'full ſatisfaction to the Subject, He doth allow, like as I his Majeſty's 'Commiſſioner do conſent to the foreſaid Act, and have ſubſcribed 'the Premiſes.

Like as his Majeſty's Commiſsioner read and gave in the Declaration following.

'IT is always hereby declared, by me his Majeſty's Commiſ-'ſioner, That the Practice of the Premiſes, prohibited within 'this Kirk and Kingdom of *Scotland*, ſhall never bind nor 'infer Cenſure againſt the Practices outwith the Kingdom. Which 'when the Commiſſioner deſired to be Inſert in the Regiſter 'of the Kirk, and the Moderator, in the Name of the Aſſembly, re-'fuſed to give Warrant for ſuch practice, as not agreeable with a good 'Conſcience. His Grace urged, that it ſhould be recorded at leaſt 'that he made ſuch a Declaration, whatſoever was the Aſſemblies 'Judgment in the contrary; and ſo it is to be underſtood to be inſert 'here only reſcitative.

Act ordaining the Subſcription of the Confeſſion of Faith *and* Covenant, *with the Aſſemblies Declaration.*

'THe General Aſſembly conſidering the great Happineſs which may 'flow from a full and perfect Union of this Kirk and Kingdom, 'by joyning of all in one and the ſame Covenant with God, with the 'King's Majeſty, and amongſt our Selves, having by our great Oath 'declared the Uprightneſs and Loyalty of our Intentions in all our 'Proceedings; and having withal ſupplicated his Majeſty's High 'Commiſſioner, and the Lords of his Majeſty's Honourable Privy-'Council, to enjoin by Act of Council, all the Lieges in time com-'ing to ſubſcribe the *Confeſſion of Faith* and *Covenant*, which is a Te-'ſtimony of our Fidelity to God, and our Loyalty to our King, We 'have ſubſcribed. And ſeeing his Majeſty's High Commiſſioner, and 'the Lords of his Majeſty's Honourable Privy-Council, have granted 'the deſire of our Supplication, ordaining by Civil Authority, all his 'Majeſty's Leiges in time coming, to ſubſcribe the aforeſaid *Covenant*, 'that

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'that our Union may be the more full and perfect, We by our Act 'and Conſtitution Eccleſiaſtical, do approve the foreſaid *Covenant*, in 'all the Heads and Clauſes thereof, and Ordains of new under all 'Eccleſiaſtical Cenſure, That all the Maſters of Univerſities, Colleges, 'and Schools; all Scholars at the paſſing of their Degrees; all Per'ſons ſuſpect of Papiſtry, or any other Error; and finally, all the 'Members of this Kirk and Kingdom ſubſcribe the ſame, with theſe 'words prefixed to their Subſcription. The Article of this *Covenant*, 'which was at the firſt Subſcription referred, the Determination of 'the General Aſſembly being determined, and that thereby the *Five 'Articles of Perth*; the Government of the Kirk by Biſhops; the 'Civil Places and Power of the Kirk upon the Reaſons and Grounds 'contained in the Act of the General Aſſembly, declared to be un'lawful within this Kirk, We ſubſcribe, according to the Determina'tion aforeſaid; and ordains the Covenant, with the Declaration, to 'be inſert in the Regiſters of the Aſſembly of this Kirk, General, 'Provincial, and Preſbyterial, *ad perpetuam rei memoriam*; and in all 'humility humbly ſupplicates his Majeſty's High Commiſſioner, and 'the Honourable Eſtates of Parliament, by their Authority to ratify 'and enjoin the ſame under all Civil Pains, which will tend to the 'Glory of God, Preſervation of Religion, the King's Majeſty's Ho'nour, and perfect Peace of this Kirk and Kingdom.

Seſſ. 24. 30 Aug. *a meridie.*

The Aſſemblies Supplication of the King's Majeſty.

Moſt Gracious Soveraign,

'We your Majeſty's moſt Humble and Loyal Subjects, the Com'miſſioners from all the parts of this your Majeſty's Ancient 'and Native Kingdom, and Members of the National Aſſembly, con'vened at *Edinburgh* by your Majeſty's ſpecial Indiction, and honoured 'with the preſence of your Majeſty's High Commiſſioner, have bin 'waiting for a day of Rejoycing, and of ſolemn Thankſgiving to be 'rendred to God by this whole Kirk and Kingdom, for giving us a 'King ſo Juſt and Religious, that it is not only lawful for us to be 'Chriſtians under your Majeſty's Government, which ſomtime hath 'bin the greateſt praiſe of great Princes, but alſo that it hath pleaſed 'your Gracious Majeſty to make known, That it is your Royal Will 'and Pleaſure, that all Matters Eccleſiaſtical be determined in free Na'tional Aſſemblies, and Matters Civil in Parliament; which is a moſt 'noble and ample expreſſion of your Majeſty's Juſtice; and we truſt 'ſhall be a powerful means of our common Happineſs under your 'Majeſty's moſt bleſſed Reign. In the mean while We do moſt hum'bly from our Hearts, bleſs your Majeſty for that Happineſs already 'begun in the late Aſſembly at *Edinburgh*; in the Proceedings where'of, next under God, We have laboured to approve our ſelves unto 'your Majeſty's Vicegerent, as if your Majeſty's Eyes had bin upon 'us; which was the deſire of our Souls, and would have bin the 'Matter of our full rejoicing; and do ſtill continue your Majeſty's 'moſt humble Suppliants for your Majeſty's Civil Sanction and

‘ Ratification of the Conſtitutions of the Aſſembly in Parliament;
‘ that your Majeſty's Princely Power, and the Eccleſiaſtical Authority
‘ joining in one, the mutual Imbracements of Religion and Juſtice,
‘ of Truth and Peace, may be ſeen in this Land, which ſhall be to us
‘ as a Reſurrection from the Dead; and ſhall make us, being not on-
‘ ly ſo far recovered, but alſo revived, to fill Heaven and Earth with
‘ our Praiſes, and to pray that King *Charles* may be more and more
‘ bleſſed, and his Throne eſtabliſhed before the Lord for ever.

The Aſſembly appoints the next General Aſſembly to ſit at *Aberdeen* the laſt *Tueſday* of *July* next, 1640; and warneth all Preſbyteries, Univerſities and Burroughs, to ſend their Commiſſioners for keeping of the ſame. And thereafter the Aſſembly was concluded, by giving of Thanks by the Moderator, and ſinging of a Pſalm, according to the Cuſtom.

Having given this brief Account of the Scotiſh Affairs, in reference to the Aſſembly at *Edinburgh*, let us return to the Tranſactions of Affairs in *England*, where we broke off, and there we find a Proclamation publiſhed by the King, declaring an Act of State, and the King's Command concerning a ſcandalous Paper lately diſperſed by the Scots among many of his Subjects, to the effect following.

Auguſt 11.
An Act of State againſt the *Scots* concerning a ſcandalous Paper lately diſperſed by them.

Whereas a Paper containing many Falſhoods, and tending much to the Diſhonour of his Majeſty's late Proceedings in the Pacification given to his Subjects of Scotland, hath been diſperſed in divers Parts of this Kingdom; whereupon an Act of Council hath bin made in theſe words enſuing:

On Sunday the fourth of Auguſt, 1639. His Majeſty being in Council, was pleaſed to acquaint the Lords with a Paper he had ſeen at Berwick, entitled, Some Conditions of his Majeſty's Treaty with his Subjects of Scotland are ſet down here for remembrance. Which Paper being in moſt parts full of Falſhood, Diſhonour and Scandal to his Majeſty's Proceedings in the late Pacification, given of his Princely Grace and Goodneſs to his Subjects of Scotland, hath bin very frequently ſpread here in England, and avowed by ſome in Scotland to have bin approved and allowed as Truth by ſome of thoſe Lords of England, who attended his Majeſty, and were preſent at the Pacification in the Camp. Whereupon the Paper having bin read, and his Majeſty commanding thoſe Engliſh Lords to declare their knowledg therein. The Earl Marſhal firſt begun to put his Majeſty in remembrance, that ſome few days after the Pacification was concluded, ſome of the Scotiſh Lords coming to the Lord Chamberlain's Tent, ſent to ſpeak with him, and the Earl of Holland, and offered them a certain Paper, which they pretended to have bin collected for the help of their Memories, and not otherwiſe, nor to be publiſhed: But the ſaid Engliſh Lords very dutifully and diſcreetly refuſed to accept that or any ſuch Paper, but referred themſelves totally to the Pacification in Writing. And the ſaid Earl

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Marſhal further declared, That now upon the reading, he for his part held the ſaid Paper for the moſt part falſe and ſcandalous, and no way agreable to what his Majeſty expreſſed at the Pacification.

Next the Lord Chamberlain declared, That he being ready to take Horſe, and a number of his Friends about him taking their leave, the Lord Loudon preſſed him with much importunity to receive a Paper, which he took, not knowing what it contained; but at night when he came to his Lodging, doubting it might be ſome ſuch Paper as had been formerly offered, and was refuſed, took it, without reading it, and ſealed it up, and ſo kept it till he preſented it to his Majeſty at Whitehall, profeſſing that till that time he had never read any one word of it, nor ſeen any other Copy thereof. Which Paper being that which had been divulged, was the ſame which his Majeſty had commanded to be read at the Board.

The Earl of Salisbury likewiſe deſired to juſtify himſelf of a particular Scandal laid upon him, that he had received and brought Copies of this Paper from the North; which he declared could not be, becauſe he was come away from the Camp before that Paper had bin offered, and that he had never ſeen that, nor any Copy thereof, before his Majeſty's return to Theobalds.

After this the Lord Chamberlain, the Earls of Salisbury, Holland, and Barkſhire, concurred with the Earl Marſhal, That the Contents of that Paper were for the moſt part notoriouſly ſcandalons and falſe, and contrary to what his Majeſty clearly expreſſed at the Pacification.

His Majeſty likewiſe declared, that before his coming from Berwick he ſhewed a Copy of this ſcandalous Paper to the Earl of Lindſey, the Earl of Holland, Maſter Treaſurer, and Maſter Secretary Cook, who fully concurred in the aforeſaid Opinion with the other Lords. All which Lords, and particularly the Earl of Holland, avowed the falſneſs thereof to the faces of thoſe Scotiſh Lords who were believed to be the Divulgers of it, (the Lords of the Council of Scotland being there likewiſe preſent).

All which conſidered, the whole Board unanimouſly became humble Petitioners to his Majeſty, That this falſe and ſcandalous Paper might be publickly burnt by the Hang-man.

His Majeſty declares his Pleaſure to continue his Commiſſion and Letters-Patents for Licenſing Retailers of Tobacco, notwithſtanding his Proclamation.

Concerning Retailers of Tobacco.

WHereas by his Majeſties Proclamation, dated at York the 9th of April laſt, it was declared, that among ſundry other Commiſſions granted upon untrue Surmiſes, a Commiſſion for compounding with Offenders touching Tobacco was thereby revoked and determined. Under colour whereof ſundry Perſons have pretended that his Majeſties Commiſſion to the Lord Goring and others, for licenſing Retailers of Tobacco, was thereby called in; and thereupon the like Commiſſioners have bin interrupted in their Proceedings in their Service, and Tobacco in divers parts of the Kingdom hath bin retailed without his Majeſty's Licenſe, and many who have Licenſes have forborn to make payment of their Rent.

His Majeſty therefore, to remove all Doubts, hath thought fit, with the Advice of his Privy-Council, publickly to declare his Royal Intention, that his Majeſty's Letters-Patents and Commiſſion to the Lord Goring, concerning the Licenſers of Retailers of Tobacco, was not meant to be impeached by the ſaid Proclamation of the 9th of April laſt; but that the ſaid Letters-Patents and Commiſſions are ſtill in force, and no way infringed.

At the Court at *Whitehall*, *Aug.* 25. 1639.

Preſent,

The King's moſt Excellent Majeſty,

Lord Archbiſhop of *Cant.*
Lord Keeper,
Lord Duke of *Lenox*,
Lord Marqueſs *Hamilton*,
Earl Marſhal,
Lord High Admiral,
Earl of *Dorſet*,
Earl of *Saliſbury*,
Earl of *Holland*,
Lord *Goring*,
Lord *Cottington*,
Lord *Newburgh*,
Mr. Comptroller,
Mr. Secretary *Windebank*.

According to his Majeſty's Pleaſure ſignified by Mr. Secretary *Windebank*, *George* Lord *Goring* was this day ſworn of his Majeſty's Privy-Council, ſate at the Board, and ſigned Letters.

Auguſt 25. the Lord *Goring* made one of the Privy-Council.

The Oath which he took was as followeth:

The Oath of a Privy-Counſellor.

YOu ſhall ſwear to be a true and faithful Servant unto the King's Majeſty, as one of his Privy-Council: You ſhall not know or underſtand of any manner of thing to be attempted, done, or ſpoken againſt his Majeſty's Perſon, Honour, Crown, or Dignity Royal, but you ſhall let and withſtand the ſame to the uttermoſt of your Power; and either cauſe it to be revealed unto his Majeſty himſelf, or to ſuch of his Privy-Council as ſhall advertiſe his Highneſs of the ſame. You ſhall in all things to be moved, treated, and debated in Council, faithfully and truly declare your Mind and Opinion, according to your Heart and Conſcience; and ſhall keep ſecret all Matters committed and revealed unto you, or ſhall be treated of ſecretly in Council. Or if any of the ſaid Treaties and Counſels ſhall touch any of the Counſellors, you ſhall not reveal it unto him, but ſhall keep the ſame, until ſuch time as by the conſent of his Majeſty, or of the Council, publication ſhall be made thereof. You ſhall to your uttermoſt bear Faith and Allegiance unto the King's Majeſty, his Heirs, and Lawful Succeſſors, and ſhall aſſiſt and defend all Juriſdictions, Preheminencies, and Authorities, granted to his Majeſty, and annexed to his Crown, againſt all Foreign Princes, Perſons, Prelates, or Potentates, by Act of Parliament, or otherwiſe.

And generally in all things you ſhall do, as a faithful and true Servant and Subject ought to do to his Majeſty. So help you God, and the holy Contents of this Book.

The Spaniſh *Armado* appears on the Engliſh Coaſt.

The King had not bin returned from *Berwick* much above a month, when there appeared upon the *Engliſh* Coaſt a great *Spaniſh Armado*, diſcovered firſt beyond the *Lands-End* by a Fleet of *Hollanders* about the 17*th* of *September*. The Fleet was commanded by *Don Antonio D'oquendo*, conſiſting of about ſeventy Sail of Ships; at the firſt ſight they appeared like the Invincible Navy in 88. The Vice-Admiral of *Holland*, with ſeventeen good Ships ingaged them, yet in a retreating poſture, being much too weak for ſo great a Navy: And when he came into the *Narrow Seas*, ſtill kept firing of his Ordnance upon the Enemy, having got the Wind of them, with intent not only to annoy them, but to give warning to the *Holland* Admiral *Van Trump*, then lying before *Dunkirk* with part of the *Holland* Feet; who upon the noiſe of the Cannon weighed Anchor, and within few hours, bringing with him eight tall Ships, joined with the ſeventeen Sail. And being now 25 in number, they reſolutely ſet upon the *Spaniſh* Fleet, held out a fierce Engagement with them moſt part of that day; took three Galleons, ſunck one, and ſhattered the reſt; inſomuch that the *Spaniard*, for his better ſecurity, betook himſelf to the *Downs* near *Dover*, aſſuring himſelf of protection while he lay in the King of *England's* Chamber.

That Night, by the help of an Engliſh Pilot, the *Spaniard* ſent away ſixteen Ships with 4000 Land-men, who in the dark eſcaped the *Dutch*, and got ſafe to *Dunkirk*.

The King ſent the Earl of *Arundel* to the Commander of the *Spaniſh* Fleet, for a ſight of his Commiſſion, and to know the occaſion of his coming upon the Coaſt with ſo great a Navy and Army, having abord in number about 20000 Land-men (as the King was informed) beſides Seamen.

The Spaniſh *Don* returned this Anſwer, That the King of *England* might be well aſſured, that there was no evil intention towards him, nor had they any Deſign upon any part of his Dominions, for they were only ſent with Recruits to *Dunkirk* and *Flanders*, with mony to pay the Souldiers there.

That Anſwer was all the Commiſſion the *Spaniard* ſhewed.

The King afterward deſired him to retreat with the firſt fair Wind, for that he was in Amity with both States, and would not willingly have them engage within his Dominion of the Seas. Captain *Pennington* in the mean time received Orders from his Majeſty to ride with the Royal Navy in the *Downs*, and there to wait the iſſue of this Buſineſs.

Great were the hopes of the *Spaniard* to have procured from the King of *Great Britain*, (which was not a little laboured for by the Lord *Cottington*) that Captain *Pennington* ſhould be Umpire between both Parties, and not ſuffer any further Engagement, but fall upon that Party that ſhould, without his leave, give the firſt onſet.

But thoſe endeavours proved ineffectual, for the *Spaniard* having ſtaied almoſt a month for a Wind to carry him out, the *Hollander* had in the mean time increaſed his Fleet to almoſt an hundred Sail, and incompaſſed the *Spaniard*, without receiving any oppoſition from Capt. *Pennington*.

The *Spaniard* in the interim being ſupplied from *London* with Powder and other Ammunition, in ſuch Proportion and Quantity as he deſired.

The *Hollander* impatient of lying ſtill, and being grown ſo ſtrong, that he ſeemed, as if he cared neither for the *Engliſh* nor *Spaniſh* Fleet, divided his Fleet into Squadrons in order to a Fight; which the *Spaniard* diſcovering, put himſelf into the beſt poſture he could to receive him. The Encounter was very hot and furious for the time, till the *Hollander* faſtned ſome Fire-Ships upon the *Spaniard*, and ſo overpowred him with Cannon, that at laſt the *Spaniard* was forced to ſhift for himſelf: About twenty *Spaniſh* Ships,under the Command of the Vice-Admiral, ran upon the Shore and were ſtranded, but moſt of the Men got on ſhore. About five of the *Spaniſh* Ships were ſunk and burnt, whereof one a great Galleon, which was the Vice-Admiral, and carried fifty Pieces of Braſs Ordnance; the reſt of the Ships, being about thirty in number, put to Sea under the Command of *Don Antonio*. The *Hollanders* made ſail after them, firing upon their Rear, till a great Fog ſomewhat abated the heat of the purſuit, yet the *Hollander* kept ſo cloſe, as that he continued firing now and then upon the Rear of the Enemy, till the Fog cleared up; and then the Fight began afreſh, and the Admiral of *Portugal* being fired, and divers of the *Spaniards* taken, *Don Antonio*, with about ten Ships of the Fleet, hired an *Engliſh* Pilot, ſteered a Courſe for *Dunkirk*, and gained a ſafe Harbour, the reſt were taken and ſunk.

The *Spaniards* that came to Land near *Dover*, told the Country People, That they were brought out of the Kingdom of *Spain* againſt their Wills, and by a Device, *viz.* That the Beacons being fired, as if an Enemy had landed, all the Country runnig down with Arms and Clubs toward the Sea-Coaſt, to prevent further Danger, were, as ſoon as they came there, clapt aboard the Ships, and brought away.

It occaſioned no ſmall diverſity of Opinion, that ſo great an *Armado* ſhould come upon the *Engliſh* Coaſt at ſuch a conjuncture of Time.

And it was obſerved, that the Governor of *Dunkirk* did abſolutely refuſe, till afterwards he had particular Orders from the chief Governor of *Flanders*, to give the aforeſaid 4000 Souldiers entrance into *Dunkirk*, not knowing what the Deſign might be.

Some diſcourſed that the aim was upon the *Iſle of Wight*, ſeveral of the Trained Bands of that County being that Summer commanded into the North, and the Governor, or his Deputy, having about that time of the *Spaniard*'s coming upon our Coaſt, in a Frolick, (at drinking of Healths) well nigh ſhot away all the Powder, ſo that the Inhabitants had not enough wherewith to reſiſt an Enemy if they had landed.

Nor had *Kent* Arms to defend their Coaſts; for the Trained-Bands were ordered to furniſh the Souldiers that went by Sea to *Scotland* with Arms.

Others conjectured, that they were intended for *Ireland*, where there was an Army raiſing of 8000 Men, about 7000 whereof were

Papiſts,

An. 1639. Papiſts, who might better ſecure their Landing in that Kingdom, and where there was no want of Men of the ſame Religion to join with them, and Men of Experience to Command them; for there were not in the Fleet Commanders in any meaſure proportionable to the number of Men aboard the Ships.

But it was wondred at by all, that the King of *Spain* ſhould be at ſo great a Charge to convey his Mony into *Flanders*, when the *Engliſh* Ships had from Year to Year performed the ſame Service for the expence of Coinage in the *Tower*.

Jealouſy did ariſe amongſt others, becauſe at that time all the Gunpowder was placed in one hand, and the *Tower* of *London* in the Command of one not acceptable to the Nation at that time.

Another ſort concluded they were bound for *Scotland*, in hope that both theſe Nations would ſhortly be involved in a War.

This enſuing Propoſition made to the King of *Spain*, was diſcovered about that time the ſaid *Armado* came on the *Engliſh* Coaſt; upon the out-ſide of the Paper was ſubſcribed *Bro*—entituled, *The means to eſtabliſh the Catholick Religion in* Scotland.

But the Author leaves the Reader free to his own Judgment, what Application can be made, that the Paper had that Deſign, in reference to the preſent Diſturbances in *Scotland*. The Propoſition was in theſe words.

'FOr the Enterprize, there ſhall be need of no more than 3000 Men of Aid, which ſhall land in the Iſlands of *Orkney*; which being of themſelves ſtrong, may be made in a little time impregnable; beſides they are fertile, and abundance of all things neceſſary for the ſuſtaining of the aforeſaid number, and very near the Strengths of the moſt principal and powerful Catholicks of *Scotland*; amongſt which is the Earl of *Caithneſs*, who is Lord of all thoſe parts of *Caithneſs*, which are neareſt the Iſlands of *Orkney*, and may aid us with 4000 Men to join with the others; which after having fortified, and made ſure the *Iſlands*, ſhall paſs on to Dondee, and St. *Johnſtons*, Places very eaſy to fortify and to keep, being divided from the firm Land by the great River of *Frith*, which is ſo deep, that the Enemy cannot paſs it with their Horſe, neither can the Foot endanger us, becauſe they muſt of neceſſity enter by the Mountains of *Atholl*; the which with a Fort made with 300 Men, ſhall be inacceſſable: And although we ſhould give them free paſſage, they could not prejudice us, as well for that Multitude on our part, and the ſtrength of the Country, as alſo for the Intelligence we ſhall have amongſt them: And if they would ſet upon us by Sea, they can ſet out no Fleet ſo ſtrong as ours ſhall be, except all the Kingdom contribute to it. The which cannot be done except all the States do join; of which we of the Confederacy ſhall be the greater part; and ſo the Enemy ſhall forthwith be forced, either to give Liberty of Conſcience to the Catholicks, or put themſelves in evident danger of loſing all.

The Commodities which ſhall reſult from this Enterprize.

The King of *Spain.*

'Your Majeſty ſhall get great Honour and Reputation by doing 'ſo remarkable Services to God and his Church; and ſhall put 'your Enemies to ſuch a ſtreight, and ſuch extraordinary Expences, 'that they ſhall now ſpend more in one Year, than they have done in 'many; becauſe the *Hollanders* ſhall either be forced to maintain an 'Army, (not to Rob, as they have done in the *Indies*, but for their 'own Defence) or to let their Fleet be taken, which goes every 'Year to fiſh in our Sea; by which means they would want Proviſion, Ships, and Mariners, and other incredible Damages would 'follow; and howſoever it ſhould be, we may take from them, or at 'leaſt interrupt their Trade of *Denmark*, *Hamburgh*, and *Lubeck*, '*Breme* and *Embden*, without which they cannot live.

'Laſt of all, Thoſe of *Dunkirk* and *Newport*, which have no other 'Ports to retire themſelves to, ſhall not want them in *Orkney*, with a 'proſperous Wind, to their great Commodity, and annoying their 'Enemy.

'As for the King of *Great Britain*, if he will not give Liberty of 'Conſcience, he ſhall be reduced to it with no leſs Dammage; and if 'he would hinder our Enterprize, he muſt maintain three Armies, 'two by Sea, one on the Weſt ſide, the other on the Eaſt, and the 'third by Land; which ſhall do us no great hurt, by reaſon the *Scots* 'will never conſent that the *Engliſh* ſhall enter into *Scotland*, except 'it be with ſo ſmall a Troop, as ſhall be of no effect, and ſhall be always ſubject to be expoſed to all Danger, and to be caſt out from 'thence at our pleaſure, and this for the great Enmity and Diſtruſt 'which is and always hath bin between both Nations. Beſides, the '*Engliſh* Catholicks which are now Baniſhed, or ſhall be hereafter, 'may retire themſelves thither, and hold correſpondency with much 'facility in *England*, and ſhall handle and negotiate for the Service of 'God, and your Majeſty, and much prejudice the King: And they 'ſhall be ſuccoured and helpt of the *Iriſhmen* with all things neceſſary, 'and upon all occaſion that ſhall be offered.

'For this purpoſe there ought to be a Conſideration of the great 'miſchief that may light upon God's Church, and this Monarchy; 'if the King of *England*, being confederate with all the Hereticks 'and Enemies of God and *Spain*, ſhould have opportunity during 'his Life, to carry forward and facilitate his Pretence and Title which 'he hath to the Crown of *France*, the Buſineſs will be ended before 'we can from hence hinder him, and he will be the moſt powerful 'Enemy to God's Church, and prejudicial to this Monarchy, that ever 'hath bin, conſidering the great Power he ſhall have both by Sea and 'Land, with the Aid of *Denmark* his Brother-in-Law, *Holland*, and 'other Hereticks his Confederates.

'Other things there be of more Importance, which are not fit to be 'written, which I reſerve to tell your Majeſty by word of mouth, 'or to whomſoever of your Council your Majeſty ſhall be pleaſed to appoint; to whom I will alſo give a more particular Account and Satisfaction of what I have here propoſed.

Now

An. 1639.

Now in regard this Paper doth mention the Ferries in *Scotland*, and the advantage of ſtrength which that part of the North of *Scotland* hath thereby, the Reader for his diverſion may caſt his eye on this Deſcription following, which was made for his Majeſty's ſervice againſt the *Covenanters*.

A Paper of the Ferries in *Scotland*.

‘THe River of *Neſs* is large and deep, falleth out of a Lake named *Neſs*, twenty four Miles long, and five or ſix in breadth, into a great Bay of the Sea. On this River ſtandeth the Town of *Innerneſs*, which hath a ſtrong Caſtle, in the keeping of the Marqueſs of *Huntly*, as yet not taken. If in this Town and Caſtle were put a competent Garriſon, with a Ship and Pinnace in the Bay, you might break the Ferry-Boats, and ſtop all Paſſages from Northward of that River.

‘The River of *Tay* falleth out of a Lake ten Miles long, and one and a half broad, from whence the River hath the Name, which is the main and only Paſſage between the North and South Parts of the Kingdom. This River falleth into the Eaſt Sea below *Dundee*, the biggeſt Town almoſt in *Scotland*. At the entry to the Sea it is two Miles broad, and continueth the ſame breadth upward till within three or four Miles of St. *Johnſtown*, between which Town and *Dundee* there are ſixteen Miles and above, at no part whereof there is any paſſage but by Ferry-boats. If a few Ships would ride at the Mouth of this River below *Dundee*, and ſend up ſome ſmall Pinnaces, they might break all the Ferry-boats, and ſtop all the Paſſages that could be made over at any part between the North of the River and the ſaid Town of St. *Johnſtown*, above which to the ſaid Lake the River is not ridable but at ſome few Fords, the Paſſages whereof might be kept by the Noblemen, who ſtand well affected to his Majeſty's Service, and whoſe Eſtates do lie there about *Strathern*; ſuch as the Earls of *Airly*, *Perth*, *Tullibarden*, and *Kinnoul*: who if they were ſent home with a competent Number of Souldiers to attend them, all thoſe of their Name, their Friends and Tenants gathered unto them, might ſtop all Land-paſſages whatſoever from North to South.

‘And in caſe the People of *Fife*, who dare not now croſs *Forth*-River, in regard of your Majeſty's Ships, ſhould march with ſupply by *Sterling*-Bridge to *Lothian*, theſe Noblemen with their Forces might be in ſome narrow Paſſage in their way; and if they could not force them to retire, yet they might fall upon their Country in their abſence, ſo that they could not both be able to defend their Sea-Coaſts, and ſecure them from Danger on their Backs; neither durſt they all turn back on *Strathern*, for fear that thoſe of the Fleet ſhould land on their Shores in their abſence.

‘The Shire of *Perth* would be a Rendezvouz and ſafe Retreat to all thoſe of *Fife*, *Angus*, *Strathern*, and the *Highlands*, who upon this Proclamation ſhall abandon the *Covenanters* Party, and ſtand for his Majeſty's Service.

‘Theſe four Noblemen, with the Number your Majeſty will ſend with them, might be ſent almoſt to their Dwellings by Sea on the ſaid River.

‘If the Town of *Sterling* were ſeized, theſe River-Paſſages made ‘ſure, and the Town of *Aberdeen* ſecured, in regard of your Majeſty's ‘Forces in the North, no harm could be expected from the ‘North.

An Account of the Spaniſh Armado *this preſent Year* 1639, *but for what Invaſion not yet known.*

This Paper was ſent from beyond Seas, before their Arrival in the *Downs* near *Dover*.

THeir Gallenſes, Gallions, and Gallies,	200	*in toto*, 380.
Ships built after the Engliſh faſhion,	120	
20 Hulks, 20 Pinks, 20 Carvels, in all,	60	
Land-Souldiers,	26000	
Voluntary Noblemen and Gentlemen,	800	
Great Ordnance,	4000	
Saylors,	13000	
Gally-Slaves,	3000	
Kintals of Pouder,	9000	
Poyſoned Bullets for Ordnance,	420000	
Hollow Bullets with wild Fire,	20000	
Muskets and Callivers,	22000	
Partizans,	10000	

Double Cannon, Field-Pieces, Dry-fats filled with old Nails and broken Iron, with ſtore of Carriages, and other Neceſſaries both for Sea and Land-Service, without number. Alſo there are 3000 Spears, and Armor Muſquet-proof. There is great proviſion for Wine, Biſkets, Hogs, Bacon, Cheeſe, Beeves, Rice, Peaſe, Oats, Lamps, Pipes for freſh Water, Torches, Lanthorns, Canvas, Lead, Spades, Mattocks, Shovels, Goulthrip, Baskets, Bruſhtrops innumerable.

The Names of the Commanders of the Fleet.

Duke *Albaigne*,
Duke *Erdiſicke*,
Duke *Dadon*,
Marqueſs *de* Dal,

Don *Michel deme Schedula*,
Don *Jugg Piker de la*,
Don *Egmunda*,
With other Dons.

With theſe the Arch-Duke is to meet with great Forces, and to be General of the whole, who is reported to have a Ship thought to be Cannon-proof for this Armado. There commeth with the Arch-duke Marqueſs *Spinola* the younger, the Earl of *Tyrone*, and the Earl of *Arquila*, with 3000 Horſe to be tranſported in flat-bottomed Boats. The ſecond Son to the Duke of *Savoy* is Admiral of the *Spaniſh* Navy; Sir *Robert* Dudley, Vice-Admiral; Sir *Griffin Markeham*, and Sir *Guy Stanley*, Colonels of Regiments. Alſo there is one *Nevil*, who termeth himſelf Earl of *Weſtmerland*, who hath a great Command.

The Names of the Cities that have ſent in Ships.

From

Avire,	20
Valentia,	20
Lisbon,	40
Groine,	50
Cadiz, and *Mary-Port,*	20
St. *Sebaſtians,*	20
Naples,	40
Barcelonia,	70

in toto, 280

There are lately arrived at *Lisbon* twenty armed Elephants ſent from *Perſia,* but for what purpoſe is unknown.

A Copy of a Letter ſent from *Malago.*

IN this place there is great proviſion for War, (the like hath not bin known in Spain*) from whence the King is to have* 1000 *Tun of Wine and Vinegar; and likewiſe there is provided* 10000 *Barrels of ſmall Shot,* 10000 *Kintals of Pouder,* 60000 *Broaches or Bottles,* 60000 *Baskets for Pioneers, with an incredible Number of Spades, Shovels, Scroops, Mattocks, and all other Proviſion for Victuals, as alſo Wild-fire.*

There is alſo expected for this Expedition from Dunkirk, and other Places in the *Netherlands* under the King of *Spain*'s Dominions, great Aſſiſtance.

Prayers for the Souls of thoſe ſlain in the *Spaniſh* Armado.

About ten days after the Parliament met in *April,* Sheriff *Warner* informed the Speaker ſomething concerning the ſaid Armado, whereupon *Thomas Chude* and *John Clay* were called in to the Houſe of Commons, to teſtify touching a Book, entitled, *The Jubilee of Jeſuits.* And firſt, *Thomas Chude* declared, That he had one of thoſe Books in his Cuſtody, he had it from a Woman at *Redriff,* Wife to *Henry Cradwel,* a Cobler, whoſe Wife is a Papiſt; that he delivered the Book the ſame day he had it to the Sheriff of *London,* Sheriff *Warner*: In which Book was contained, *That the Papiſts ſhould fiſh in troubled Waters, whilſt the King was at War with the* Scots; with Prayers in it for the *holy Martyrs, that ſuffered in the Fleet ſent againſt Hereticks in* England, *Anno* 1639.

At *Whitehall,* Octob. 20. 1639.

Monies given to exempt Men from ſerving the King in this Expedition complained of.

‘THis day a Letter of the fourth inſtant, from the Deputy-Lieutenants of the County of *Devon,* was read at the Board, together with a Paper incloſed, containing the Names of ſome Perſons found to be Delinquents, for exacting Monies to exempt many of the Trained Men from ſerving of his Majeſty in the late Expedition. *Degory Doole* of *North-Petherwin* ſaith, he gave nine Pounds and eighteen Shillings to Mr. *George Yeo,* the Captain's Brother, to be given to Sir *Lewis Polland*'s ſecond Son, to exempt him from his

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‘Majeſty's Service; but he believes the Deputy Lieutenant knew nothing of it. *Thomas Jeffrey* of *Mankorkhampton* ſaith, he gave ſix Pounds to Mr. *Hugh Pollard*, Lieutenant, to have his Supply to be taken, and paid his Supply beſides. *John Tellerd* of *Marlborough*, as did appear by examination, is guilty of Exaction of both the Sums, *viz.* eight Pounds and ten Shillings of *Edward Stretch*, and Fifteen Pounds of *John Avent*, both of the Pariſh of *South-milton*. Their Lordſhips upon conſideration had thereof, did think fit and order, That his Majeſty's Attorney General ſhould be prayed and required to exhibit an Information in the Star-Chamber againſt the ſaid Delinquents.

Writs to be iſſued for Ship-Money, and a Liſt of the Ships.

Nov. 10.

‘IT was this day reſolved by his Majeſty, with Advice of the Board, that there ſhall be iſſued Writs forthwith to all the Counties of *England* and *Wales*, and to the Corporations within the ſame, for the ſetting forth and furniſhing in warlike manner of Ships for the defence of the Realm, according to the Liſt herewith ſent; the ſaid Ships to be ready at the ſame Rendezvouz by the firſt of *April*; and the Time for the firſt Aſſeſment to be within thirty days after the receipt of the Writs reſpectively. Whereof his Majeſty's Attorney General is to take notice, and to prepare a Warrant ready for his Majeſty's ſignature, directed to the Lord Keeper, to iſſue out the Writs accordingly. And a Minute of Letters and Inſtructions is to be prepared for the expedition of this Service.

Diſtribution of Ships to the ſeveral Counties of *England* and *Wales*, with their Tunnage and number of Men, as the ſame was ordered to ſtand this preſent Year.

	Ships.	Men.	Tuns.
Berks	1	128	320
Buckingham	1	144	360
Bedford	1	096	240
Briſtol	1	026	064
Cornwall	1	176	440
Cambridg	1	112	280
Cumberland and Weſtmorland	1	045	112
Cheſter	1	096	240
Devon	1	288	720
Darby	1	112	280
Dorſet	1	160	400
Dureſm	1	064	160
Eſſex	1	256	640
Gloceſter	1	176	440
Hampſhire	1	192	480
Hereford	1	112	280

An. 1639.

	Ships.	Men.	Tuns.
Huntingdon	1	064	160
Hertford	1	128	320
Kent & Ports	1	256	640
Lancaſter	1	128	320
Leiceſter	1	144	360
Lincoln	1	256	640
London	2	448	1120
Middleſex	1	160	400
Monmouth	1	048	120
Northampton	1	192	480
Nottingham	1	112	280
Northumberland	1	068	168
North-Wales	1	128	320
Norfolk	1	253	624
Oxon	1	112	280
Rutland	1	026	064
Somerſet	1	256	640
Surrey	1	112	280
Suſſex	1	160	400
Suffolk	1	256	640
Stafford	1	096	240
South-Wales	1	160	400
Salop	1	144	360
Warwick	1	128	320
Worceſter	1	112	280
Wilts	1	224	560
York	2	384	960

The Cauſe between the Lord Deputy of Ireland, *and Lord* Loftus, *appointed to be heard.*

Nov. 12. 'THis day his Majeſty and the Board entered into the hearing of 'the Cauſes between the Lord *Deputy* and Council of *Ireland*, 'and the Lord *Chancellor* of that Kingdom. And his Majeſty's Attorney General having opened the General Charges againſt the ſaid 'Lord *Chancellor*; his Majeſty, with the Advice of the Board, proceeded to the hearing of the Charge, expreſſed in the Order of the 'third of *November* laſt, concerning the Lord *Chancellor*'s delivering 'of the *Negative Voice* of the Nobility, to the Contribution for the 'Army; which being done, and the Lord Chancellor's Counſel ſtill 'inſiſting, that the Cauſe of the Lord Chancellor's Appeal might be 'heard before the other Charges. The Lord Deputy, in the Name 'of himſelf, and of the Council of *Ireland*, humbly beſought his 'Majeſty, That the Lord Chancellor of *Ireland*'s Counſel might have 'their Deſires. Whereupon the ſaid Cauſe was entred into, by reading 'of the Decree of the Lord Deputy & Council of *Ireland*; and Order 'was given that the ſaid Cauſe ſhould be proceeded in upon the 'grounds of Appeal, delivered by the Lord Chancellor. And *Tueſday*, at two after Dinner, the 19*th* of this Month, was appointed 'for the further hearing of the ſaid Cauſes, whereof all the Parties 'concerned therein are to take notice, and to prepare themſelves, with 'their Counſel, and to attend accordingly.

Letters of the Tenour following, were directed to the preſent Sheriffs of the ſeveral Counties under-named; and to the Sheriffs reſpectively, who had the charge to execute his Majeſty's Writs in the ſaid ſeveral Counties, for the Ship-Money in the Years hereafter written.

A Letter from the Lords of the Council to the reſpective Sheriffs, to pay in the Arrears of Ship-Mony for ſeveral years paſt.

WHereas upon examination of the Accounts of the Shipmony taken by us, in the preſence of his Majeſty, to be levied upon the Writs iſſued in the Years 1636, 1637, 1638; notwithſtanding the continual calling upon you the Sheriffs of the former Years by this Board, by his Majeſty's ſpecial Command, it appeareth there is yet an Arrear upon you the Sheriff of that County, upon the Writ iſſued in the Year 1636, the Sum of and upon the Writ iſſued 1636, the Sum of and upon the Writ iſſued 1638, the Sum of We have therefore thought fit hereby, according to his Majeſty's ſpeciall Command, to require you the Sheriffs for the former Years, with all poſſible ſpeed, upon pain of his Majeſty's Diſpleaſure, and a ſevere Proceeding to be had againſt you, to pay in reſpectively to the Treaſurers of the Navy, ſo much of the ſaid Arrears as you have already Collected and not paid in. And to Aſſeſs, Levy, and Collect, by Diſtreſs or otherwiſe, according to the Tenour of the ſaid Writs iſſued in the ſaid former Years, the reſidue of the ſaid Arrears remaining unaſſeſſed, unlevied, or uncollected, and to pay in the ſame with all poſſible ſpeed reſpectively as aforeſaid. For which purpoſe we do Require and Authorize you, the preſent Sheriff, to give Warrant and Authority to you the Sheriffs of the former Years reſpectively, for the Aſſeſſing, Levying, and Collecting, as aforeſaid, of the ſaid Arrears. As alſo to give like Warrants and Authority to ſuch other meet Perſons, as you the Sheriffs for the former Years ſhall preſent reſpectively, and nominate unto you the preſent High Sheriff, either jointly or ſeverally, to be imploied in this Service, by you the Sheriffs of the former Years, (from whom only his Majeſty doth expect an Account thereof for your own time reſpectively). Of performance of all which, you, or either of you, may not fail, as you tender the good Opinion of his Majeſty and the Board, at your Perils. And you the Sheriffs for the former Years, are to collect and pay in, all the ſaid Arrears reſpectively, to the Treaſurer of the Navy, by the end of Candle-maſs-*Term. Or elſe you (or as many of you as fail herein) are to attend his Majeſty and the Board, on the next* Sunday *after the Term, to give an account why the ſame is not levied and paid in. And ſo, &c.*

From *Whitehall* the laſt day of *November*, 1639.

Signed,

Lord Arch-Bp of *Canterbury.*
Lord *Keeper.*
Lord *Treaſurer.*
Lord *Privy-Seal.*
Earl of *Suffolk.*
Earl of *Dorſet.*
Earl of *Berkſhire.*

Lord *Goring.*
Lord *Cottington.*
Lord *Newburgh.*
Mr. *Treaſurer.*
Mr. Secretary *Cook.*
Mr. Secretary *Windebank.*

	ARREARS, *An.* 1636.			ARREARS, *An.* 1637.			ARREARS. *An.* 1638.		
	l.	*s.*	*d.*	*l.*	*s.*	*d.*	*l.*	*s.*	*d.*
Bedford	073	19	08	252	14	05	711	00	00
Gloceſter	250	00	00	337	00	00	323	00	00
Hertford	117	19	06	441	16	07	627	10	00
Hereford	074	13	00	1169	13	06	1150	00	00
Kent	200	00	00	771	07	06	336	11	04
Middleſex	488	00	00	858	06	07	468	00	00
Northampton	650	00	00	1793	01	06	838	13	03
Northumberl.	700	00	00	900	00	00	700	00	00
Oxon	484	11	06	683	01	00	700	00	00
Somerſet	191	08	05	239	02	06	488	00	00
Surrey	255	06	00	252	16	03	414	00	00
Stafford	300	00	00	120	00	00	200	00	00
Salop	052	17	06	172	16	02	676	01	11
Warwick	484	00	00	800	00	00	780	00	00
Worceſter	096	00	00	1070	00	00	710	00	00
Wilts	800	00	00	858	01	00	1500	00	00
Dorſet	320	00	00	876	00	00	350	00	00
Buckingham	1080	00	00	854	15	00	355	04	09
Briſtol City and County	233	08	06	100	00	00	900	00	00
Cambridg	000	00	00	140	00	00	150	00	00
Cumberland	000	00	00	054	00	00	300	00	00
Derby	000	00	00	106	00	00	270	00	00
Dureſme	000	00	00	430	00	00	700	00	00
Eſſex	000	00	00	120	00	00	211	00	00
Huntington	000	00	00	084	15	00	271	00	00
Leiceſter	000	00	00	400	00	00	078	00	00
Lincoln	000	00	00	2622	05	01	797	00	00
Norfolk	000	00	00	078	02	11	150	00	00
Suffolk	000	00	00	075	12	10	621	15	00
Weſtmerland	000	00	00	240	00	00	300	00	00
Yorkſhire	000	00	00	1237	15	06	510	00	00
Lancaſhire	000	00	00	172	10	00	000	00	00
Devon	000	00	00	742	00	00	000	00	00
Berkſhire	000	00	00	000	00	00	620	00	00
Cornwall	000	00	00	000	00	00	383	00	00
Southampton	000	00	00	000	00	00	128	00	00
Nottingham	000	00	00	000	00	00	250	00	00
Pembroke	000	00	00	000	00	00	090	00	00
Denbigh	000	00	00	000	00	00	068	00	00
Flint	000	00	00	000	00	00	066	00	00
Carmarthen	000	00	00	000	00	00	301	00	00
Montgomery	000	00	00	064	00	00	322	00	00
Brecknock	000	00	00	054	00	00	161	00	00
Cardigan	000	00	00	294	00	00	124	00	00

Sir Thomas Roe *his Advice from beyond Seas to the King, to intercept* Leſley *and Ammunition, &c. coming to* Scotland.

Nov. 22.

‘THe Scots-men that arrive in theſe Parts, ſpeak deſperately and traiterouſly, as if there were very ill Reſolutions fomented in that Kingdom. *Leſley* hath written to a Merchant in *Bremen*, his principal Correſpondent in theſe parts, that he will come thither in *March* or *April* for ſome Buſineſs, and return with ſpeed. *Bremen* is the only reſort now of the *Scots*, and the only Port from whence they can ſecurely extract all kind of Arms and Munition. If his Majeſty could ſurpriſe him, I am perſwaded it would be a ſmart blow to behead a Faction, upon whom the Mutineers do ſo much rely. To this end, If a ſmall Ship were ſent betimes to ride in the River of *Weſer* at *Geſſendorp*, or *Hanibrake*, two or three months, it would not be Charges loſt, and would terrify that Town. The Ship may be ſent out ſecretly, and the Captains Commiſſion, whither he ſhall go, be opened when he is at Sea; with Directions only to watch Ships bound from or to *Scotland*, and thus he may perhaps catch the Prey deſired. For there can be no advice of his being there in *Scotland* in a month at leaſt, and in the mean time he may hinder all Proviſions to be tranſported thither. But if that way ſhall be thought too open, his Majeſty may write an effectual Letter to the Arch-Biſhop of *Bremen*, to Arreſt his Perſon in that Town, or within his Territory: And another to the King of *Denmark*, and Magiſtrates of this Town. *Leſley* being his Majeſty's Subject, I am perſwaded it cannot be denied, for I have ſeen the Example freſh in the *Palatinate*, at the Inſtance of the Duke of *Holſtein*. Theſe Letters may lie dormant in mine or Mr. *Averies* hands, to be uſed, if there be occaſion; if there be none, they may be returned without noiſe, ſo the Buſineſs be kept ſecret, which otherwiſe will but irritate, and do more harm than ſervice.

Afterwards General *Leſley*'s Siſter, and about fifteen Scotiſh Commanders, were taken at Sea, and brought Priſoners to *Berwick*; but a ſhort time after releaſed, and permitted to go into *Scotland*.

At *Whitehall*, *Novemb.* 26. 1639.

Preſent the King's Majeſty.

Concerning the Lord Vicount *Wentworth*, Lord Deputy of *Ireland*; and the Ld Chancellor of *Ireland*.

‘HIs Majeſty having this day heard at the Board a long Debate, by Counſel on both ſides, concerning two other of the Charges ſent by the Lord Vicount *Wentworth*, Lord Deputy General of *Ireland*; and by the Privy-Council of that Kingdom, of ſundry Miſdemeanours and Irregularities committed by the Lord Vicount *Loftus* of *Ely*, Lord Chancellor of *Ireland*, in his Place, *viz.* in the Cauſe concerning *Edward Jacob*, and in the Cauſe between Dr. *Medcalf* Plantiff, and *George Harpoole* and other Defendents, in the *Chancery* of *Ireland*: Wherein his Majeſty and the Board remain unſatisfied of the Clearneſs and Integrity of the ſaid Lord Chancellor's Proceedings.

An. 1639.

‘And however the ſaid Lord Chancellor did allege, That he had not the Means to make Proofs on his ſide in the ſaid Cauſes; yet it did appear that the default thereof reſted wholly in himſelf. And his Majeſty and the Board being ſatisfied upon the ſeveral Hearings, that the ſaid Lord Chancellor is guilty of the delivery of the *Negative* Voice of the Lords Refuſers to contribute for the maintenance of his Majeſty's Army in the time of the Lord Vicount *Falkland*, late Lord Deputy of *Ireland*, and finding it ſufficiently proved, That he did come out of *Ireland* before a legal Licence obtained, and contrary to that which he pretended himſelf to the ſaid Lord Deputy and Council, and was directed by his Majeſty, and did otherwiſe inſolently behave himſelf to the ſaid Lord Deputy and Council. His Majeſty did this day, upon all the aforeſaid Conſiderations, declare, with the unanimous advice of the whole Board, The ſaid Lord Vicount *Loftus* of *Ely*, to be unfit any longer to hold the place of Lord Chancellor of *Ireland*, being of ſo great Truſt and Importance for his Majeſty's Service, and the Quiet and Preſervation of his Subjects in that Kingdom. However his Majeſty did not think fit to proceed to any other Cenſure at this time againſt the ſaid Lord Vicount *Loftus* of *Ely*, in regard he did allege he had made no Proofs on his part, though the Default were in himſelf; but doth leave the ſaid Charges, and ſuch other Charges as ſhall be thought fit to be proſecuted againſt him legally in the *Star-Chamber*, by his Majeſty's Attorney General.

Signed,

Lord Archbiſhop of *Canterbury*.
Lord Keeper.
Lord Treaſurer.
Lord Privy-Seal.
Lord Duke of *Lenox*.
Lord Marqueſs *Hamilton*.
Lord High Chamberlain.
Earl Marſhal.
Lord High Admiral.

Earl of *Holland*.
Earl of *Berks*.
Earl of *Morton*.
Lord *Goring*.
Lord *Cottington*.
Lord *Newburgh*.
Mr. Treaſurer.
Mr. Secretary *Cook*.
Mr. Secretary *Windebank*.

The Branch of a Letter from the Arch-Biſhop of Canterbury, *to Dr.* Hall *Biſhop of* Exeter, *dated at* Lambeth *the* 11th *of* November, 1639, *in Anſwer to the Biſhop of* Exeter's *Letter concerning Epiſcopacy.*

‘THe reſt of your Lordſhip's Letter is fitter to be anſwered by my own Hand, and ſo you have it. And ſince you are pleaſed ſo worthily and Brother-like to acquaint me with the whole Plot of your intended Work, and to yield it up to my Cenſure and better Advice, (ſo you are pleaſed to write) I do not only thank you heartily for it, but ſhall in the ſame Brotherly way, and with equal freedom put ſome few Animadverſions, ſuch as occur on the ſuddain, to your further Conſideration, aiming at nothing but what you do, the Perfection of the Work in which ſo much is concerned.

‘And firſt for Mr. *George Graham*, I leave you free to work upon this Buſineſs and his Ignorance as you pleaſe, aſſuring my ſelf that you will not depart from the Gravity of your ſelf, or the Cauſe therein. Next, you ſay, in the firſt head, That Epiſcopacy is an Ancient, Holy, and Divine Inſtitution. It muſt needs be Ancient and Holy, if Divine: Would it not be more full, went it thus, So ancient as that it is of Divine Inſtitution? There you define Epiſcopacy by being joined with Imparity, and Superiority of Juriſdiction. This ſeems ſhort: for every Arch-Preſbyter's or Arch-Deacon's Place is ſo; yea, and ſo was Mr. *Henderſon* in his Chair at *Glaſgow*: unleſs you will define it by a diſtinction of Order. I draw the Superiority not from that Juriſdiction which is attributed to Biſhops, *Jure poſitivo*, in their Audience of Eccleſiaſtical Matters, but from that which is Intrinſical and Original in the Power of Excommunication. Again, you ſay, in that firſt Point, That where Epiſcopacy hath obtained, it cannot be abdicated without violation of God's Ordinance. This Propoſition I conceive, *eſt inter munis habentes*; for never was there any Church yet, where it hath not obtained the Chriſtian Faith; which was never yet planted any-where, but the very firſt Feature of the Body of a Church, was by, or with Epiſcopacy: and whereſoever Epiſcopacy is not ſuffered to be, it is by ſuch an abdication; for certainly there it was *à Principio*. In your ſecond Head, you grant that the Preſbyterian Government may be of uſe, where Epiſcopacy may not be had. Firſt, I pray you, conſider, whether this Conceſſion be not needleſs here, and in it ſelf of a dangerous Conſequence. Next, I conceive there is no place where Epiſcopacy may not be had, if there be a Church more than in title only. Thirdly, Since they challenge their Preſbyterian Fiction to be Chriſt's Kingdom and Ordinance, (as your ſelf expreſſeth it) and caſt but Epiſcopacy as oppoſite to it; we muſt not uſe any mincing terms, but unmask them plainly; nor ſhall I ever give way to hamper our ſelves for fear of ſpeaking plain Truth, though it be againſt *Amſterdam* or *Geneva*, and thus muſt be ſadly thought on. Concerning your *Poſtulata*, I ſhall pray you to allow me the like freedom, among which the two firſt are true, but (as expreſt) too reſtrictive. For Epiſcopacy is not ſo to be aſſerted to Apoſtolical Inſtitution, as to bar it from looking higher, and from ſetching it materially and originally in the Ground and Intention of it, from Chriſt himſelf, though the Apoſtles formalized it. And here give me leave a little to enlarge; The Adverſaries of Epiſcopacy are not only the furious and Aërian Heriticks, (out of which are now raiſed *Pryn*, *Baſtwick*, and our Scotiſh Maſters) but ſome alſo of a milder and ſubtiler alloy, both in the *Geneva* and the *Roman* Faction. And it will become the Church of *England* ſo to vindicate it, againſt the furious *Puritans*, as that we lay it not open to be wounded by either of the other two more cunning and more learned Adverſaries: Not to the *Roman* Faction, for that will be content it ſhall be *Juris Divini mediati*, by, from, for, and under the Pope, that ſo the Government of the Church may be Monarchial in him; but not *immediati*, which makes the Church *Ariſtocratical* in the Biſhops. This is the *Italian* Rock, not the *Genevean*, for that will not deny Epiſcopacy to be *Juris Divini*, ſo will take it, *ut ſuadentis vel approbantis*, but not *imperantis*; for then they may take leave as they will, which

‘is

An. 1639. ‘ is that they would be at. Nay (if I much forget it not) *Beza*
‘ himſelf is ſaid to have acknowledged Epiſcopacy to be *Juris Divini*
‘ *imperantis*, ſo you will not take it as *univerſaliter imperantis*, for then
‘ *Geneva* might eſcape, *&* *citra conſiderationem durationis*, for then
‘ though they had it before, yet now, upon wiſer thoughts, they
‘ may be without it; which *Scotland*, ſays now, and who will may
‘ ſay it after, if this be good Divinity; and then all in that time ſhall
‘ be Democratical. I am bold to add this, becauſe I find in your ſe-
‘ cond *Poſtulatum*, that Epiſcopacy is directly commanded, but you go
‘ not ſo far as to meet with the ſubtilty of *Beza*, which is the great Rock
‘ in the Lake of *Geneva*. In your *9th Poſtulatum*, That the Acceſſion
‘ of Honourable Titles or Privileges makes no difference in the ſub-
‘ ſtance of the Calling. If you mean the Titles of Arch-Biſhops, Pri-
‘ mates, Metropolitans, Patriarks, *&c.* ’tis well; and I preſume you
‘ do ſo: But then in any caſe take heed you aſſert it ſo, as that the
‘ Faction lay not hold of it, as if the Biſhops were but the Title of
‘ Honour, and the ſame calling with a Prieſt, for that they all aim
‘ at, *&c.* The *11th Poſtulatum* is large, and I ſhall repeat it, becauſe
‘ I am ſure you retain a Copy of what you write to me, being the
‘ Ribs of your Work; nor ſhall I ſay more to it, than that it muſt be
‘ warily handled, for fear of a ſaucy Anſwer, which is more ready a
‘ great deal with them than a learned one. I preſume I am pardoned
‘ already for this freedom, by your ſubmiſſion of all to me; and now
‘ I heartily pray you be pleaſed to ſend me up (keeping a Copy to
‘ your ſelf againſt the Accidents of Carriage) not the whole Work
‘ together, but each particular Head, or *Poſtulatum*, as you finiſh it;
‘ that ſo we here may be the better able to conſider of it, and the
‘ Work come on the faſter. So to God’s bleſſed protection.

Will. CANT.

This Letter was thus endorſed with the Arch-Biſhops own hand.

My Anſwer (of November 11. 1639.*) to the Heads of the Biſhop of* Exon’*s Books intended for Epiſcopacy.*

A Letter directed to our very good Lord the Earl of *Northumberland*, Lord High Admiral of *England*.

Lord Admiral to ſet forth 20 Ships.

WHereas it is his Majeſty's Pleaſure, That Twenty Ships and Pinnaces of his own, ſhall be this Year ſet forth for Guard of the Seas, and Defence of the Realm, over and above the Ships that are required to be ſet forth by the City of London. *We have thought good hereby, in his Majeſty's Name, to pray and require your Lordſhip forthwith to take effectual Order for the preſent preparing, ſetting forth, and furniſhiug, in compleat and war-like manner, Twenty ſuch Ships and Pinnaces of his Majeſty's, as your Lordſhip ſhall think ſitteſt, for eight Months Service at Sea; to be all ready to be put to Sea by the Tenth of* April *next, for the Service aforeſaid. And for your Lordſhips ſo doing, this ſhall be your VVarrant. And ſo we bid your Lordſhip,* &c.

From the Court at *VVhitehall*, the 17*th* of *December* 1639.

Signed,

Lord Arch-Biſhop of *Canterbury.*	Lord *Chamberlain.*
Lord *Keeper.*	Earl of *Salisbury.*
Lord *Treaſurer.*	Lord Vicount *VVentworth.*
Lord *Privy-Seal.*	Mr. Secretary *VVindebank.*
Lord Marqueſs *Hamilton.*	

For the Right Honourable, *Philip* Earl of *Pembroke* and *Montgomery*, Lord Chamberlain of his Majeſty's Houſhold.

My good Lord,

The Earl of *Rothes* his Letter to the Earl of *Pembroke*, and his Anſwer to the ſame.

I Have large encouragement to uſe freedom, both from your own favours to me, and my affection to your Lordſhip, and ſo may expoſtulate with you, for withdrawing your wonted (and even lately expreſſed) reſpects at the Camp to this Nation. You found we had reaſon for our lawful Defence, and that we had loyal Hearts to our Prince, and Juſtice in our Deſires; which moved you to plead for us, and ſo engaged the Affection of many to you. But ſithence, when my Lord Traquair *made his Relation, that moved hard Concluſions againſt us, not requiring ſo much as that it ſhould not obtain Truth to the prejudice of a Noble Nation, till we were heard; and agreeing that an Army ſhould be levied, and lending Monies, hath much grieved us, to be diſappointed of one we ſo much truſted. I have therefore been bold to entreat that we may keep better Correſpondency, or elſe by miſtake we may be brought again to begin a Miſchief that will not end in our days. As we have formerly declined it, ſo ſhall it not be our fault. And it lies in your Lordſhip, and in other great Perſons, to prevent theſe Evils. You have lived in all great Eaſe, Peace, and Plenty for many years, as any Nation in the World; and if you can like to interrupt your own Happineſs for the pleaſure of ſome Prelates, who will ſhare little with the Hardſhips and Dangers that will be indured, you are not well adviſed. The Earl of* Dumfermling, *and Lord* Loudon, *are ſent with a full in-*

formation of our Buſineſs. They will wait upon your Lordſhip, and expect your wonted Aſſiſtance. They all (as much as may be) decline War, except you will now needs have it. We hope your Lordſhip and others will make uſe of theſe Reaſons for the right end, which will fix a great deal of Obligation from both Nations on you, and ſhall infinitely increaſe my reſpects, deſiring to continue,

Your Lordſhip's
moſt humble Servant,
ROTHES.

Edenburg, *Jan.* 29. 1639.

For the Right Honourable, the Earl of *Rothes*, theſe.

My good Lord,

THe Civilities and good Reſpects which I placed upon you, at the time of my being in the Camp, you ſtile Encouragements, *and inſinuate them as Reaſons why you may expoſtulate with me. Your Premiſes I allow you, but your Inference I return you again, as fuller of Sophiſtry and mean Deſigns, than of Truth or Reaſon.*

Firſt, I never allowed your Defence *lawfully undertaken, by other Arms than by* Petitions *and Prayers unto your Maſter. I never found Loyalty in your Covenant, nor* Duty *in your taking up Arms. I never affirmed the Juſtice of your Cauſe; neither did I conſider ſo much the Merit thereof, as your unwarrantable and tumultuous diſobedience therein unto the King, with the Vexation and* Diſturbance *it brought upon the Nobility of this Kingdom. Neither was I in all this Commotion your Advocate for other reaſons, than ſuffering my ſelf to become a Mediator to his Majeſty for your Peace and Forgiveneſs, moved thereunto by your frequent* Proteſtations *of paying all* Duty *and Loyalty to your Maſter's Commands.*

If from hence you haply gained from me an eaſier Credulity, than your maſk'd Deſigns deſerved at my hands, I know not why you ſhould obtrude on me an Alteration of my Opinion, or a withdrawing of my (but conditional) Reſpects from you. Thus far an Anſwer to what concerns me.

And now, as a Counſellor of England, *let me be bold to expoſtulate with you upon that which follows in your Letters.*

How cometh it to paſs that you ſhould upbraid us, or expect from us, that we ſhould not give credit to my Lord Traquair's *Relation; that we did not mediate with the King, to change his Reſolution of ſending forth an Army; and that we did not deny the King Loans of Money for his Service?*

My Lord, Theſe Enforcements perhaps as little become you, as it is certainly unlawful and undutiful in the Subjects of England *to diſpute it with their King. You may pretend Religion to be the ſole Cauſe of your Grievance; but we believe it a woful Religion here, that hath thus deveſted it ſelf of all Moral Duty and Civility. Nay, you go further, you threaten and fear us with a* Miſchief that will not end in our days; *and boldly make it your own Act, to have* declined it hitherto, *without Obligation to the King's Mercy at all. You tell us of* Plenty, and Eaſe, and Happineſs for many years enjoyed, and wonder we ſhould expoſe all thoſe to hazard for the pleaſure of ſome few Prelates.

My Lord, Theſe are Arguments for common People, and Men of broken Fancies to feed upon; but ſuch Suggeſtions will not find nor make a a Party here. Perhaps it may blow them into a Flame, whoſe Zeal already hath burnt up their Duty and conſcionable Allegiance unto their Maſter.

To be ſhort, as I never had a Correſpondency of Buſineſs with your Lordſhip, ſo your Letters have aſſured me it is dangerous to begin it. Yet for the Peace of both the Churches and Kingdoms, I will adventure to give you this Intelligence, That we have not (in our Council here) proceeded againſt you without deliberation, a good Conſcience, and a juſt ſence of Honour. Neither ſhall I, or any of us, be entreated or feared by you, or any of you, for contributing our Aſſents or Fortunes thereunto, but as our Maſter ſhall command us.

Laſtly, Know you, my Lord of Rothes, *that the return of my old Friendſhip to you is to be expected, when I ſhall hear of your* Renovation. *Be ſimple* my Lord Rothes, *and not a* Covenanter, *and I ſhall be the ſame.*

Whitehall, *March* P. & M.
8th. 1679.

This day Alderman *Garroway*, Lord-Mayor of *London*, together with both the Sheriffs and Recorder, attended at the Council-Board, his Majeſty being preſent in Council. It was demanded of them, whether the City deſired to proceed, and furniſh out a Ship of their own, for his Majeſty's Service, in defence of the Realm, in ſuch manner and equippage, as by his Majeſty's Writ directed to them in that behalf as was required? Or whether they rather deſired to levy, and pay unto the Treaſurer of the Navy, the Sum required by the Inſtructions ſent them with the ſaid Writ? But the Lord Mayor and Sheriffs humbly prayed, that his Majeſty would be pleaſed to cauſe a Ship of his own to be provided and imployed for the ſaid Service. Which favour deſired, his Majeſty was pleaſed to grant; and they undertook, that with all ſpeed they would levy and pay in the Money to the Treaſurer of the Navy, required by the ſaid Writ.

Sir John Finch, *Knight, Lord Keeper of the Great Seal of* England, *his Speech in the Delivery of his Charge to all the Judges of the Kingdom, in the* Star-Chamber, Feb. 13. 1639. *by command from his Majeſty.*

Lord Keeper *Finch* his Speech to the Judges, to promote Ship-mony in their Circuits.

My Lords the Judges,

‘THe Term is now done, the Houſe of Juſtice is broken up, yet Juſtice goes not from us; for ſuch is the Wiſdom and Goodneſs of his Majeſty, that all his Subjects may have Juſtice adminiſtred unto them in certainty, and with eaſe and equality. In Term-time they know where to find Juſtice; in the Circuits Juſtice findeth out them.

‘Your Lordſhips may know the great Truſt, Power, and Authority, that is committed unto you; how the ancient and excellent Inſtitution of Juſtice in Eyre is tranſmigrated into you; and it is a thing will well become your Lordſhips, to uphold the Dignity of your Places, and to preſerve that due reſpect and reverence that is owing unto you by virtue of your Places. It is Stoutneſs and Courage, and Magnanimity, that becomes a Magiſtrate, nay, ſhould I ſay Severity, I ſhould agree with the ſaying of the Orator.

‘There are ſome that affect Popularity, diving into the Peoples Hearts with kiſſes, offerings, and fawnings. This becomes no ſubordinate Magiſtrate. It is your part, my Lords, to break the Inſolencies of ſuch —— before it approach too near the Royal Throne. And you cannot too much uphold that Reverence and Reſpect that is owing to your Places upon the Bench; when you ſhall give an account of ſuch as theſe that miſbehave themſelves, you, my Lords the Judges, ſhall quickly ſee the Commiſſion ſhall not be troubled with them. The Officers, and all other Miniſters of Juſtice, are to attend you to this like purpoſe, to receive Information from you. You ſhall do well to look to them, that they do not oppreſs the People by unjuſt exaction and extortion; let them be careful to look to the execution of Juſtice, for Execution is the Life of the Law; for whoſoever by wilfulneſs or negligence ſuffereth not the Law to be put in execution, doth as much as in him lieth wound the Law in the Life thereof. Sometimes Sheriffs and Under-Sheriffs can hardly be got to execute any Proceſs at all, or Extents, or *Cap. Utlagatum*. They will look through their Fingers, and ſee when and whom they pleaſe, ſometime for reward, partiality, and affection, or fear of offending Great Ones, or offending a Multitude. For this they have no Plea; for in Law I am ſure it was never known, that it was admitted in Court of Juſtice for a good Return, that a Sheriff could not execute a Writ, he having *Poſſe Comitatus* at his Command to aſſiſt him, to the end that the Law may not be fruitleſs, and like a dead Letter, but that vigor may be given unto it.

‘While I am ſpeaking of this, I cannot forget to put you in mind of one Particular at leaſt, if I may call it a Particular that doth concern the general Safety and Preſervation of the whole Kingdom. His Majeſty ever ſince his happy acceſs to this Crown, hath had a vigilant eye of our Neighbour's Eſtates, and taken into his Princely Conſideration, out of the affection and love to his People, and tender care of their Preſervation, and the Safety of this Kingdom, how active the times are; what preparation is made round about us; what endeavours there are to encreaſe their Naval Powers in other Nations. It is known well, that the right of the Dominion of the Narrow-Seas belong unto the King, and it hath been his Majeſty's gracious Wiſdom, and Providence, and Care over us, that theſe Storms have been prevented, that perhaps had fallen upon us before we could have diſcerned them. The King hath many eyes, many ears, and many hands; and it is impoſſible for every Man to attain to that knowledg of Foreign States that He hath. And I will be bold to ſay, it is a baſe and unworthy part to ſuffer it to enter into the heart of any Man, that we the Subjects of *England*, that have ſo juſt, gracious, and pious a King, to imagin, that unleſs urgent Neceſſity did require, that his Majeſty would charge himſelf and his Subjects without cauſe. All the World knoweth he reapeth no benefit by it, and certainly it is a malignant humor to think the contrary. The Regality of it hath been already determined, upon as great, a ſolid and

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'weighty Debate, as ever was in any Cauſe in *Weſtminſter-Hall*: It 'was his Majeſty's goodneſs to have it ſo. And yet I know not how 'it comes about, I hope it is out of miſapprehenſion, or falſe intimation put into the hearts of his People, that there is not alacrity and 'cheerfulneſs given to the obedience of his Majeſty's Writs for Ship-money, that his affection and care of his People doth require. God 'forbid we ſhould ſtay for proviſion of Naval Power, till our Enemies be floating upon us. Let them look to their Duties, I doubt 'not your Lordſhips will look to ſee that there be obedience given, 'and that thoſe Officers that do neglect their Duties, may be brought to 'account, that they may know what the diſpleaſure is to diſobey his 'Majeſty's Commands.

'I ſhall not trouble your Lordſhips with many particulars, your 'Lordſhips better know them than I can tell you: yet ſomething I have 'in command from his Majeſty.

'His Majeſty (as all that know him) is the great example of Piety, and of one that daily frequents the Houſe of God, as any Prince 'in the World; he doth inſtruct his own People his own way, and 'commands your care to put that Law in execution, that muſt bring 'Men to God's Houſe; and when they are there, they ſhall learn to 'obey the Law for Conſcience-ſake, and not for by-reſpects. You 'know well that we have two kinds of Oppoſers of Religion, as it 'ſtandeth, and againſt them it is fit you bend your Forces, and your 'Authority. And certainly, when we do conſider that for theſe eighty years and upwards, we have enjoyed ſuch Plenty and Peace, as 'no Nation hath had the like; what can we better attribute it unto, 'than the flouriſhing of the Goſpel among us? And if we ſhall neglect that great Bleſſing, all other Bleſſings will quickly turn into 'Curſes.

'The Popiſh Recuſants begin to increaſe, his Majeſty taketh notice 'of it, he doubteth that there hath not that particular care been taken, in looking to them in all places of the Kingdom, as is fit; your 'Lordſhips attend Civil Cauſes more than that; he commends it to 'your care, that if it be ſo now, it be ſo no more. The Book of 'Common-Prayer ſetteth forth the Rights and Ceremonies, eſtabliſhing 'the Doctrine of the Church of *England*, to which no juſt exception 'can be taken; for God loveth not to have his Houſe empty or waſte. 'Some, out of what humor I know not, will ſcarce admit of any 'Church at all. I wonder under what ſhow of Religion they can 'ſhew themſelves, when this Book was penned by thoſe that ſhed 'their Blood, and ſealed it with their Lives.

'My Lords, in the next place his Majeſty hath commanded me to 'put you in mind of the great abuſe that is in this Kingdom, by the 'ſwarming of Rogues, that hath been ſo often commended unto you, 'Your Lordſhips ſhall do well to take courſe for the ſuppreſſing and 'preventing thereof; and that Men of body and mind may be choſen 'Conſtables to execute their places. One great cauſe of their increaſe 'is, that the Houſes of Correction, which is the place of their Retreat, 'are no better looked unto. Your Lordſhips ſhall do a great ſervice 'to the Common-wealth, to take care that there be ſtricter Courſe 'taken of the Houſes of Correction, that they may be placed near 'unto the Goal.

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'Another thing is, The exceſs of Ale-houſes, the Nurſery of 'Rogues; in that your Lordſhips ſhall do well to take a ſtrict account 'of them in all Places, for the very Number is a Crime.

'In the third place, The increaſe of Rogues is, by reaſon of their 'not putting out of Apprentices, the Seed-Plot of Rogues groweth 'from thence; your Lordſhips care in this alſo will be very neceſſary.

'My Lords, I have nothing more to ſay, your Lordſhips are ſo 'well verſed in every thing fit to be given in Charge, that I might 'be ſilent.

'I ſhall only conclude with one thing, which is a thing that hath 'bin by the Lords of this Court commended to your care, upon a 'Cauſe that hath bin here heard; The Court for Sheriffs of Counties, it is not at their Will and Pleaſure, or for their own Vanity 'and Oſtentation that they are to conduct you, but it is out of their 'Duty; and when the Diſcretion, and generous Diſpoſition of any, 'ſhall not teach them how to do it, it is fit for you to call them to 'account.

'Juſtices of the Peace, you ſhall have of them that will the firſt 'day attend you for an hour or two, perhaps to ſave a Fine, perhaps to 'ſhew their Country they are in Commiſſion of the Peace: Emptineſs 'becomes not the Seat of Juſtice, therefore hold them to their Duty 'to attend you all the time of the Aſſizes, and not to depart without 'your Licence.

'The King our Maſter doth as well know Men as any Prince in the 'World, but it is impoſſible for him to know all; you are the great 'Surveyors of the Kingdom, for this purpoſe it is that all Officers 'and Miniſters of Juſtice are commanded to attend you, to inform 'you of ſuch as you ſhould have knowledg of, that you may inform 'his Majeſty of them. I have obſerved (while I had the Honour to 'be Chief Juſtice of the *Common-Pleas*) that few gave their Attendance; what humour they are of that think themſelves too good to 'ſerve the King I know not, but let them know that it is in no Man's 'choice whether he will ſerve the King in the Miniſtry of Juſtice or no. 'Thoſe that are backward, or have not taken it, give up the Names of 'them, that they may ſee what puniſhment they ſhall undergo.

'There are ſome other Juſtices of Peace that are put in Commiſſion, to injure their Neighbours, and to domineer over them, and 'to carry things with a Faction. But upon your intimation of ſuch 'Perſons, the Commiſſion ſhall be eaſed of them alſo.

Warrant for a Commiſſion for the Earl of *Northumberland* to be Lord Admiral, and Captain of the King's Army.

Two Duplicates of a Commiſſion, appointing Algernoun **Earl of** Northumberland, **Lord High Admiral of** England, **Captain General of his Majeſty's Army to be raiſed in** England **and** Wales, **and of Men to be Levied there, or to be joined to or with them. And he is to imploy and diſpoſe the Army for Defences, or otherwiſe, as are or ſhall be directed by his Majeſty's Inſtructions, &c.** 14 die Februarii, Anno Regni Caroli quintodecimo.

Per ipſum Regem.
J. F. C. S.

The Effect of the Earl of *Northumberland's* Commiſſion.

Feb. 14.

The King's Majeſty repoſing ſpecial Truſt and Confidence in the approved Wiſdom, Fidelity, Valour, and great Abilities of Algernon Earl of Northumberland, did by his Letters Patents grant a Commiſsion to the ſaid Algernon Earl of Northumberland, Lord High Admiral of England, to be Captain General of his Army, intended to be forthwith raiſed, and of all other Forces that ſhould be raiſed in England and Wales, joined, or to be joined with them, to reſiſt and withſtand all Invaſions, Tumults, Seditions, Conſpiracies, or Attempts that may happen within England or Wales, to be made againſt the King's Perſon, Crown and Dignity. And alſo to lead the ſaid Army into the Kingdom of Scotland, there to Invade, Aſſault, Repel, Reſiſt, Fight with, Subdue, Slay, or Kill, all, every, or any Enemies or Rebels againſt the King, of what Nation ſoever, that in Scotland, or any part thereof, ſhall make any Inſurrection, Sedition, Tumult, or Conſpiracy whatſoever, againſt the King, his Crown and Dignity. And the ſaid Army to Govern and Conduct, againſt all and ſingular Enemies, Rebels, Traytors, and all other attempting any thing againſt the King, within either of the ſaid Kingdoms; and with the ſaid Enemies, Rebels, Traytors, &c. to Fight, and them to Invade, Reſiſt, Repreſs, Purſue, and Follow, and to Subdue, Slay, and Kill, and to do all other acts and things which ſhall be in his diſcretion requiſite, for government of the ſaid Army, and for the ſuppreſsing and ſubduing of the ſaid Rebels and Traitors, &c. and to exerciſe upon them Martial Law, according to his diſcretion, as Captain General; and to put execution of Death, or otherwiſe to puniſh ſuch, or ſo many of them, as he ſhall think meet by his diſcretion; and to tender Mercy and Pardon to all ſuch Enemies, &c. in either of the ſaid Kingdoms, as ſhall ſubmit and deſire to be received to Mercy. And the King, by the ſaid Commiſſion, doth promiſe that ſuch Perſons ſhall accordingly enjoy his Grace, Mercy, and Pardon: And in caſe of Invaſion of Enemies, Inſurrections, &c. in any of the ſaid Kingdoms, that the ſaid Captain General do reſiſt and repreſs the ſame by Battel, or other kind of Force; giving him Power to grant Warrants and Commiſsions to Lieutenants, and Deputy-Lieutenants, to raiſe ſuch Horſe and Foot to join with the Army, as he in his diſcretion ſhall think fit. And for the encouragement of fit and deſerving Perſons, the King, by the ſaid Letters Patents, did give full Power and Authority to make Knights, and reward with the Honour of Knighthood, ſuch as in his diſcretion ſhall deſerve the ſame in the ſaid Service, and to aſſign them Arms, and Enſigns of Arms, as he ſhall think meet, and as to the Eſtate of Captain General appertaineth; giving him Power to Command all Gariſons, Forts, and Caſtles in England and Scotland, and to place or diſplace any Captain or other Officer, as he ſhall ſee cauſe. And laſtly, The King by the ſaid Letters Patents, doth command all Lieutenants of Counties, Dukes, Marqueſſes, Earls, Vicounts, Barons, Baronets, Sheriffs, and all other Officers and Subjects of what degree ſoever, that they, with their Power and Servants, from time to time, as they ſhall be commanded

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manded by the Captain General of the Army, to be Attendant, Aiding and Aſsiſting in the due execution thereof, as they ſhall anſwer it at their Peril; and the ſaid Army to be governed according to the ſaid Commiſsion, or by ſuch Inſtructions as the King hath delivered under his Sign Manual, or ſhall be hereafter directed under the ſaid Sign Manual, Signet, Privy-Seal, or Great Seal.

Afterwards a Commiſſion was granted to *Thomas* Lord Vicount *Wentworth*, Lord Lieutenant of *Ireland*, to be Lieutenant General to the Earl of *Northumberland*; who by reaſon of the Earl of *Northumberland*'s ſickneſs at that time, had the ſole Conduct of the Army till the Fight at *Newbourn*; and whilſt the great Council of Peers continued at *York*, and till *Novemb.* 11. when he came to *London*, and was ſuddenly impeached of High-Treaſon.

Mr Bagſhaw, *Reader of the* Middle-Temple *in Lent Vacation, his Caſe argued.*

‘IN the Month of *February*, in the time of *Lent*, Mr. *Bagſhaw*, Reader of the *Middle-Temple*, made choice of the Statute of 25 *Ed.* 3. *Cap.* 7. upon which he did read; and divided his Matter into ſeveral Parts, allotting a Caſe for every day on which he was to Read. Among which Caſes ſo divided, being ſeven in all, one Queſtion was, Whether or no it be a good Act of Parliament, without Aſſent of the Lord's Spiritual? Which he held in the Affirmative, and proved, That ſome Parliaments were held without any Biſhops at all; and that divers Acts have bin made when they were preſent, and would not conſent. And laſtly, That the Biſhops cannot ſit in in Caſe of Blood in Judicature; but they may ſit to aſſiſt to Enact Laws, but not to give Aſſent for Execution of them in Caſe of any Blood.

‘Out of his ſecond Caſe this Queſtion did ariſe, Whether any Beneficed Clerk were capable of Temporal Juriſdiction at the time of making that Law? Which he held in the Negative; for the firſt that ever were made Juſtices of Peace, or had Power in Temporal Juriſdictions, were the Biſhops of *Durham* and *York*, nine Years after the ſaid Act.

‘But the Reader had no ſooner made known upon what Statute he would read, in his ſaid previous Diſcourſe which he made unto the Bench, the firſt day when he began to read thereupon; but it was preſently carried to *Lambeth*-Houſe, and the Biſhop of *Canterbury* made acquainted upon what Points the Reader would inſiſt. The King thereupon ſent a Command unto him to forbear his Reading at that time. And the Reader was privately told, unleſs he did repair to the Arch-Biſhop of *Canterbury* and give him ſatisfaction, he was not like to proceed. The *Reader* accordingly repaired to *Lambeth*-Houſe, and at the third time he had admittance. The Arch-Biſhop told him, That he had fallen upon an unfit Subject, and in an unſeaſonable Time, and that it would ſtick cloſer to him than he was aware of.

‘To which the *Reader* replied, He had made choice of that Statute ſome years ſince, to prepare himſelf againſt the time of his Reading, 'and that at that time there was no oppoſiton in this Kingdom againſt 'the Prelacy; and what was done in another Kingdom as to Biſhops, 'concerned not this Kingdom; and further ſaid, That what he had 'delivered was good Law, and he was able to maintain it, and would 'ſtand by it; and he had much wronged the Houſe of the *Middle-Temple*, if he had not, according to his Turn and Cuſtom, began his 'Reading, which was very chargeable to the Reader. But he could 'obtain no leave to proceed further in the Argument of his Caſes of 'Law.

'Nevertheleſs the Gentlemen of the *Inns of Court* of the *Middle-Temple*, ſhewed their reſpect unto him for his willingneſs to read Law 'unto them, having alſo Read well in the Kitchin, feaſting the Houſe 'during the time he ſtaid (though a ſilenced Reader) and rid on 'Horſe-back with him, and attended him gracefully out of Town.

Lord *William Hamilton* made Secretary of State for *Scotland*.

In this month of *February* the Earl of *Sterling*, Secretary of State, died; in whoſe place the King made choice of Marqueſs *Hamilton*'s Brother, Lord *William*, whom he created Earl of *Lanerick*, who was then but 24 Years of Age, yet well qualified, and of good Parts.

Ship-Money preſented by the Grand Jury as a Grievance.

'THis day a Letter from Sir *Chriſtopher Yelverton*, High-Sheriff of the 'County of *Northampton*, with a Paper encloſed, being a Copy under 'the Hand of the Clerk of the *Peace*, of a Preſentment made by the 'Grand Jury at a Quarter-Seſſions concerning the *Ship-Mony*, were 'read at the Board, and then delivered to Mr. Attorney-General; and 'it was ordered, that he and Mr. Solicitor ſhould call before them the 'Clerk of the Peace, and the Fore-man of the ſaid Grand-Jury, and 'ſhould examine all ſuch Particulars concerning the Carriage of this 'Buſineſs, as they ſhould think fit, and thereupon report the ſame, to'gether with their Opinions, to the Board.

A Letter directed to the Lord Lieutenants of *Surrey*.

Concerning the Mutineers in the *King's Bench*.

AFter, &c. to your Lorſhips. Whereas we are informed by Sir John Lenthal *Knight, Marſhal of the* King's Bench, *That the Priſoners under his charge, within that Priſon, are now, and have bin all laſt night, in an Uproar and Mutiny, and have gotten to themſelves divers Staves and Cudgels, and have broken up the Pavements of the Priſon, and have furniſhed and armed themſelves with Stones and Brick-bats, and do threaten to force and break open the Priſon. Theſe are therefore to pray and require your Lordſhips, the Lords Lieutenants of the County of* Surrey, *or one of you, to give preſent Order and Command to the Captains of the Trained Bands, within the Burrough of* Southwark, *to repair with their Officers and Souldiers preſently to the ſaid Priſon, and to ſuppreſs the ſaid Mutineers, and to keep them in quiet from time to time, until the Judg of the* King's Bench *ſhall return to take Order about their pretended Grievances. And ſo,* &c. *dated the* 11th *of* March, 1639.

Signed,

Lord Arch-Biſhop of *Canterbury.*	Earl of *Dorſet.*
Lord *Treaſurer.*	Lord *Cottington.*
Marqueſs *Hamilton.*	Mr. *Treaſurer.*
Lord *High Admiral.*	Mr. Secretary *Windebank.*

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A Letter to Sir Chriſtopher Yelverton, *concerning Ship-Money, from the Privy-Council.*

WE have had the patience to read your tedious Letter of the 18th of February, *wherein with much affectation you repreſent the Difficulties which you find in the execution of the King's Writ for the Shipping-Buſineſs; and yet there is none of the Difficulties for which you have not already received direction how to proceed by your Inſtructions. We have conſidered of the Petition of the Grand Jury, very officiouſly by you ſent up, atteſted under the Hand of the Clerk of the Peace. And upon the whole we make this Judgment, That inſtead of doing your duty in executing of the Writ, you endeavour to prepare a way for an excuſe for doing nothing. Otherwiſe why ſhould you make a Doubt by a Parentheſis, (if Ship-money be excepted againſt): for we muſt let you know, We expect that you ſhould perform the Service according to the Writ, and the Inſtructions ſent therewith; and in caſe you neglect it, and ſo be the cauſe (for ſo much as concerns that County) that the King ſhall ſuffer in point of* State *and* Honour, *and of the ſafety of his People, that there will be a quick and exemplary reparation required of you, in proportion to the dangerous Conſequence of your neglect. And as we now give you this Admonition, ſo if you do not make uſe thereof by redeeming your former Default, not by Diſcourſes, but by Effects, this will likewiſe be added to your account. And ſo,* &c. *Dated at* Whitehall *the* 11*th of* March, 1639.

Signed,

Lord Arch-Bp of *Canterbury*.	Earl of *Traquair*.
Lord *Keeper*.	Lord *Goring*.
Lord *Treaſurer*.	Lord *Cottington*.
Lord *Chamberlain*.	Lord *Newburgh*.
Earl of *Holland*.	Mr. *Treaſurer*.

The Proceedings of the Scots Commiſſioners, ſent from the Parliament of Scotland, *with the King's Majeſty at* Whitehall.

'SO ſoon as our Commiſſioners got preſence, and had the honour 'to kiſs his Majeſty's Hand, they did in all humility repreſent to 'his Majeſty how grievous it was to his Subjects of that of his Ancient and Native Kingdom that their Loyalty ſhould be call'd in 'Queſtion, or that their Proceedings ſhould be traduced as trenching 'upon his Majeſty's Authority, or as contrary to the Laws; and craved a publick hearing before his Majeſty's Council of both Kingdoms, for clearing the lawfulneſs of their Proceedings, and vindicating them from the unjuſt Aſperſions laid upon them by ſiniſter information, and that relation publickly made by the Earl of *Traquair*, 'before the whole Council of *England*, to their prejudice; and did 'likewiſe deliver to his Majeſty a Thankſgiving from the General Aſſembly, containing in it a Supplication for Ratifying the Concluſions thereof. This Speech was delivered upon the 20*th* of *February*, (Engliſh-ſtyle) 1639.

‘The King hereupon commanded, That whatſoever they had to Remonſtrate or Petition to him, they ſhould preſent the ſame to him in Writing, and that he would ſignify his Pleaſure to them by the Earl of *Traquair*; whereupon they gave a Remonſtrance or Supplication following.

‘Upon the 26*th* of *February*, the Earl of *Traquair* did ſhew our Commiſſioners, That it was his Majeſty's Pleaſure, that they ſhould ſubſcribe the two former Petitions, given in the 20*th* day by them to his Majeſty, and that they ſhould keep the ſame way thereafter in all Petitions that ſhould be preſented by them to his Majeſty; which accordingly they did. And they required the Earl of *Traquair* to write and ſubſcribe any Direction or Commandment he brought from the King to them; which he did.

‘Upon the ſecond of *March*, the Earl of *Traquair* did ſignify to them, under his Hand, That it was his Majeſty's Pleaſure that they ſhould attend at the Council-Chamber the next day, at two of the Clock in the Afternoon, ſuch Lords of the Council as his Majeſty had appointed for that effect. And our Commiſſioners underſtanding that the King was going to *Hampton-Court*, and that the Hearing he had appointed for them, was only before ſome of his Council, ſpecially ſelected and appointed as a Committee for that purpoſe; but being enjoined by their Inſtructions, not to anſwer or acknowledg any Committee, nor other Judicatory; they deſired the Marqueſs of *Hamilton* to ſhew his Majeſty, that they would decline to propone their Deſires and Reaſons of their Demands, or make anſwer to the Committee, or any other whatſoever, except the King their Maſter, to whom they were ſent. Which being made known to his Majeſty, he was graciouſly pleaſed to delay his going to *Hampton-Court* till the Afternoon, and did hear our Commiſſioners himſelf: In whoſe Royal Preſence and Audience (his Majeſty having his Committee with him) our Commiſſioners did clear us and our Proceedings from thoſe unjuſt Aſperſions laid upon us, and did ſhew what high eſtimation we had of Soveraignty, and our conſtant Reſolution to ſtand to the Defence of our Religion. And that our Deſires, both in Matter and Manner, are no other but what we did crave in our former Petitions, and are neceſſary for eſtabliſhing of Religion, and the good Peace of the Kingdom, and are agreeable to the Fundamental Laws, and Laudable Practices thereof, and to the Articles of Pacification, without wronging the Kirk or State, or any ways trenching upon his Majeſty's Princely Power and Royal Authority: And did therefore crave, that He would be graciouſly pleaſed to command the Parliament to proceed and determine for Ratifying of the Concluſions of the Aſſembly, and Enact ſuch other Statutes as are neceſſary for eſtabliſhing Religion, and ſetling the Peace of the Kingdom, as their Speech then ſpoken (and afterwards given in Writing,) doth import, as followeth.

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The Speech made to the King by the Lord Loudon.

SIR,

‘As we did ſhow in that humble *Remonſtrance* which we gave to your Majeſty in Writ, That no earthly Thing could be more grievous to your Majeſty's Subjects, convened by your Royal Authority in the Parliament of *Scotland*, than that their Loyalty ſhould be call'd in queſtion, or any ſuch hard Impreſſions ſhould be given againſt their Proceedings, as might derogate from that high eſtimation which they have of Soveraignty, and the tender reſpect they carry to your Majeſty's inviolable Authority: So do we acknowledg your Majeſty's Goodneſs and Juſtice, in keeping one Ear for us againſt all Suggeſtions and Obloquies, till the Reaſons of our Proceedings and Demands were made known from our ſelves; And that your Majeſty is graciouſly pleaſed to grant us this favour, of a full and publick Hearing. But becauſe the Parliament of that your Majeſty's Ancient and Native Kingdom, is Independent, and not accountable to any other Judicature, we hope your Majeſty will pardon, and allow us to decline to ſpeak, or anſwer before any of your Majeſty's Council, or other Judicatures whatſoever, as thoſe who have not any Power to judg of the Laws, Actions, or Proceedings of the Parliament of that Kingdom. And as we acknowledg your Majeſty's favour in allowing us to tender the Liberties and Freedom of your Majeſty's Ancient and Native Kingdom; ſo are we glad before all the World, to clear the loyalty and lawfulneſs of their Proceedings, and do congratulate that your Majeſty hath Indicted a Parliament here, which we hope will advert to the good of Religion, your Majeſty's Honour, and Peace of your Dominions: Albeit they be not Judges to determine of our Actions, (which are ſuch, as when they ſhall be known to your Majeſty, not upon Report, but upon true Trial, we are moſt confident will merit approbation at the Throne of your Majeſty's Juſtice): But becauſe we hear that your Majeſty's good Subjects are traduced, as having intention to diminiſh your Majeſty's Authority, and ſhake off that civil and dutiful Obedience due to Soveraignty: Therefore before we deſcend to the particular Actions and Articles of the Parliament, for vindicating us from ſo grievous and foul an Imputation, we do in our Name, and in the Name of the Parliament that ſent us, declare before God and the World, That we never had nor have any ſuch thought of withdrawing our ſelves from that humble and dutiful Subjection and Obedience to your Majeſty and your Government, which by the Deſcent and Raign of ſo many Kings is due to your Majeſty; and never had nor have any intent or deſire to attempt any thing that may tend to the diminiſhing of your Majeſty's Princely Power; but on the contrary, we acknowledg our Quietneſs, Stability, and Happineſs, to depend upon the ſafety of your Majeſty's Perſon, and maintenance of your Greatneſs and Royal Authority, as God's Vicegerent ſet over us for maintenance of Religion, and Adminiſtration of Juſtice; and have ſolemnly ſworn, not only to ſtand to the Defence of your Majeſty's Perſon and Authority in the preſervation and 'defence of Religion, Liberties, and Laws of the Kirk and Kingdom; 'but alſo in every Cauſe which may concern your Majeſty's Honour, 'ſhall according to the Laws of the Kingdom, and duty of good Subjects, concur with our Friends, in quiet manner, or in Arms, as we 'ſhall be required. But if any be ſo wicked, as to ſeek occaſion to 'divide betwixt your Majeſty and your Kingdom, and for their own 'ends go about to proſtitute the purity of Religion, and the Liberties 'and Laws of that your Majeſty's Ancient and Native Kingdom; we 'can give them no other character, but that which your Majeſty's 'Father of bleſſed memory gave them, terming ſuch Men, *Vipers and 'Peſts againſt the King and his Kingdom.* And if it pleaſe God for 'our Sins, to make our condition ſo deplorable, as they may get the 'ſhadow of your Majeſty's Authority, (as we hope in God they 'will not) to palliate their ends, then as thoſe, who are ſworn to defend 'our Religion, our recourſe muſt be only to the God of *Jacob* for our 'refuge, who is *Lord of Lords, and King of Kings,* and *by whom 'Kings do reign, and Princes decree Juſtice.* And if in ſpeaking thus 'out of zeal to Religion, and the Duty we owe to our Country, and 'that Charge which is laid upon us, any thing hath eſcaped us, ſince 'it is ſpoken from the ſincerity of our Hearts, we fall down at your 'Majeſty's feet, humbly craving pardon for our freedom.

'Having thus, with your Majeſty's permiſſion, cleared the Loyalty 'of your Subjects, that we may next ſhew the reaſon of their Demands, 'and equity of their Proceeding in Parliament, we do firſt crave, 'That if our Anſwers cannot give plenary ſatisfaction to the Objections and Exceptions that ſhall be made againſt their Proceedings, that 'our not knowing of thoſe Objections (albeit we did often require 'your Majeſty's Commiſſioner to ſhew the ſame, that we might be the 'more able to give your Majeſty content; yet being ſtill concealed 'from us, and the Records and Regiſters of Parliament alſo ſtill kept 'from us,) may ſerve much for our excuſe. And if any the Propoſitions and Articles ſought and craved in Parliament, ſhall ſeem harſh 'at the firſt view to ſuch as know not our Laws, that we do expect 'from them the Judgment of Charity, who ought (rather than to 'paſs a raſh Cenſure upon us) to profeſs *Ignorantiam juris & facti 'alieni*; and that they would diſtinguiſh betwixt the Deſires and Actions of a Parliament, who (being convened by Royal Authority, 'and honoured with your Majeſty's or your Commiſſioner's preſence,) 'are makers of Laws, againſt whom there is no Law; and the Actions of private Perſons, againſt whom Laws are made.

'And as the Deſires of the Subjects are no other in the matter, but 'what they did humbly crave in their former Petitions, and are neceſſary for eſtabliſhing of Religion, and the Good and Peace of the 'Kingdom, which can never oppugn the King's Honour, and are 'agreeable to the Articles of Pacification; ſo in like manner they are 'agreeable to the Laws and Practices of that Kingdom.

'And to deſcend more ſpecially; All the Articles given in are either 'ſuch as concern private Subjects, ſuch as are for Manufactures, Merchants Trading, and others of that kind; which do not ſo much 'concern your Majeſty, or the Publick, as the Intereſt of private 'Men, which are but *minima, & de minimis non curat Lex:* Or they 'are Publick Acts, which do concern the Religion and Liberties of 'the Kirk and Kingdom; as the *ratifying of the Concluſions of the*

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‘*Aſſembly, the Act of Conſtitution of Parliaments, the Act of Reciſion, the Act againſt Popery,* and others of that kind. Wherein, becauſe the eyes of the World were upon them, and that hard Conſtructions have been made of their Proceedings, and that Malice is prompted for her Obloquies, and waiteth on with open mouth to ſnatch at the ſmalleſt ſhadow of diſ-reſpect to your Majeſty, that our Proceedings may be made odious to ſuch as know them not, we have endeavoured to walk with that tenderneſs which becometh dutiful Subjects, who are deſirous to limit themſelves according to Reaſon, and the rule of Law.

‘For the better underſtanding whereof, we muſt diſtinguiſh betwixt *Regnum conſtituendum*, and *Regnum conſtitutum*, a Kingdom before it be ſetled, and a Kingdom which is eſtabliſhed by Laws. Wherein (as good Subjects eſteeem it their greateſt glory) to maintain the Honour and lawful Authority of their King; ſo good Kings, (as your Majeſty's Father of ever bleſſed memory affirms, holding that Maxim, that *Salus Populi eſt ſuprema Lex,*) will be content to govern their Subjects according to the Law of God, and fundamental Laws of their Kingdom.

‘Next we muſt diſtinguiſh betwixt the Kirk and State, betwixt the Eccleſiaſtick and Civil Power, both which are materially one, yet formally they are contra-diſtinct in Power, Juriſdiction, Laws, Bodies, Ends, Offices, and in Officers. And albeit the Kirk and Eccleſiaſtick Aſſemblies thereof, be formally different and contra-diſtinct from the Parliament, and Civil Judicatories; yet there is ſo ſtrict and neceſſary conjunction betwixt the Eccleſiaſtick and Civil Juriſdiction, betwixt Religion and Juſtice, as the one cannot firmly ſubſiſt and be preſerv'd without the other; and therefore like *Hippocrates's* Twins, they muſt ſtand and fall, live and die together. Which made us all in our Petitions to your Majeſty, who is *Cuſtos utriuſque Tabulæ*, to crave, that as Matters Eccleſiaſtical be determined by the General and other Aſſemblies of the Kirk, and Matters Civil by Parliament; ſo ſpecially to crave, that the Sanction of the Civil Law ſhould be added to the Eccleſiaſtical Concluſions and Conſtitutions of the Kirk and her Aſſemblies, leſt there ſhould be any repugnancy betwixt the Eccleſiaſtick and Civil Laws, which your Majeſty did graciouſly condeſcend unto. And your Majeſty's Commiſſioner repreſenting your Majeſty's Royal Power and Perſon, in the General Aſſembly, wherein the whole Congregations and Pariſhes in *Scotland* are repreſented, upon diligent enquiry, finding that all thoſe Evils which troubled the Kirk and Kingdom, proceeded from the Prelates, conſented that Epiſcopacy be removed out of the Kirk of *Scotland*, and declared, that all Civil Places of Kirk-men to be unlawful in that Kingdom; and having ratified the *Covenant*, ordaining all the Subjects to ſubſcribe the ſame, with the *General Aſſembly's Explanation* in that ſence. And being alſo obliged to ratify the Concluſions of the Aſſembly in Parliament, it doth neceſſarily follow, that Biſhops who uſurped to be the Kirk, and in the name of the Kirk, did repreſent the third Eſtate; and that all Abbats, Priors, and others, who either did or do claim to repreſent the Kirk, be taken away. Which alſo by neceſſary conſequence doth infer, that there muſt be an Act of Conſtitution of the Parliament without them, and an Act for repealing the former Laws, whereby the Kirk being declared the third Eſtate, and

'Biſhops to repreſent the Kirk; both which the Kirk hath now renounced and condemned. So that unleſs the Act of Conſtitution of 'the Parliament, and Act of Reciſſory paſs, it is impoſſible either to 'have a valid Parliament, or to ratify the Concluſions of the Aſſembly, 'which your Majeſty hath graciouſly promiſed to perform, and which 'your Subjects are obliged to maintain.

'And ſeeing your Majeſty's Subjects have no other ends, but ſuch 'as may ſerve for eſtabliſhing of Religion, and Peace of the Kingdom, 'and are agreeable to the fundamental Laws thereof, and to the Articles of Pacification; and that the Parliament is the only lawful 'means to remedy our Evils, remove our Diſtractions, and ſettle a 'ſolid and perfect Peace: The ſum of your Subjects deſire is, That 'your Majeſty may be graciouſly pleaſed to command the Parliament 'to proceed freely in thoſe Articles given in to them, and to determine them. And whatſoever Objections or Informations are made 'againſt any of the particular Overtures, Artieles, or Proceedings 'of the Parliament, we are moſt willing and deſirous, according to 'your Majeſty's Commandment, for avoiding conteſtation about words, 'to receive the ſame in writ; and are content in the ſame way to return our Anſwers, and humble Deſires.

IX. *Martii.*

'When we came again before the King, his Majeſty ſaid, we knew 'where we left the laſt day, concerning our Inſtructions.

'It was anſwered, That according to his Majeſty's Command we 'had brought our Inſtructions with us; but firſt we deſired two 'things of his Majeſty.

'The firſt was, That albeit his Majeſty might have any with him to 'hear us, and to ask their advice; yet his Majeſty would pardon us in 'declining to anſwer before any, as Judges of our Proceedings in Parliament; and that we would anſwer none of their Queſtions. This 'his Majeſty was pleaſed to admit, but ſaid, He would crave their 'Opinions.

'The ſecond requeſt was, That becauſe the laſt day ſome did write 'as we ſpake, and for that the writing of a word only of a Sentence, 'or a ſentence only of a ſpeech, might admit of a wrong conſtruction, 'and wreſt the meaning of the Speaker; therefore that nothing ſpoken by us, and put in writ by any there preſent, ſhould be of any 'faith or credit againſt us, unleſs it be firſt read unto us, and we allow 'of it. Otherwiſe we would diſclaim it, and would rather give all 'that we ſhould ſpeak in writing, upon condition that if his Majeſty 'ſhould take exceptions at any thing therein contained, we might have 'liberty to interpret our own meaning, becauſe *unuſquiſque eſt optimus* '*Interpres ſui*; and thereupon we delivered his Majeſty a Copy of 'what was ſpoken the day before.

'Whereupon it was anſwered, That it was an ordinary cuſtom in 'Star-chamber, and other Judicatures, that where the King was ſitting, ſeveral Men did write, eſpecially the King's Secretaries.

'To this we replied, That we were not now before any Judicatory, 'and we would adhere to no Man's writ but our own, or that we 'did approve of. His Majeſty then ſaid, that nothing which was 'written ſhould be uſed to tie us, except it were firſt read unto us, 'and we approved of it.

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'When we had ſhewed his Majeſty our Inſtructions, he gave them 'us again to read. Which being read, notice was taken who had 'ſubſcribed them, and of their Names written; and it was objected, 'that there were only ſome few Noblemens hands at them, and ſome 'few Gentlemen and Burgeſſes; and that the Noblemen of prime 'places and antiquity had not ſubſcribed, as *Argile*, *Rothes*, *Montroſs*, '*Marſhal*, &c. and that thoſe who had ſubſcribed them were all but 'Noblemen of the King's own creation, ſave *Balmerino*, who held his 'Life and Head of the King.

'It was anſwered, That thoſe Inſtructions were warranted by 'the Parliament, and were relative to former Inſtructions given 'to the Earl of *Dumfermling*, and Lord *London*, which were ſubſcribed by a great many Noblemen, Gentlemen, and Burgeſſes, 'who were preſent at that time when the Parliament was ſitting; 'and their laſt Inſtructions were ſubſcribed by thoſe Noblemen 'and others, who were Commiſſioners appointed by the Parliament, to make Remonſtrances to his Majeſty, and receive their 'Anſwers. Which was done with conſent of the whole Parliament, 'and had a more formal Power than if they had been ſubſcribed by 'the other Noblemen, then not ſitting in Parliament. His Majeſty 'hereupon deſired to ſee the former Inſtructions, ſubſcribed by the 'other Noblemen; which we did then ſhew him. And after he had 'ſeen the ſame, he urged us to ſhew the Warrant given by the Parliament to thoſe who ſubſcribed our laſt Inſtructions; which we told 'him was not about us: the King required to ſee it at the firſt opportunity, which we did accordingly.

'The King then asked us, as he did the former day, What power 'we had to give him ſatisfaction? for our Inſtructions were only for 'juſtifying and not ſatisfying; and that he dealt with us on very unequal terms, having power to ſatisfy us. And albeit he could make 'it appear, that ſome of our deſires and proceedings in Parliament 'were not agreeable to Law, yet we had not power in any wiſe to 'yeeld in any point to give him any ſatisfaction.

'Whereunto it was anſwered, That as the Parliament had no other 'deſires, but what is contained in our Petitions, nor no other ends, 'but ſuch as might ſerve for eſtabliſhing of Religion, and the Good 'and Peace of the Kingdom; ſo had they given us full power to clear, 'that their Deſires and Proceedings were agreeable to the Fundamental Laws and Practices of the Kingdom, and to the Articles of 'Pacification. And that accordingly we were ready to clear their 'Proceedings were agreeable to Law and Reaſon. And that there 'was no neceſſity of a further power from the Parliament, until we 'knew what exceptions and objections would be made againſt it. Neither was it likely that the Parliament would divolve their full deciſive Power (which was proper to themſelves) to any other, by 'way of reference, and deprive themſelves of their Parliamentary 'Privileges and Right. Neither was there any but neceſſary Acts, 'and ſuch as conduced to the Peace of the Kirk and Kingdom, and 'were agreeable to the Fundamental Laws thereof, and ſuch as 'the King was obliged to ratify by the Articles of Pacification.

'Hereupon the Arch-Biſhop of *Canterbury* (admitting what was 'granted by the King, and acknowledged by them, *viz.* That the 'King was not in Judicature, nor they to ſpeak in any ſort as Judges, but only as thoſe whom his Majeſty had required to hear and give their Opinion) deſired his Majeſty to enquire of us, that ſeeing we did aver, That all our Deſires and Proceedings were agreeable to the Laws and Cuſtoms of that Kingdom, (which could be no other than the preſent Statutes of that Kingdom), how could the ſame conſiſt with the other part of our Deſires, whereby we craved preſent ſtanding Laws to be Repealed? And where we ſaid his Majeſty was obliged to Ratify the Concluſions of the *Aſſembly*, was only but a *Parentheſis*, and ſaid, It was more than he believed, that his Majeſty was bound to Ratify the Concluſions of the *Aſſembly*. And then he ſaid to the King, Sir, I think your Majeſty hath not obliged your ſelf to take away the preſent ſtanding Laws.

‘To this we anſwered, That there was no repugnancy betwixt theſe two Aſſertions, *viz.* That our Deſires were agreeable to the Fundamental Laws, and yet that we craved, That the Acts which were repugnant to the Concluſions of the *Aſſembly* ſhould be Repealed; for both could very well conſiſt: becauſe, as it was competent to the Parliament to make Laws and Statutes for the good of the Church and State; ſo it was proper for them to Repeal all Laws contrary thereunto. And for that which you call the *Parentheſis*, of the King's being obliged to ratify the Concluſions of the *Aſſembly*; We do not ſpeak it by way of Suppoſition, but do poſitively affirm, That his Majeſty is obliged to Ratify the Conſtitutions of the Aſſembly.

‘The Arch-Biſhop replied, That he hoped that we thought him not ſo groſs nor ignorant, but he knew that the Parliament had Power as well to repeal Laws, as to make Statutes, *pro ratione & diſtinctione temporum*; but his Objection was, How it was poſſible? how our Deſires were agreeable to the Laws? and yet craved ſtanding Laws to be repealed, by Reaſon of the Acts and Concluſions of the *Aſſembly, ex conſequenti*. For if the Clergy of *England* being now call'd to their *Convocation*-Houſe at the time of this Parliament, ſhould take upon them to Anul and Repeal Acts of Parliament, his Majeſty might eaſily conſider what great Confuſion and Danger would follow.

‘To which was anſwered, That by reaſoning his Objection, he gave no further ſtrength to his Argument than it had before, and which was ſufficiently anſwered; but only now he added, That Acts of Parliament could not fall becauſe of the Acts of the *Aſſembly, ex conſequenti*, which he would prove by an Inſtance of Compariſon, between the *Convocation*-Houſe & the Parliament of *England*. For anſwer whereof it was replied, That it did neceſſarily follow, that Acts of Parliament, which depend upon Acts and Concluſions of the *Aſſembly*, muſt fall and be repealed when the *Aſſembly* had reduced, repealed, and anulled the Acts of the *Aſſembly*, whereof thoſe Acts of Parliament were but Ratificatory, and depended upon the Acts of the *Aſſembly*; becauſe *ſublata cauſa tollitur effectus, & acceſſarium ſequitur ſuum principale*. And as for the Inſtance concerning the *Convocation*-Houſe, which did only conſiſt of Prelats, and ſome of the Clergy, it was of a far different nature from our *General Aſſembly*, where his Majeſty or his Commiſſioner ſit, and where the whole Congregations and Paroaches of the Kingdom were repreſented by their Commiſſioners from Preſbyteries; ſo that what was done by

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‘them, was done by the whole Church and Kingdom, and ſo ought to be allowed in Parliament: Therefore there could be no ſuch Inference thereof made of any ſuch dangerous Conſequence, as if the *Convocation*-Houſe (which conſiſted only of Prelats, and ſome of the Clergy) ſhould change Religion, or take away Acts of Parliament made by the whole Eſtates of the Kingdom.

‘The Arch-Biſhop replyed, That their *Convocation*-Houſe was as eminent a Judicature as ours, and ought not to be ſo ſlighted: That the Clergy and himſelf had bin a long time Members of the Parliament; and that neither the *Engliſh*, nor no Reformed Church, had Laick Elders as we had in our Aſſemblies, and proteſted he ſhould loſe his life before they ſhould have them.

‘It was anſwered, That we were not medling, nor would have ſpoken of their *Convocation*-Houſe, unleſs he had mentioned it himſelf; and that it was a groſs miſtake of any that conceived Laicks were Members of the Aſſembly; but that the Office of Elders was Eccleſiaſtick, and as Orthodox and agreeable to Scripture, as any Order they had in the *Convocation*-Houſe: But we were only clearing the Power of our own General Aſſembly, and of the Equity and Deſires of the Parliament: And that as the Acts of the *Aſſembly* had repealed and taken away the former Acts of *Aſſemblies*, which did take away the Acts of Parliament, ratifying thoſe Acts *ex conſequenti*; ſo we craved, That the Acts of Parliament it ſelf might Repeal the Acts of Parliament which now had no force, and ſo ought to be repealed.

‘The Earl of *Traquair* ſaid, That all the Acts given into the *Articles*, were not conſented unto by the whole Eſtates and Subjects, but that in ſome of them they were of a different Judgment among themſelves, and that he hoped we would not ſtick in ſome things to yield to the King for his Majeſty's Satisfaction; but if we ſtood to juſtify all, the King had the more reaſon to crave from whom they had Warrant ſo to do.

‘To which it was anſwered, That he knew very well that all was not ſtood upon, for there were divers things paſt in *Articles*, ſome of them to be conſulted with the King; and what was ſtuck upon, was upon good Reaſon: Beſides, every thing done in *Articles* were not enacted Statutes, but only Propoſitions prepared for the Parliament; and it was ſufficient, if there were ſo much Law and Reaſon for thoſe Propoſitions, as merited the conſideration of the Parliament: but we told them, That we deſired rather to anſwer ſuch Objections in Writ, than Verbally.

‘The King having thus long debated and objected againſt the Sufficiency of our Power, made us remove to the next Room; and after adviſement taken, we were call'd in again, and told, That albeit his Majeſty in his own Judgment, as in the unanimous Judgment of thoſe that were with him, conceived we had no Power to give him Satisfaction, yet he was pleaſed to hear the particular Reaſons of our Demands. We replyed, That our Demands were only, that the Parliament might proceed and ratify the Concluſions of the *Aſſembly*, and to determine all the *Articles* given in unto them, as being agreeable to the Laws of the Land, and *Articles of Pacification*. And if any Objections were made, they would anſwer them in Writing. The King ſaid, It behoved his Commiſſioner to give the

‘Objections. We anſwered, That we knew his Lordſhip might give ‘them preſently, and we would anſwer them again the next day; but ‘they refuſed to give them till the morning. This we told them was ‘a protracting of time, and would force us to crave a time to return ‘our Anſwers.

Here followeth the Objections and Anſwers.

Queſtion.

‘WHether are you Warranted or Inſtructed from Parliament to ‘ſatisfy his Majeſty, anent the Power of Prorogation of Par‘liaments of himſelf, and of his own Prerogative ſimply? And whe‘ther a Parliament thus Prorogued ſimply by his own ſole Royal ‘Power, can or may ſit before the time to which his Majeſty hath ‘Prorogued the ſame? And if you have no Warrant nor Inſtruction ‘herein from the Parliament, What are your own private Judgments ‘herein?

Anſwer.

1. ‘As our Power and Inſtructions from the Parliament do war‘rant us to ſhew, That their Proceedings and Deſires are agreeable to ‘the Laws and Practice of the Kingdom, and to the *Articles of Pa‘cification:* So are we particularly injoined to anſwer all Objections ‘which either may be propounded, or which they conceived could ‘be propounded, againſt the Acts and Proceedings of the Parliament. ‘And as concerning any other Queſtion, which was not moved in ‘Parliament, nor is againſt the Articles and Propoſitions given in to ‘them; as the ſame did not fall within the Conſideration of the Par‘liament, ſo neither can it come within the compaſs of our Inſtructi‘ons, as that whereunto we have Warrant to anſwer. It is alſo to be ‘underſtood, that the Propoſitions and Acts given in to the Lords of ‘the *Articles*, are not Statutes, but are only propounded and given ‘in to them to be prepared for the Parliament, that the Parliament ‘may enact or refuſe the ſame as they ſhall find them expedient or in‘expedient, for the good of the Church and State.

‘And as concerning the Query anent the Prorogation of the Par‘liament, We are warranted by our Inſtructions and Informations to ‘ſhew, That the Prorogation of the Parliaments of that Kingdom, ‘being once Convened in plain Parliament, and having choſen the ‘Lords of *Articles*, or entred on Actions, hath ever bin done with ‘the conſent of the three Eſtates; as may be ſeen in the Raigns ‘of King *James* 6. Queen *Mary*, King *James* 5. King *James* 4. King ‘*James* 3. King *James* 2. King *James* 1. and ſo forth, in all the ‘Printed and Writen Records of Parliament; and they are confi‘dent that your Majeſty will be graciouſly pleaſed to keep that ſame ‘Form and Order of Prorogation of Parliaments, which all your moſt ‘Worthy and Royal Anceſtors did: Neither did the Parliament ex‘pect that your Majeſty (who did graciouſly grant this Parliament ‘for eſtabliſhing of Religion, Ratifying the Concluſions of the *Aſ‘ſembly*, and ſetling the Peace, and hath accordingly given an ample ‘Power, under your Majeſty's Broad Seal, *pro retentione & obſerva‘tione Parliamenti*, without any Power, or Clauſe of Prorogation or ‘delay) would require this Parliament to be Prorogued without

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'conſent of the Eſtates of Parliament, until thoſe things were performed, which your Majeſty was graciouſly pleaſed to condeſcend unto.

Object. 'And where it may be objected, That a Parliament was Prorogued *de Mandato Regis*.

Anſw. 'It is anſwered, That only proves the Denomination of the Act to be taken from the King, but doth no ways prove, that the Act was made without conſent of the Eſtates, no more than that Act of Parliament holden at *Edinburgh*, *Junii* 28. 1450. *An.* 3. *Ja.* 2. *fo.* 33. expreſſing, That *the three Eſtates did continue the Parliament without naming the King*, will infer, That the Eſtates wanted the King's Conſent; for it is uſual that the Denomination of Parliaments be taken ſometimes from the King only, ſometimes from the three Eſtates, and ſometimes from both; and in that the Prorogation was done by Act of Parliament, it is enough it be done with conſent of the three Eſtates. Alſo the Letter written by King *James* the *6th* to the Lord *Balmerino*, his Majeſty's Secretary in the Parliament, *May* 1604. expreſſing, That *ſeeing the Parliament of* England *was continued, therefore the States ſhould continue the Parliament of* Scotland, which they did. And this doth evince, that the Parliaments were ſtill continued with the conſent of the three Eſtates.

'And having thus (according to our Inſtructions given us) ſhewn the Judgment of the Parliament (whoſe Language and Mind we ought now to ſpeak, and not our own private Opinions) concerning the Form and Order of Prorogation, which hath bin conſtantly obſerved in all preceding Parliaments; We do ſo much tender your Majeſty's Royal Power and Lawful Authority, (which we have ſworn never to diminiſh) as we neither do nor will preſume to exceed our Inſtructions to define what your Majeſty may do in the height of your Power: for to diſpute *à poſſe ad eſſe*, is both againſt Law and Divinity; and whatſoever your Majeſty may do in the height of your Power, We hope that your Majeſty will ever be graciouſly pleaſed to Rule your Subjects according to Law; the continual practice whereof we have ſhewn in this Point, neither know We any former Law or Practice to the contrary; and if any Man hath informed your Majeſty, or affirmed that it is otherways, *affirmanti incumbit probatio*.

2. 'As concerning that Act, whereby it is craved, That the Power of the Lords of the *Articles* may be defined, We have Direction and Information from the Parliament, to ſhew the Equity, Lawfulneſs, and Expediency of that Act, which may be eaſily perceived from the Reaſons contained in the Narration of the *Act* it ſelf, which *brevitatis cauſa* is referred thereto: as alſo from the written Records and printed *Acts* of Parliament, from the Nature of all Committees, and from the preſent Eſtate and Condition of the Parliament of that Kingdom: For as it is clear by the Hiſtory of that Kingdom, and Records of Parliament, that there was never ſuch a thing heard of as Lords of *Articles*, until the time of King *David Bruce*, ſo it is manifeſt in all the printed and written Records of Parliament ſince that time, That many Parliaments had no Lords delegate for *Articles* at all; and when there were any choſen, the Nomination and Election of them was ever with the common conſent and advice

‘of the whole Parliament, until the Parliament 1617, that the Biſhops took upon them to remove out of plain Parliament to the Inner-Houſe, and there choſe ſome of the Noblemen, and thoſe Noblemen choſe them, and they two choſe the Commiſſioners of Shiers and Burroughs to be of the *Articles*: Which as it is againſt the firſt Inſtitution and Form of Election of all precedent *Articles* introduced by the Prelats, ſo doth it fall, and ought to be removed with them *ut Effectus removeatur cum ſua Cauſa*: For they being removed, cannot chuſe the Noblemen to be on *Articles*, and the Noblemen cannot chuſe them, nor can they both together chuſe the Barons and Burroughs: So that it doth of neceſſity follow, that either there be no Lords of *Articles*, but that all be done in face of plain Parliament, as it was of old; or elſe if *Articles* be, that the Order of Election be from the whole Parliament; or that every State of Parliament make choice of their own Number which are to be on the *Articles*: for according to the common received Maxim, *Quod omnes tangit, ab omnibus approbari debet*; who are choſen to repreſent the whole Kingdom, and are appointed to convene in their Name, for eſtabliſhing ſuch Laws as are neceſſary for the good of the Common-Wealth, ought to diſcharge the truſt themſelves, and not to intruſt *poteſtatem Univerſis Commiſſion.* to ſome Elected Perſons, except only in Caſes of Neceſſity and Utility, which ever may be done or omitted according to conveniency and occaſion of Affairs. For as this freedom of chuſing, or not chuſing of *Articles* in practice and *de facto*, was arbitrary and changeable *pro occaſione & diſtinctione temporum*; So there is never any Statutory Law enjoining the neceſſity of *Articles*, determining the Power and Manner of their Proceedings, *& in actibus liberis* of the Law, *non currit preſcriptio.* And it is very agreeable to Reaſon, that the power of *Articles*, which is but a Committee delegate from the Parliament, to prepare Matters for their Conſideration, have not a boundleſs and unlimited Power, but be countable to them; and the Power of *Articles* is only preparative and not determinative, and is but *curatio*, by virtue of a Delegation; which ends at the redemand of the Granter, and ought no ways to be privative of the Parliamentary Power, but only Communicative, and ought before cloſing or riding of the Parliament, to render an account to them of all that hath bin propounded or paſt in *Articles*, that the whole Parliament may have a competent time for Conſideration, Agitation, mutual Communication, Diſcuſſion, and Deliberation of the Reaſons and Concluſions of thoſe *Articles*, which are to be voiced, and not to vote blindly and without foreknowledg, to agree or diſagree to ſuch things as by their Suffrages are enacted to be Laws, which requires not only Voicing, but alſo Hearing, free Reaſoning, and ripe Advice, as is clear by the Commiſſions granted to the Shires and Towns to their Commiſſioners, and from the *Acts* of Parliament of the firſt Parliament, 7 *Act* 101, and *Acts* of Parliament 1584, and 1587, *An. Jac. 6.*

3. ‘As for anſwer to the new Augmentation of Cuſtoms and Book of Rates, it is humbly acknowledged, That the Cuſtoms belonging to your Majeſty, as a part of the Patrimony due to your Crown, as appears by divers *Acts* of Parliament, eſpecially by the 179 *Act*, *An.* 13. *Jac.* 6. and 206 *Act*, *An.* 14. *Jac.* 6. and 251, and 254, *Acts An.* 15. *Jac.* 6. It is evident that the Cuſtoms of Native and Foreign

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‘Foreign Commodities hath bin impoſed by the *Exchequer*, and condeſcended unto by ſome of the Barons, upon promiſe made unto them by the Earl of *Traquair* (as they affirm) that the Book of *Rates* without alteration ſhould be ratified in the next Parliament, (the performance whereof was only craved by the *Article* given in) and that no new Augmentation ſhould be impoſed upon Cuſtom, but that which is agreeable to Juſtice and the Laws of the Kingdom, which the Burroughs conceived they might lawfully repreſent to your Majeſty and the Parliament's Conſideration.

4. ‘The Reaſon and Occaſion of that *Article* given into the Parliament, anent the value of Money, and concerning Copper Money, doth flow from the ſenſible Loſs and great Prejudice which your Majeſty's Subjects of that Kingdom do ſuſtain, by the huge quantity of Copper Mony which hath bin coined here, and allowed with Advice of your Majeſty's Council, to paſs here at a rate ſo far above the intriſick value thereof; As alſo, (beſides what is coined in the Kingdom) there are likewiſe a great deal coined abroad in other Countries and brought into *Scotland*, and great quantities of falſe ones forged by Tinkers; and through occaſion thereof all other Money is exported and taken away, and no other Money almoſt left; and the proclaiming of them up and down in ſo ſhort a ſpace of late, hath brought the eſteem and value of them to ſuch an uncertainty and confuſion, as no Man knows at what rate they ſhould paſs at, or whether they ſhould paſs or no; which to your Majeſty's Subjects is a very great prejudice, eſpecially to Tradeſmen and poor People, in whoſe hands moſt part of thoſe baſe Monies are, whoſe diſtreſſed Condition cries to your Majeſty for Remedy: Like as the importing of Dollars from Foreign Kingdoms, and tolerating them to paſs for a long time at a higher Rate and Price, then is anſwerable to the true value, gave occaſion to export and take away your Majeſty's own Coin, and the crying down of the Dollars thereafter by your Majeſty Council, at ſuch a time when there was little or no other Money in *Scotland*, occaſioned great ſcarcity of Money in this Kingdom. From the by-paſt experience of which loſs, and for Remedy thereof, that *Article* craving, That Money ſhould not be altered without Advice of the Eſtates of Parliament, was given in without thought or intention to intrench in any ſort upon your Majeſty's Royal Authority: But that your Majeſty, for the good of your Subjects, may be graciouſly pleaſed, That the Standard-Money (conſiſting in Fineneſs, Weight, and price of Money) which from time to time hath bin ruled and ſet down in Parliament, may be ſeen by that Act of Parliament, *An.* 1366. in *David* the Second's time, in theſe words, *Statutum quod fabricetur moneta de materia jam allata in Regnum, & quod in pondere & metallo equipolent monetæ currenti in* Anglia, *& fiat in ipſa ſignum notabile, per quod poſſit ab omni alia prius fabricata evidenter cognoſce, quouſque in proximo Parliamento ſuper hoc maturius aviſari poſſit.* The ſame is alſo manifeſt from a great many other Acts in the Raigns of *Ja.* 1. *Ja.* 2. *Ja.* 3. *Ja.* 4. *Ja.* 5. *Ja.* 6. eſpecially Parl. 1 *An. Ja.* 1. *cap.* 33. *An.* 1424. *Item, Ja.* 2. *Parl.* 6. *cap.* 29. *& Parl.* 8. *cap.* 33. *Parl.* 15. *cap.* 59. *Parl.* 14. *cap.* 72. *Item, Ja.* 3. *Parl.* 1. *cap.* 9. *Parl.* 3. *cap.* 18. *Parl.* 4. *cap.* 21. *Parl.* 6. *cap.* 46. *Parl.* 7. *cap.* 50. *Parl.* 8. *cap.* 64. *Parl.* 13. *cap.* 93. *Item, Ja.* 4. *Parl.* 1. *cap.* 2. *Parl.* 2. *cap.* 17. In the unprinted Acts, *An.*

‘*Jac.* 6. *Parl.* 5. 1578. *Parl.* 7. *Cap.* 106. *Parl.* 8. 1584. *Parl.* 13. *an.* 1593. And in the printed *Acts*, *Parl.* 15. *Cap.* 249. *Parl.* 16. *Cap.* 9. And alſo in the Parliament 1633, holden by your Royal Majeſty, there is Commiſſion given in Parliament to the Privy-Council, and other Commiſſioners, anent the frequent courſe of Dollars, and baſe Copper-Mony. By reading of which *Acts* it is manifeſt, that the fineneſs, weight, and price of Money, hath bin ruled and determined by your Majeſty's Predeceſſors, and your Self, with the advice of Parliament. Neither is it meant or intended, that your Majeſty's Royal Privileges (which have bin and are due to your Majeſty, and Royal Anceſtors) ſhall thereby in any ſort be trenched upon, or impaired.

‘The reaſon of that Article, whereby it is humbly craved, that the Caſtles of *Edinburgh*, *Dumbarton*, and *Striveling*, may be entruſted only to Natives, and thoſe to be choſen by advice of Parliament, of ſuch faithful and honeſt Men as do tender your Majeſty's Honour, and Safety of the Kingdom; may be ſeen not only from the nature and importance of the Charge, but likewiſe from the former practice of your Majeſty's Royal Predeceſſors, who did diſpoſe of thoſe Caſtles with ſpecial advice of Parliaments; as is recorded in the old Regiſters of Parliament, 1368; like as *fol.* 83. *an.*—*Jac.* 4. It is conconcluded by the advice of the three Eſtates, that *Patrick* Lord *Hayes* be Keeper of the Caſtle of *Edinburgh*, and Artillery of the ſame. *Item fol.* 21. *cap.* 35. *Jac.* 6. the three Eſtates ordain the Caſtle of *Dunbar*, and Fort of *Inchkeeth*, be demoliſhed and deſtroyed, that no foundation remain thereof. Like as by divers unprinted Acts, as in *Anno* 1578, 1585, and 1606, Your Majeſty's Houſes have bin diſpoſed of by advice of Parliament. And not only National Statutes, but the Law of Nature and Nations, do forbid the receiving of Strangers to be Keepers of the Strength of a free Kingdom. And *anno* 1604, when the Parliament of *Scotland* gave Commiſſion anent the Union with *England*, with exception and reſervation of free Monarchy, and the Fundamental Laws, Liberties, and Privileges of that Kingdom. And your Majeſty's Father in his printed Speech to the Parliament of *England*, 1607, when he interprets the Clauſe of *Fundamental Laws*, declares, That he could not make *Scotland* a naked Province without Liberty, and to ſet Gariſons over *Scotland*, as the *Spaniards* do over *Sicily* and *Naples*, or govern them by Commiſſioners. So that his Majeſty in his own interpretation doth acknowledg, that the putting in of Gariſons, eſpecially of *ſtrangers*, as of *Engliſh-Men*, in the Forts and Caſtles of *Scotland*, is a breaking of the Fundamental Laws and Liberties of *Scotland*, and uſing it like a naked and conquered Province, like as *Sicily*, *Naples*, or *Ireland* is. And as your Majeſty's Subjects gave an undoubted proof how tender their Minds are in point of Obedience to your Majeſty's Commands, not only in delivering the Caſtles to be diſpoſed of at your Majeſty's pleaſure, without any aſſurance, other than their confidence in your Majeſty's Goodneſs and Juſtice; ſo have they of late given a very ſubmiſſive and rare Teſtimony of their Obedience, in the humble reception of thoſe Strangers and Ammunition, which your Majeſty was pleaſed to ſend to the Caſtle of *Edinburgh*, where the Honours of your Crown and Kingdom, and Regiſters are kept; preferring their Obedience to your Majeſty's Commands to their own Safety, even at this time when their ears are filled with hoſtile Preparations

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‘against them. All which makes them, and us in their Names, humbly to ſupplicate and expect, that your Majeſty will be graciouſly pleaſed, by recalling that Gariſon, to free your loyal Subjects of thoſe Fears and Dangers, who will ever be ready to hazard both their Lives and Fortunes to do your Majeſty ſervice. Neither do they in that Act given in to the Articles, arrogate or aſſume it to themſelves to appoint Keepers for your Majeſty's Caſtles, but do humbly crave, That your Majeſty will be pleaſed to declare (for further ſatisfaction of your Subjects) that the Commanders of your Caſtles may be choſen by the advice of the Eſtates of the Parliament; and that ſuch as ſhall happen to be placed betwixt Parliaments, may be tried, and found by your Majeſty's Council to be Men of ſuch quality as are fit and able to undergo that Charge. Which in the Judgment of the Parliament, derogates nothing from your Majeſties Royal Authority.

6. ‘As for the Reaſons of the Act anent the Judicature of the Exchequer, we have ſet down ſome few of the many Reaſons, which do ſufficiently prove the Equity and Juſtice thereof.

1. ‘The *Seſſion* and *Exchequer* are two diſtinct Judicatures, and not ſubordinate one to another, and cannot be contruerent in the ſame Object. And therefore ſeeing the Queſtion of Right and Nullity of Right is competent to be decided by the Lords of *Seſſions*, by way of Action or Exception, it is altogether incompetent to be diſcuſſed by the Lords of the *Exchequer*.

2. ‘The Lords of the *Exchequer* are incompetent Judges in a Declarator of Nullity by way of Action, and conſequently cannot annul any Right by way of Exception, which is a more ſummary way. And it were abſurd in Law, (ſeeing the Subject and Queſtion is one, whether proponed by way of Action or Exception,) that incompetent Judges of the Action ſhould have a more abſolute and ſummary Juriſdiction by way of Exception.

3. ‘It appeareth by an *Act* of Parliament not printed, 1593, entitled, *A Commiſſion to the Exchequer anent deciding Suſpenſions in the King's Cauſe*, that before the ſaid *Act* the Exchequer had not power to decide in Suſpenſions, until it was given them by the ſaid *Act*; far leſs can it be thought, that they ever had or can have power to decide in the point of heritable Right: neither doth the late *Act* 1633, authorize to decide therein expreſly. And if it be truly conſidered, ſome general words contained therein, intermixed with the particular Caſes therein expreſſed, ſhould not, nor cannot be extended to ſo high a point, as the diſputing and deciding of the Subjects heritable Rights. Like as at the making of the ſaid late *Act*, the Lords of the *Seſſion* having heard ſome ſurmiſe that the King's Advocate was giving in ſuch an *Act*, ſeven or eight of them convened together, and ſent for the *Advocate*, who aſſured them that there was not nor ſhould not be any ſuch thing, but that the *Act* ſhould be conceived in ſo clear terms, that it ſhould not be poſſible to draw in under any part thereof a power to the Lords of the *Exchequer* to diſpute, far leſs to decide in heritable Rights. And as the Subjects heritable Rights and Infeoffments are by this *Act* ſaved from being decided and annulled by incompetent Judges; ſo your Majeſty is no ways prejudiced thereby, ſeeing the Lords of Seſſion (who by the Laws of that Kingdom are proper and competent Judges of all heritable

Rights and Infeoffments,) may and will decide any Queſtions which may concern your Majeſty, in nature, tenor, and validity of any heritable Right.

An Anſwer to Twenty five ſeveral Propoſitions more, given to the Commiſſioners on Friday *at Night, the* 20th *of* March, 1639; *and by them anſwered on* Monday, March 23.

1639 *Engliſh Style.*
1640 *Scotiſh Style.* } *as followeth.*

Firſt,

The Proteſtation made by ſome of the Noblemen, (that their giving way to the preſent Treaſurer and Privy-Seal, ſhould not prejudice them of their Right) carrieth the ſame reaſon of the Proteſtation in it ſelf; becauſe in Law and Practice it is uſual to any, who conceives himſelf prejudged, even in thoſe things where Acts of Parliament paſs againſt them, to proteſt *multo manis*. In ſuch a caſe as this it is lawful for him to proteſt, that you giving way to that, which they conceive hath no Law for it, ſhould not prejudge their Right, which is only craved *prout de jure*.

Secondly, That the Act againſt the Conſtitution of the Parliament, remitted to the Articles to be conſidered by your Majeſty till next Parliament, was queſtioned and urged, that the ſame might be brought in open Parliament without any ſuch reference, for divers reaſons: Firſt, becauſe in that Act there was a Clauſe, craving it might be enacted, that there ſhould be *Stataria Parliamentaria* once in two or three years at leaſt; which Clauſe of the Act, ſo ſoon as it was underſtood by the Propounders and In-givers thereof, that your Majeſty might conceive the ſame to derogate from the freedom of your Royal Power of indicting Parliaments when your Majeſty pleaſed, they did paſs from that part or clauſe of the Act. And albeit it may be eaſily demonſtrated from the Prejudice which your Majeſty's Ancient and Native Kingdom ſuſtains, through want of your Royal and perſonal Preſence, and living at ſo far a diſtance from the place of your Majeſty's reſidence, how requiſite it is that there be frequent Parliaments holden in that Kingdom; yet leſt the deſire of your Majeſty's Subjects might ſeem in any ways to trench upon your Authority, they did paſs from that part of their deſire, and did only inſiſt that there might be a right Conſtitution of the Parliament, and that an Act might be paſt for reſcinding and repealing of ſuch former Acts which repugn the Acts and Concluſions of the Aſſembly, which is conceived to be ſo abſolute neceſſary, as there can never be a valid Parliament without the ſame, nor can the Acts and Concluſions of the *General Aſſembly* be ratified; which to refuſe, were both contrary to the primate end for which the Parliament was indicted, and againſt your Majeſty's Royal and Gracious Declarations. And that it is impoſſible without paſſing the Reſciſſory Act, and Act of Conſtitution, to have a valid Parliament to ratify the Concluſions of the

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Aſſembly, is manifeſt; ſeeing by former Conſtitutions of the Parliament, no Act of Parliament can paſs without the conſent of the three Eſtates, of which the Kirk was the third, (as is to be ſeen by the Act of Parliament 1609,) and any Act of ratifying the Concluſions of the *Aſſembly*, or for any other cauſe whatſoever, which can be put in this Parliament, till the Parliament be lawfully conſtitute without Prelates, or any other repreſenting the Kirk, cannot be valid, but may be quarrelled and annulled upon that formal and fundamental ground of the former Conſtitution of Parliaments, which ſtands eſtabliſhed by Acts of Parliament *anno* 1584, 1587, 1597, and 1606. By all which it is clear that the Parliament was conſtitute of the three Eſtates; and that the Prelates voting in Parliament, and repreſenting the third Eſtate, was a Privilege granted to the Kirk, and that they (as her Office-bearers) had only Vote in the name of the Kirk, may be clearly ſeen by the 231 *Act Parl.* 15. *Jac.* 6. *Anno* 1597. where the King's Majeſty and his Eſtates reſtores Miniſters provided to places, to have vote in Parliament, and that upon this reaſon, as having ſpecial care of the greateſt Privileges and Immunities granted by his Predeceſſors to the holy Kirk within this Realm, and to the ſpecial Perſons exerciſing the Office, Dignity, and Title of Prelats within the ſame, which is reputed one of the Eſtates, and that the ſaid Prelats have bin from time to time conſerved in the ſame integrity wherein they were at any time before. So that his Majeſty, out of his ſingular affection to the advancement of Religion, declares this Kirk to be a true and holy Kirk, and that the Miniſters and Paſtors within the ſaid Kirk, provided to the Office, Place, Title and Dignity of a Biſhop or Prelat, ſhall at all times hereafter vote in Parliament, ſuch-like and as freely as any other Eccleſiaſtick Prelat had at any time by-gone; and that all Biſhopricks ſhall be diſponed to actual Preachers. Which proves that in time of *Popery*, and ever until that time 1597, this privilege of Voting in Parliament was granted to the Kirk, and only to the ſpecial Perſons, who by virtue of their Office did repreſent the Kirk; which is alſo clear from the Act of Annexation, *anno* 1587, whereby all the Temporalties of Benefices were annexed to the Crown. Notwithſtanding whereof they did ſtill vote in *Parliament*, in name of the Kirk, having no Temporalities at all, till the *Parliament*, *Anno* 1606. Wherein it is clear in the Act of the Reſtitution of the Eſtate of Biſhops, and alſo in the *6th* Act of *Parliament*, *Anno* 1609, that Vote in *Parliament* is given to the Prelats, as one of the Liberties and Privileges granted to the Kirk, whom they did repreſent, and did ever ſit *pro Clero* on his Majeſty's right hand, and voted in the name of the Kirk. But ſeeing in the late *General Aſſembly* holden at *Edinburgh*, after particular enquiry anent the true and real Cauſe of the Evils which did ſo much trouble the Peace of that Kirk and Kingdom, it is found, that the Government of the Kirk by Biſhops, and Civil Power and Places of Kirk-men, eſpecially their voting in *Parliament*, amongſt other Novations brought into that Kirk, were two main Cauſes of thoſe Evils. And that the *Spiritual Aſſembly*, by conſent of your Majeſty's Commiſſioner, repreſenting your Royal Power and Perſon, hath removed Epiſcopacy out of the Kirk of *Scotland*, and declared all Civil Places and Power of Kirk-men to be unlawful in that Kingdom, as contrary to the Confeſſion of Faith, and Con-

ſtitutions of the Kirk, and hath ratified the Covenant, ordaining all
‘the Subjects to ſubſcribe the ſame, with the *General Aſſembly's* Ex-
‘planation in that ſence. And your Majeſty being obliged to ratify
‘the Concluſions of the *Aſſembly* in Parliament; it doth neceſſarily
‘follow, That Biſhops (who uſurped to be the Kirk, and did in the
‘Name of the Kirk repreſent the third Eſtate) be taken away: which
‘alſo by neceſſary conſequence doth infer, that there be an Act of
‘Conſtitution of the Parliament without them; and an Act of Re-
‘pealing the former Laws, whereby the Kirk was declared the *Third*
‘*Eſtate*, and that the Biſhops did repreſent the Kirk; both which the
‘Kirk hath now renounced and condemned as a Detriment and Pre-
‘judice incompatible with her Spiritual Nature. Neither doth the
‘paſſing thoſe Acts wrong the Kirk nor State, nor diminiſh your Ma-
‘jeſty's Princely Power, as was demonſtrated by that which was ſpo-
‘ken to your Majeſty the third of *March*, and which we did yeſter-
‘day preſent to your Majeſty in writing, which for brevity we for-
‘bear to repeat. And if your Majeſty's Commiſſioner deny that he
‘did aſſent to the Act of the *Aſſembly* the 17*th* of *Auguſt* laſt, where-
‘by Epiſcopacy and the Civil Places and Power of Kirkmen, and
‘ſpecially their voting in Parliament, was declared to be unlawful, as
‘being contrary to the *Confeſſion of Faith*, and Conſtitutions of the
‘Kirk; and that he did approve that all the Subjects ſhould ſubſcribe
‘the *Confeſſion of Faith*, with the *Aſſemblies* Explanation thereof, we
‘offer to prove the ſame by the very Acts of the *Aſſembly*, and Re-
‘cords thereof, bearing his aſſent, firſt verbally, and afterwards given
‘in by writing.

Thirdly, ‘The Reaſon of that *Article* which craveth, That every
‘Commiſſioner of a Shire ſhould have a ſeveral Vote, appears in the
‘very Propoſition it ſelf: for that any who by the Laws of the King-
‘dom, and by their Commiſſions, comes authoriſed as Commiſſio-
‘ners to Hear, Treat, and Determine in Parliament, and yet not to
‘have a Deciſive Voice, ſeems to be *repugnantia in adjecto*; and that
‘by the ancient practice the whole Burroughs and Freeholders in that
‘Kingdom had Vote in Parliament, may be ſeen in ancient Records
‘of Parliament; as in the Raign of King *James* the Second, in the
‘old Acts of his Parliament, *fol.* 20, 33, and 36. In the Raign of
‘King *James* the Third, the 14 *Parl.* and 112 *Act.* Alſo in the Raign
‘of King *James* the Sixth, the Parliament begun the 15*th* of *Octo-*
‘*ber* 1587; which Parliament being convened and continued, all
‘Free-holders are thereby enjoined to come to the Parliament to
‘treat and conclude upon things needful: Notwithſtanding whereof
‘no ſuch Privilege was claimed, but only craved the Declaration and
‘Determination of the Parliament, whether each Commiſſioner of the
‘two ſent from a Shire, have right in Law of a ſeveral Deciſive Voice;
‘which if at any time it had bin marked otherwiſe, they alleaged
‘the ſame proceeded from the Ignorance, Error, or Corruption of the
‘Clerk: And as the Burroughs and Free-holders are the far greateſt
‘part of the Body of the Kingdom, and that all of them of old had
‘Voice in Parliament, till their abſence by ſome late Acts, ſpecially
‘the 10*th* *Act*. *Parl.*7. *Jac.* 1. and *Parl. An.* 1587. *Jac.* 6. is diſpens'd
‘with, and they exempted from neceſſity of coming, and Unlaws,
‘(*id eſt*, Forfeitures) which they were liable to pay for non-appear-
‘ance, providing they ſend Commiſſioners in their Names to Vote in
‘Parliament;

An. 1639. ‘Parliament; and therefore they think it agreeable both with Law and Reaſon, That every one of theſe few Commiſſioners, who do repreſent ſo many, ſhould have a ſeveral Deciſive Voice. And the *Act* of Parliament made by King *James* 6, *An.* 1587. bears, That the Commiſſioners of Shiers ſhall be equal upon Articles with Burroughs, and ſhall have Voices in Parliament. The meaning whereof doth import, That every one of the ſaid Commiſſioners ſhall have a Deciſive Voice, becauſe *quod de omnibus dicitur de ſingulis dicitur.* And if both the Commiſſioners of one Shire ſhould have but one Deciſive Voice, then it would follow that every one of them hath but half a Voice; and conſequently when one is abſent, the other being preſent ſhould have no Voice; and one could not be choſen upon the *Articles* without the other: both which are contrary to Reaſon and Cuſtom; and it is undeniably true, and conſtant by continual Cuſtom, that when there is only one of the Commiſſioners of a Shire choſen upon the *Articles*, that one by himſelf, without concourſe of his Colleague, hath a pleanary Voice in *Articles*. Therefore it follows neceſſarily, that as every one of the two Commiſſioners have a full Voice in *Articles*, ſo every one of the two ſhould have a full Voice *per ſe*, and ſeverally in Parliament, otherwiſe every one of them could have but half a Voice in Parliament, and a full Voice in *Articles*.

Fourthly, ‘And the *Act* given in anent the Burroughs Voices, is not to demand or crave any new thing or Innovation, or new Privilege to be granted them, but only craves the Declaration and Determination of Parliament, which in juſtice may be craved by any who deſires their right to be cleared.

Fifthly, ‘Neither is there any ſuch thing moved in Parliament, as the chuſing of any other Clerk, but it was humbly craved that ſome ſhould be allowed from the Parliament to ſit by the Clerk, to mark that the Voices were rightly enumerated.

Sixthly, As for that *Article* whereby it is craved, That every Eſtate may chuſe their own Lords of *Articles*, or elſe that they may be choſen by the whole Parliament, is agreeable to the Liberty of all free Judicatories, who have power to chuſe their own preparative Committees; who except they be choſen by the Judicature it ſelf, or by thoſe whom they do repreſent, cannot be poſſibly reputed to have any Power from them; and they can only Propound and Voice in Parliament in Name of thoſe who did chuſe them, and gave them power; and what they do in Name of thoſe who did not delegate them, is *à non habente poteſtatem*. But becauſe the Reaſon of this *Article* is more fully cleared in one of our former Anſwers, anent the power of *Articles*, (which is incident to this) we remit it to our former Anſwers.

Seventhly, ‘The Reaſons of that Act, deſiring that Proxies may be diſcharged, and that no Patent of Nobility be granted to any ſuch as have not 10000 Marks of yearly Rent in *Scotland*, as is contained in the *Act* it ſelf. And it ſeems not to be agreeable to Reaſon and Equity, that the Honour and Power of Voting in Parliament, which is conferred on Noblemen and their Succeſſors perſonally, and whereby they have power to Reaſon, and Voice, and Judg, according to Law and Conſcience, can be entruſted to another with an implicit Faith, to determine and give the Judgment of 'the Granter of the Proxie in Matters of higheſt moment concerning 'Religion, your Majeſty's Service, and the Good of the Country, 'before the Granter thereof knew ſo much as was to be propounded. 'And as concerning the ſecond part of the *Act*, craving, That no Patent of Nobility may be granted to any other who are not Natives, 'but ſuch as have 10000 Marks of Land Rent in that Kingdom, the 'ſame was remitted, and recommended to the Commiſſioner to be re'preſented and remonſtrated (with the Reaſons thereof) to your 'Majeſty, whoſe Gracious Anſwer therein they now expect.

Eighthly, 'As concerning the Book intituled, *A Large Declaration*; 'The General Aſſembly taking notice thereof, and conceiving that 'thereby both your Majeſty, the Kirk, and Common-Wealth were 'wronged, therefore they gave a Supplication to the Commiſſioner, 'and Lords of your Majeſty's Privy-Council, humbly craving to re'preſent the ſame to your Majeſty's Conſideration: Like as in the 'Articles of Parliament, the States did humbly recommend the Aſ'ſemblies Supplication to the Commiſſioner for obtaining the deſire 'of the ſaid Supplication: Neither did they know a more humble 'and reſpective way for redreſs and removing of the Imputations 'which lies upon them by occaſion of that Book; concerning which, 'amongſt the other Particulars recommended to the Commiſſioner 'to be repreſented to your Majeſty, they do confidently expect the 'return of your Gracious Pleaſure.

Ninthly, 'As concerning that Propoſition, whereby it is deſired, 'That the Commiſſioners for Shires may be allowed to give in a Roll 'of Free-holders, out of which the Juſtices of Peace are to be cho'ſen: The Reaſon of that Deſire is, Becauſe the Commiſſioners of 'each ſeveral Shires know beſt who are ableſt and fitteſt Men within 'their own Shires for your Majeſty's Service, and good of the Coun'try, which is no ways craved to derogate from your Majeſty's Power 'of chuſing, but only as expedient to be paſt or refuſed, as your Ma'jeſty and the Parliament ſhall think fit.

Tenthly, 'As for that *Act* concerning the Diſorders in the North; 'The Reaſon why the ſame was craved, did reſult from the Com'plaints and Grievances againſt the Thefts, Oppreſſions, Slaughters, 'and great Inſolencies committed there divers Years by-gone, and of 'late in thoſe parts; the Redreſs and Remedy whereof, and for keep'ing Peace in that part of the Country, deſires your Majeſty's Conſi'deration and Juſtice; and all that we remember was required of the 'Parliament, was only, That the former Acts of Parliament made for 'puniſhment of thoſe Rapines and Oppreſſions, might be revived with 'further Additions, as your Majeſty and the Parliament ſhould find 'expedient and conduceable for the Peace of the Country, which 'we hope your Majeſty will ever tender.

Eleventhly, 'The Reaſon of that Act craving the Council to be 'Subalterne and Cenſurable by the Parliament, is from Warrant of 'former Laws cited in the *Act* it ſelf, wherein there is no more craved, 'but that the former *Acts* of Parliament againſt Liars, and makers of 'Diviſion betwixt the King and his Subjects, may be revived; and 'that the Seſſion and Council may be countable to your Majeſty and 'Parliament for any Injuſtice that ſhall happen to be committed by 'them.

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Twelfthly, ‘Where it is alleaged there was an *Article*, That no Taxation ſhould be granted but in plain Parliament; we remember of no ſuch *Article*, nor ſuch Motion propounded.

13. ‘As concerning the *Act of Pacification*, the Warrant and Ground thereof flows from the humble Petitions and Remonſtrances of your Majeſty's Subjects, when they did clear their Loyalty, and made offer of their civil and dutiful Obedience to your Majeſty; which by their humble Supplication to your Majeſty's Commiſſioner, to the Lords of the Council, and to the States of Parliament, inſerted and regiſtred in the Records thereof, they have again ſolemnly renewed, and from your Majeſty's Favour in condeſcending to the *Articles of Pacification*, wherein your Majeſty was graciouſly pleaſed that an *Act of Pacification or Oblivion* ſhould be paſt; And in the Narrative of the *Act* it ſelf, there is an humble and thankful acknowledgment of your Majeſty's Juſtice and Goodneſs, and is drawn up in ſuch Terms as was conceived might beſt expreſs your Majeſty's Fatherly Care and Goodneſs towards your Ancient and Native Kingdom, without wronging the true loyal Meaning and Intention of your Majeſty's Subjects. And as for the Body and legal Part of the *Act*, the ſame was after much debating framed, with advice of Lawyers, and conſented unto by the Parties chiefly intereſſed.

14. ‘As to that *Article* anent particular Commiſſions of Juſticiary and Leiſtenantry, all that was intended or deſired thereby was, That the Abuſes of thoſe Commiſſions might be in all humility repreſented to your Majeſty by your Commiſſioner; and that your Majeſty might be graciouſly pleaſed to grant the like Commiſſions only upon weighty and neceſſary Cauſes, and to endure only during this time of neceſſity; and the In-givers of that *Article* were content to have it reformed that way.

15. ‘As concerning that *Article* given for Sheriffs and Stewards, craving, That they may only be obliged to produce Horning for the Taxations; it is not a new Deſire, but that which hath bin craved by them in divers former Parliaments; and they think that production of Horning againſt the Perſons liable in paiment ſhould be an exoneration to them, becauſe they alleage they want many of the Caſualties, Benefits, and Powers which Sheriffs had of old by virtue of their Offices.

16. ‘As concerning the Propoſition made anent the *Patent for Gunpowder*; all that we remember was craved by the Ingivers of that *Article* was, That in reſpect the Earl of *Linlithgow's Patent* was void by a Clauſe irritant in his Patent, whereby he was obliged to keep the Work going, was now decayed, and ſo the Country fruſtrate of the Benefit and Profit which might have accrued to them by that Commodity: It was therefore thought fit to be allowed to any who were moſt fit and able to undergo the work of making of Powder.

17. As for the *Act* given in for diſcharge of Remiſſions for Murder, Slaughter, Theft, but upon ſatisfaction to the Party; all which was intended thereby, was only, That the heavy Prejudices redounding to the Country by Remiſſions purchaſed upon miſinformations, might be by Supplication preſented to your Majeſty's Conſiderations, that by your Majeſty's Juſtice and Goodneſs, the like Inconveniencies may in time coming be prevented.

15 *Caroli.*

18. 'As for the *Act* craving the diſcharge for Protections; it was nothing but the reviving of two former *Acts* of Parliament, *viz.* the 47 *Act Parl.* 11. and 15 *Act Parl.* 23. of King *Ja.* 6. without any other derogation to your Majeſty's Power or Authority, which was done with the Commiſſioner's conſent.

19. 'As for the *Act* concerning *Common Relief.* The Reaſon is, Becauſe as the Bleſſings of Religion and Peace, which from your Majeſty's happy Government, and fatherly Affection to your Majeſty's Ancient and Native Kingdom, (eſpecially at this troubleſome Time) are common Benefits, whereof every good Subject ought to be ſenſible, ſo it is agreeable with Reaſon and Juſtice, that according to their Intereſt, every one may contribute a proportionable part of the Charges which hath bin ſpent for ſo good ends; and the ordinary Cauſe for which Taxations are granted, are *ad relevationem Imperii ob conſervationem Libertatis, ac Dignitatis, ac Religionis, vel utilitatem communem ſubditorum:* Wherefore albeit ſome be adverſe, yet the Conſent and Voices of the moſt part ſhould oblige for theſe ends; whereunto your Majeſty's Conſent & Royal Authority is humbly craved to be added, that the ſame may flow from your Majeſty's Juſtice and Goodneſs, and have execution to inferior parts thereof, ſince the whole Commiſſioners of Shires and Burroughs, and the whole Nobility (very few excepted) are content freely and willingly to make offer of their proportional part thereof.

20. 'As for that *Article* craving the *Act* 1633, ordaining that Conformations and Infeoffments of Ward-lands ſhall not prejudg the King's Ward to be repealed; there was no Diſpute nor Concluſion made there anent in *Articles*, neither (as we remember) was it craved by that *Article*, that the *Act* 1633 be repealed ſimply, but that the meaning of that Act may be explained and interpreted.

21. 'As for the Article or Act anent the Duty paid to the Conſervator upon Coal; The ſame was craved to be diſcharged by the Coal-Maſters, becauſe it was an unlawful Exaction, which he had no Warrant to exact by his Gift, which was inſtructed in Articles by production of his Gift, whereupon the Act was paſt in Articles.

22. 'The Article craving Ammunition and Arms brought in, to be Cuſtom-free, is warranted in Law in ſo far as the Commodities exported or imported for the particular uſe of Noblemen, Barons, and Free-holders, which are for the King's uſe, and not to be ſold again, are by Act of Parliament declared to be *Cuſtom-free.*

23. 'As concerning the Articles anent the Election of the Preſident of the Seſſion, and Admiſſion of the Judges preſented by his Majeſty: There was no new thing craved thereby, but the Ratifying and approving the 39 *Act Parl.* 6. King *Ja.* 6. 1579. and that allanarly, ſo far as concerns the freedom of Election to be made by the Senators of the College of Juſtice of the Preſident thereof, without any other Clauſe of the ſaid Acts; neither doth the Act given in bear any thing concerning the admiſſion of any other Judges preſented by your Majeſty.

24. 'As for the Article anent Stateſmen being Noblemen to have but one Voice; We remember nothing of any ſuch Queſtion.

25. 'As to the laſt Propoſition concerning the Oppoſition made by the reſt of the Clerks againſt Mr. *William Hay's* deputation in his

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‘Father's Place, the Commiſſioner to whom they did produce their Reaſons in Writ can beſt give account thereof. And albeit we have in Obedience to your Majeſty's Commandment (according to our bounden Duty) ſhewn the Reaſons why theſe Propoſitions (whereof your Majeſty hath taken notice as prejudicial to your Authority) were demanded; yet many of theſe Propoſitions are of ſo ſmall moment (being only and meerly about the intereſt of private Perſons) as they are of no publick Concernment, *& de minimis non curat Lex*; nor doth the *Parliament* ſtick upon theſe, or any other Articles of that kind, any further than they have Warrant of Law, and your Majeſty and Eſtates ſhall find them convenient for the good of your Subjects.

The Concluſion.

‘By all which it is moſt evident and perſpicuous to any who ſhall without prejudicate Opinion, read and conſider the former Proceedings, that we have no new Deſires, but thoſe only which are contained in our former Petitions and Remonſtrances made to his Majeſty, which are agreeable to the Fundamental Laws and Laudable Practices of that Kingdom, and to the *Articles of Pacification*; and that our chief and main Deſires are, for Ratifying the Concluſions of the *Aſſembly*, for removing of Epiſcopacy, and the Civil Places and Power of Kirkmen, which is condemned in the *General Aſſembly*, with conſent of his Majeſty's Commiſſioner, as contrary to the *Confeſſion of Faith*, and Conſtitutions of that Kirk, and which his Majeſty is obliged to ratify in *Parliament*. And that Religion is the only Subject, Conſcience the Motive, and the enjoying of our Religion the only aim and height of our Deſires; and whatſoever is craved in Civil Buſineſs, is mainly for the eſtabliſhing and preſervation of Religion; for obtaining which, we have never ſtrayed from the humble and loyal way of a legal Redreſs, and are but ſeeking the performance and conſummation of what his Majeſty was graciouſly pleaſed to condeſcend unto, and promiſe in his Declaration of *Pacification*. And as concerning any other demand about Civil Matters required or propounded in *Articles*, albeit it be moſt ſure from bygone Experience, that the Corruption and Thraldom of the Parliament hath bin the occaſion of the Corruption and Thraldom of our Kirk; and that it is moſt evident, by all the Regiſters and Records of our Laws, That the cognition and deciſſion of thoſe *Articles* doth properly belong to the Parliament; and that we have proceeded upon no other Grounds, than the Laws and Ancient Practices of that Kingdom, (never before queſtioned, but inviolably obſerved as the only Rule of our Government); yet it hath bin offered that we would not adhere, nor ſtick upon any of thoſe *Articles* for Civil Buſineſſes, but only upon ſuch as were abſolutely neceſſary for eſtabliſhing of Religion, and the Peace of the Kingdom, without the leaſt trenching upon his Majeſty's Authority: Like as the *Articles* themſelves are no Concluſions, but only Motions and Deſires propounded to the *Lords of Articles* to be prepared for the Parliament: That after his Majeſty and Eſtates have adviſed and pondered upon the Reaſons and Equity of thoſe Demands, they may either enact or refuſe the ſame, as in their Judgments they ſhall ‘think moſt expedient; and ſo the proponing of thoſe Demands upon reaſonable and legal Terms, and which are ſo juſtifiable both in Law and Practice, can never give juſt occaſion of his Majeſty's Indignation and Diſpleaſure, far leſs can the ſame be any Ground or Cauſe to incenſe his Majeſty to uſe that Power which God hath put in his Hands for Maintenance of Religion, and Adminiſtration of Juſtice, to the overthrow and deſtruction of his Subjects, who are ready to give ample and real Teſtimony before God and the World of their loyal and dutiful Obedience to his Majeſty; wherefore the Occaſion and Cauſe of Wars may be ſought elſewhere without the bounds of the *Aſſembly* and *Parliament*, which are the ſupream and lawful Judicatories of that Kingdom, by which, next under God, the Purity of Religion hath bin conſerved, his Majeſty's Authority, and the Liberties of the Kingdom have ever bin upholden. But it is as clear as the Meridian Light, that all our Troubles and Commotions do proceed from thoſe Churchmen juſtly ejected from this Church, who being hopeleſs to regain their former condition, (if all things take a legal, fair, and orderly Concluſion in *Scotland*) do ſpightfully labour to bring Church and State (from whence they came) to confuſion, and to re-enter by force of the *Engliſh*, with aſſiſtance of ſuch as are popiſhly affected, and of ſome diſnatur'd Countrymen, who for their own ends thinking to reap Fruit from the ruin of others, and delight to fiſh in troubled Waters, for bettering of their own Condition, (otherwiſe deſperate) or for preventing the Chalenges and Puniſhments they have juſtly deſerved, and that their Faults may be drown'd, and themſelves eſcape in the midſt of ſo great a confuſion. And becauſe the Prelats and ſuch as are popiſhly affected, can hardly by themſelves alone afford ſo much Mony as to entertain a conſtant War, they have aſſented to a Parliament, wherein they expect upon ſome fair promiſes of removal of ſuch things as are grievous unto you for the preſent, to allow you to open your Purſes wide, and to contribute largely with your Means and Aſſiſtance againſt us, that when they have by force ſubdued us, they may the more eaſily eſtabliſh their Tyrannical Hierarchy over you; but we hope that the God of all Truth and Wiſdom, who hath wrought all our Works for us, and doth offer you this fair opportunity, will give you Courage and Wiſdom, that you ſuffer not your ſelves to be deluded; but that as thoſe whom God hath joined with us in one Iſland, and under one King, and are as feeling Members of that Myſtical Body, whereof Chriſt is the Head, you will have a ſympathy with us of thoſe great preſſing Evils which do ſo much trouble the Peace of both our Kirks and States, and will by the Effects and Streams, be led to the Cauſe and Fountain of the Diſeaſe, that the ſame may be perfectly cured; which can come to paſs no other ways, than by taking away the Wicked from before the King, that his Throne may be eſtabliſhed in Righteouſneſs; and we ſhall henceforth, from the influence of his Government, reap the ſweet Fruit of Truth and Peace; and (God getting what is God's) we ſhall live together like Brethren in a bleſſed harmony, and pay to our *Cæſar* the Tribute of chearful Obedience, which becometh Good and Faithful Subjects.

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His Majeſty's Declaration in Council concerning the Scots Commiſſioners ſent up unto his Majeſty from the Parliament in Scotland.

At Whitehall the 11th of March, 1639.

'This day his Majeſty being preſent in Council, was pleaſed himſelf to make known to the Lords, what had paſſed at the Committee appointed by his Majeſty, to hear thoſe Lords and Gentlemen that came lately from *Scotland*, pretending to be ſent from the Parliament there.

'In the firſt place his Majeſty acquainted the Lords, That after thoſe *Scotiſh* Lords and Gentlemen had ſubſcribed the Petitions which they had formerly preſented to his Majeſty, and had bin read at the Board, order was given to the Earl of *Traquair*, his Majeſty's Commiſſioner, to aſſign them a time to be heard of the Committees; which falling out to be at the time of his Majeſty's being at *Hampton-Court*, they refuſed to come to the Committee, alleaging, That they had Order and Inſtruction to Treat with none but his Majeſty himſelf: Whereupon his Majeſty appointed them to attend him at the Committee on the day of his remove to *Hampton-Court*, which was the third of *March*; at which time they did attend his Majeſty accordingly.

'The Earl of *Dunfermling* ſpake firſt, but very ſhort, and ſo low that few of the Committee underſtood him.

'Then the Lord *Loudon* made a long Speech, the effect whereof was, A Proteſtation of the Independency of the Parliament of *Scotland*, and that it was ſubject to no other Judicatory; and a profeſſion of their Affection and Loyalty to his Majeſty, with a Juſtification of their Proceedings in the Aſſembly and Parliament, as agreeable to the *Articles of Pacification*, and to the Laws and Practices of that Kingdom; and thereupon deſired, That his Majeſty would ratify and confirm thoſe their Proceedings. And for that purpoſe they petitioned his Majeſty to command that the Parliament might proceed freely, for the determining of all the *Articles* delivered unto them, for the eſtabliſhing of Religion and Peace in the Kingdom; undertaking that whatſoever Objections or Informations ſhould be made againſt their Proceedings in Parliament, (provided they received them in writing) they would give a ſatisfactory anſwer to them.

'This Diſcourſe ended, his Majeſty demanded what Power and Commiſſion they had to give him ſatisfaction, and to oblige thoſe from whom they came? for if they had none, He muſt hear them upon great diſadvantage, they expecting Satiſfaction from him who had certainly Power to give it, but they had no Commiſſion to render the like to him.

'They anſwered, That which they ſhould propoſe (it being agreeable to Law) they were confident ſhould give his Majeſty Satiſfaction.

'His Majeſty asked who ſhould be Judg of that? They anſwered, The Law would appear ſo clear that there would be no need of a

'Judg. And though his Majeſty inſiſted much hereupon, they would 'give him no other Satiſfaction. But they perſiſting to aſſert they had 'Power and Commiſſion, and would bring them to his Majeſty; 'they were ordered to do ſo at the next Meeting, and ſo for that time 'they were diſmiſſed.

'Upon the *9th* of *March*, after his Majeſty's return from *Hampton-Court*, they attended his Majeſty at the Committee again. There 'they produced Inſtructions ſigned by ſome *Scotiſh* Lords, and ſome 'other Perſons of no great eminency; which Inſtructions having bin 'read, were judged by his Majeſty, (all the Lords of the Committee 'concurring in the ſame Opinion) to be no Commiſſion, and that 'they had no Power or Authority by them to give his Majeſty Satiſfaction, or to oblige thoſe from whom they ſaid they came, to any 'thing that his Majeſty ſhould yield to or deſire. Wherefore his Majeſty demanding whether they had any other Power? they ſaid, They 'had a Paper formerly ſubſcribed by ſome of the Lords in Parliament, by which the Earl of *Dunfermling* and Lord *Lowdon* were only authorized to come, and preſent their Juſtification to his Majeſty, 'and ſaid, they could for the preſent have no other, the Parliament 'then not ſitting. Whereupon they were required to withdraw, and 'his Majeſty adviſing ſeriouſly with the Committee what was beſt to 'be done in this weighty Buſineſs; and alſo conſidering, That if 'they ſhould be diſmiſſed without further hearing, they would take 'occaſion to clamour, His Majeſty reſolved (that although he found 'himſelf bound neither in Honour nor Juſtice to hear them any further, (they having offered no Foundation for an Accommodation, 'nor having Power to do it) yet to the end that no colour of ſiniſter Conſtruction might be left, and that his Majeſty might juſtify 'himſelf to God and the World, that he had omitted nothing on his 'part that might tend to Peace, and to the ſetling of a better Intelligence between his Majeſty and them) that he would continue to 'hear them, and would make his Objections to ſuch Particulars as 'had bin propoſed in Parliament, and againſt which he had juſt 'grounds of Exception, that ſo it might appear whether they could 'give him that ſatisfaction which they had promiſed and preſumed they 'could do, or not.

'Upon this they were called in again, and his Majeſty making this 'known unto them, not one of them made ſhew of the leaſt ſenſe of 'this his Majeſty's Grace and Goodneſs ſo expreſſed to them; which 'the Lord Marqueſs *Hamilton* obſerving, took occaſion of himſelf to 'ſay, That though he was not of their Company, yet being a *Scots* 'Man, he held himſelf obliged to acknowledg with all humility this 'his Majeſty's ſingular and princely Favour to his Country, and beſought him to accept his moſt humble thanks for it. This drew 'them on to do the like, and ſo they preſented their humble Thanks 'to his Majeſty on their knees.

'His Majeſty having thus acquainted the Lords with this Buſineſs, 'commanded the Inſtructions to be read at the Board; which being 'done, the whole Board unanimouſly concurred in Opinion, that the 'Petitioners had not Power nor Commiſſion to give his Majeſty Satisfaction, but only to endeavour to juſtify and maintain their former Proceedings. Whereupon his Majeſty commanded this Judgment

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'of the Board, together with the former Proceedings upon the whole 'Matter, to be paſſed into an Act of State, and to be regiſtred and 'remain upon Record in the Council-Book.

'Upon *Wedneſday* the 18*th* of *March*, his Majeſty being in Council 'again, was pleaſed to acquaint the Board with what had paſſed at 'the Committee ſince the former Meetings, and that the Petitioners 'had produced the Paper above-mentioned, ſubſcribed by ſome of 'the Lords of *Scotland* in Parliament, by which the Earl of *Dunfermling* and the Lord *Lowdon*, only were heretofore authorized to come 'and preſent their Juſtification to his Majeſty; which Paper his Majeſty having commanded to be read to the Board, the Lords unanimouſly then alſo agreed that the Petitioners had no more power by 'this Paper.

His Majeſty's Declaration, concerning his Proceedings with his Subjects of *Scotland*, ſince the Pacification in the Camp near *Berwick*.

By the KING.

'WE did make account that the *Pacification* which We 'were pleaſed to condeſcend unto the laſt Year in the 'Camp near *Berwick*, and to grant to our Subjects of '*Scotland*, even then when they were in the height 'of their Rebellion, and in the Field in Arms againſt Us, had given 'ſuch demonſtration to the World of Our inclination to Peace, and 'deſire to ſpare the Blood of our People, and to win them to the 'Obedience which they owe unto Us, as that all miſunderſtandings 'had bin utterly taken away, (as they were on Our part) and that 'ſuch Conditions as were then agreed upon, ſhould have bin really 'performed by them, according to thoſe Bonds of Allegiance, Duty, 'and Promiſe in which they ſtand obliged to Us. But We have ſince 'found, to Our unexpreſſible Grief, that our Princely Goodneſs and 'Mildneſs in paſſing by that Offence, hath produced nothing but extream Ingratitude, and inſufferable Inſolencies againſt our Government. And farther, by ſundry libellous Pamphlets, and moſt falſe 'and ſeditious Diſcourſes ſent from *Scotland*, and diſperſed purpoſely 'in this our Kingdom of *England*, eſpecially in our City of *London*; 'that the Cauſe of theſe Diſorders is ſought to be ſhifted off from the 'Rebels in *Scotland*, and moſt unjuſtly caſt upon Us. Wherefore We 'hold our Self bound, in that Duty which we owe to God, and love 'to Truth, not to ſuffer our Honour to be thus betrayed and vilified 'by Faction and Rebellion, but to vindicate it from all Calumny and 'Glamour, by giving hereby a clear and juſt account to all the World 'of our Proceeding with our Subjects of that our Kingdom, and of 'the moſt material and remarkable Occurrents ſince that Pacification, 'that ſo all thoſe that are not partial, or will not wilfully ſhut their 'Eyes againſt the Truth, may judg who they are that have bin the 'Diſturbers and Infractors of the Peace, and that under the Mask and 'Viſor of Religion, ſeek to undermine and ſubvert all Monarchical 'and Civil Government. Which account follows thus.

'After We had bin ſome time in the Camp near *Berwick*, and that 'Our Subjects of *Scotland* had encamped with their Army in view of 'Ours; upon an Overture from them, We were contented to condeſcend to the receiving of a Petition, in which it is expreſſed, That '*they, falling down at our Feet, did moſt humbly ſupplicate Us to appoint 'ſome of this our Kingdom of* England *to hear, by ſome of them, their 'humble Deſires.* Which We having granted, and ſeveral Meetings 'by thoſe of both Kingdoms having bin held; at all which our Self, '(to ſhew Our hearty and earneſt Deſire to meet our Subjects in a 'peaceable way) were contented to be preſent (much beyond their 'own expectation, as they have ſince acknowledged, and We are 'ſure, exceedingly beyond their Merit); at the laſt thoſe of *Scotland* 'were commanded to make their Demands in Writing, in which after 'they had preſented their Deſires, (of which one was, That the Acts 'of the late Aſſembly at *Glaſgow* holden by our Indiction, might be 'ratified in the enſuing Parliament) they profeſs, *It is their grief that 'We ſhould have bin provoked to Wrath againſt them Our moſt humble and 'loving Subjects, and that it ſhall be their delight, upon Our gracious aſſurance of the Preſervation of their Religion and Laws, to give example to 'others of all Civil and Temporal Obedience which can be required or expected of Loyal Subjects.*

'Whereupon We letting them know, that for the better clearing of 'Particulars, We expected from them the Grounds and Reaſons of 'their Deſires, but that We would not ſurpriſe them, and therefore 'gave them time to come prepared with their Grounds in Writing.

'The Lord *Lowdon* ſaid, *Their Deſires were only to enjoy their Religion and Liberties, according to the Eccleſiaſtical and Civil Laws of the 'Kingdom; and in clearing Particulars, they would not inſiſt upon any 'that were not ſuch.*

'This We willed him to ſet down in writing under his Hand, which 'he did in theſe words.

'Memorandum, *That our deſires are only the enjoying of our Religion 'and Liberties, according to the Eccleſiaſtical and Civil Laws of his Majeſty's Kingdom; to clear by ſufficient Grounds, that the Particulars 'which we humbly crave, are ſuch, and ſhall not inſiſt to crave any Point 'which is not ſo warranted: And that we offer all Civil and Temporal 'Obedience to your Majeſty, which can be required or expected of Loyal 'Subjects.*

Signed, Lowdon.

'To which We anſwered, That if their Deſires were only the enjoying of their Religion and Liberties, according to the Eccleſiaſtical and Civil Laws of our Kingdom of *Scotland*, We do not only 'agree to the ſame, but ſhall always protect them to the uttermoſt of

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'our Power. And if they ſhall not inſiſt upon any thing but that which is ſo warranted, We will moſt willingly and readily condeſcend unto it, ſo that in the mean time they pay unto Us that Civil and Temporal Obedience which can be juſtly required and expected of Loyal Subjects.

'This being the Ground of the Agreement on both ſides, We were pleaſed to proceed to a final Determination of this Buſineſs, which was brought to a Concluſion upon the 17*th* of *June*, 1639. And our Declaration of that Date conformable to theſe Grounds was thereupon made, which was not only accepted by thoſe that came in the Name of all thoſe of the Covenant, but moſt humble thanks were given to Us by them for Our gracious Anſwer vouchſafed to their Petition in the ſaid Declaration; which was fully agreed upon, together with ſundry Articles by all Parties.

'The *Pacification* thus concluded, the Articles on both ſides were to be performed accordingly. Thoſe on Our part were in the Declaration following.

WE having conſidered the Papers, and Humble Petitions preſented unto Us by thoſe of Our Subjects of Scotland, who were admitted to attend our Pleaſure in the Camp; And after a full hearing by our Self of all that they could ſay or alleage thereupon, having communicated the ſame to our Council of both Kingdoms there preſent, upon mature deliberation, with their unanimous Advice, We have thought fit to give this juſt and gracious Anſwer.

That though We cannot condeſcend to ratifie and approve the Acts of the pretended General Aſſembly at Glaſgow, for many grave and weighty Conſiderations which have happened both before & ſince, much importing the Honour and Security of that true Monarchical Government lineally deſcended upon Us from ſo many of our Anceſtors: Yet ſuch is Our gracious Pleaſure, That notwithſtanding the many Diſorders committed of late, We are pleaſed not only to confirm and make good whatſoever our Commiſſioner hath granted and promiſed in our Name, but alſo We are further graciouſly pleaſed to declare and aſſure, that according to the Petitioners humble Deſires, all Matters Eccleſiaſtical ſhall be determined by the Aſſemblies of the Kirk, and Matters Civil by the Parliament, and other inferior Judicatories eſtabliſhed by Law. Which Aſſembly accordingly ſhall be kept once a Year, or as ſhall be agreed upon at the General Aſſembly.

And for ſetling the general Diſtractions of that our Ancient Kingdom, our Will and Pleaſure is, That a Free General Aſſembly be kept at Edinburgh, the ſixth day of Auguſt next enſuing, where We intend (God willing) to be perſonally preſent. And for the legal Indiction whereof, We have given Order and Command to our Council; and thereafter a Parliament to be holden at Edinburgh the twentieth day of Auguſt next enſuing, for ratifying of what ſhall be concluded in the ſaid Aſſembly, and ſetling ſuch other things as may

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conduce to the Peace and Good of our Native Kingdom; and therein an Act of Oblivion to be paſſed.

And whereas We are further deſired, that our Ships and Forces by Land be recalled, and all Perſons, Goods, and Ships reſtored, and they made ſafe from Invaſion, We are graciouſly pleaſed to declare, That upon their diſarming and disbanding of their Forces, diſſolving and diſcharging all their pretended Tables and Conventicles, and reſtoring unto Us all our Caſtles, Forts, and Ammunition of all ſorts; as likewiſe our Royal Honours, and to every one of Our good Subjects, their Liberties, Lands, Houſes, Goods, and Means whatſoever, taken and detained from them ſince the late pretended General Aſſembly, We will preſently thereafter recall our Fleet, and retire our Land-Forces, and cauſe reſtitution to be made to all Perſons of their Ships and Goods, detained and arreſted ſince the aforeſaid time. Whereby it may appear, that our intention of taking up of Arms, was no ways for invading of our Native Kingdom, or to innovate the Religion and Laws, but meerly for the maintaining and vindicating of our Royal Authority. And ſince that hereby it doth clearly appear, that We neither have nor do intend any alteration in Religion or Laws, but that both ſhall be maintained by Us in their full Integrity, We expect the performance of that humble and dutiful Obedience which becometh Loyal and Dutiful Subjects, as in their ſeveral Petitions they have often profeſſed. And as We have juſt reaſon to believe, that to Our peaceable and well-affected Subjects this will be ſatisfactory; ſo We take God and the World to Witneſs, That whatſoever Calamities ſhall enſue by our neceſſitated ſuppreſſing of the Inſolencies of ſuch as ſhall continue in their diſobedient Courſes, is not occaſioned by Us, but by their own procurement.

'Theſe Conditions in this Declaration that refer to the Time 'paſt, have bin the moſt part of them already punctually complied 'with by Us, that Clauſe excepted in which We expreſs, We in'tended to have bin at the General Aſſembly at *Edinburgh*; which 'yet being but an Intention, We had aſſuredly performed, but that 'We were diverted by the Diſorders committed by Our Tumultuary 'Subjects in *Edinburgh*, upon the Perſons of Our High Treaſurer the 'Earl of *Kinnoul*, Our Juſtice General Sir *James Hamilton*, Counſel'lors of that our Kingdom, and divers others Our good Subjects there; 'which gave us juſt cauſe to ſuſpect, that there could be no ſafety for 'our Perſon, among People inraged ſo immediately after our Cle'mency ſhewed to them in the *Pacification*.

'But one of the greateſt Diſcouragements We had from going thi'ther, was, The refuſing of ſuch Lords and others of that Nation 'whom We ſent for to come to Us to *Berwick*; by which Diſobedi'ence they manifeſtly diſcovered their diſtruſt of Us: And it cannot 'be thought reaſonable, that We ſhould truſt our Perſon with thoſe 'that diſtruſted Us, after ſo many Arguments and Aſſurances of our 'Goodneſs towards them.

‘ The Articles of *Pacification* agreed upon were theſe.

I.

The Forces of Scotland to be Diſbanded and Diſſolved within eight and forty hours after the publication of our Declaration, being agreed upon.

II.

Our Caſtles, Forts, Ammunitions of all ſorts, and Royal Honours to be delivered after the ſaid publication, ſo ſoon as We ſhould ſend to receive them.

III.

Our Ships to depart preſently after the delivery of the Caſtles, with the firſt fair Wind, and in the mean time no interruption of Trade or Fiſhing.

IV.

We were graciouſly pleaſed to cauſe to be reſtored, all Perſons, Goods, and Ships, detained and arreſted ſince the firſt day of November laſt paſt.

V.

No Meetings, Treatings, Conſultations, or Convocations of any Our Lieges, but ſuch as are warranted by Act of Parliament.

VI.

All Fortifications to deſiſt, and no further working therein, and they to be remitted to Our Pleaſure.

VII.

To reſtore to every one of Our good Subjects their Liberties, Lands, Houſes, Goods, and Means whatſoever, taken or detained from them by whatſoever means ſince the aforeſaid time.

‘ On *Tueſday* the 18*th* of *June*, thoſe of *Scotland* came to our Pa-
‘ vilion, and there We ſigned the aforeſaid Declaration, and the Ar-
‘ ticles were ſigned by them; who alſo ſigned another Paper of Sub-
‘ miſſion to Us, as followeth.

In the Camp, *June* 18. 1639.

‘ *In obedience to his Majeſty's Royal Commands, we ſhall, upon* Thurſ-
‘ day *next, the* 20*th of this* June, *diſmiſs our Forces, and immediately*
‘ *thereafter deliver his Majeſty's Caſtles,* &c. *and ſhall ever in all things*
‘ *carry our ſelves like Humble, Loyal, and Obedient Subjects.*

Signed,

Rothes. | *Douglas.*
Dunfermling. | *Alex. Henderſon.*
Lowdon. | *A. Johnſtoun.*

‘ Thoſe of *Scotland* did likewiſe further promiſe and undertake,
‘ that Our foreſaid Declaration ſhould be read and publiſhed in their
‘ Army; which was accordingly done by *Lyon* King of Arms of *Scot-*
‘ *land*, on *Thurſday* the 20*th*, in the preſence of the Earl of *Morton*,
‘ Sir *Edmond Verney*, and Sir *John Borough*, Our Commiſſioners ſent
‘ thither to ſee the ſame performed.

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‘How theſe Articles have bin performed on their part, comes ‘now to be conſidered, and will appear by that which follows.

Firſt, ‘Whereas We, by the publication of the Articles of Pacifi‘cation, expected that due reſpect and acknowledgment of our Au‘thority, which might have witneſſed their Loyalty, and ſenſe of ‘their Thankfulneſs for ſo great and royal Favour; We found on the ‘contrary, that at the very publiſhing of it in their Camp, the ſame ‘was met with a Proteſtation, ſo ſcandalous and diſhonourable to our ‘Government, as our Subjects were thereby rather encouraged in ‘their former mutinous Ways, than reduced to that Obedience which ‘they promiſed.

Secondly, ‘They delivered into the hands of ſome of our Engliſh ‘Nobility, and ſpread among others, a ſcandalous Paper, Intituled, ‘*Some Conditions of his Majeſty's Treaty with his Subjects of* Scotland ‘*before the* Engliſh *Nobility, are ſet down here for remembrance.* Where‘in are contained ſuch Untruths, and ſeditious Poſitions, and ſo con‘trary to that which was concluded in the Articles of Pacification, as ‘thereby it did plainly appear, that however they pretended a deſire ‘of Peace, yet they intended nothing leſs. This falſe and ſeditious ‘Paper coming to Our knowledg, was after, by the Advice, and ‘upon the humble Petition of our Privy Council here in *England*, and ‘particularly by ſuch Noblemen as were pretended by them to be ‘Witneſſes to the ſame, ordered to be damn'd by Proclamation, and ‘publickly burnt by the Hand of the Hangman; which was done ac‘cordingly.

Thirdly, ‘Whereas it was promiſed, That the Forces of that our ‘Kingdom of *Scotland*, raiſed without our Warrant, and againſt our ‘Self, ſhould be diſbanded and diſſolved within forty eight hours af‘ter publication of Our ſaid Declaration in their Camp; they did ‘neverthelеſs for ſome time keep in Body divers Forces, and have ‘ever ſince held in Pay almoſt all their Officers, in manifeſt breach of ‘thoſe Articles, contempt of our Royal Authority, contrary to the ‘Laws of that our Kingdom, and to the great danger of all our Sub‘jects, who did give Obedience to our Commandments there, which ‘clearly ſhewed their Intention of putting themſelves again in Arms ‘againſt Us.

Fourthly, ‘Whereas it was promiſed, That our Forts, Caſtles, and ‘Ammunitions ſhould be reſtored ſo ſoon as We ſhould ſend to receive ‘them; yet full Reſtitution was not made accordingly. And for the ‘Fortification at *Leith*, which was with the reſt remitted to our Plea‘ſure, it ſtands entirely as it did, though We often commanded the ‘demoliſhing thereof.

Fifthly, ‘It was promiſed there ſhould be no Meetings, Treatings, ‘Tables, Conſultations, Convocations, or Conventicles, but ſuch as ‘are warranted by Act of Parliament, (and yet We were pleaſed to ‘give them Warrant to meet for the ſpace of one Month, to Conſult, ‘Adviſe, and Reſolve upon ſuch Affairs and Buſineſſes as concerned ‘the Relief of their mutual Burthens only): Nevertheleſs after that ‘Time expired, which was on the 20th day of *July* 1639, they did, ‘and do ſtill continue their unlawful Meetings and Conſultations upon ‘Matters of State, both Eccleſiaſtical and Civil, contrary to the Laws ‘and Acts of Parliament of that our Kingdom, and Our expreſs War‘rant; In which Conventicles they daily vex and trouble ſuch of our

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‘ jects as do not adhere to their Rebellious Covenant, and pretended Aſſembly at *Glaſgow*, and the Acts of the ſame.

Sixthly, ‘ Whereas all Fortifications were to be remitted to our Pleaſure to be demoliſhed or continued, and We having given Commandment for the demoliſhing of them all, raiſed and built without our Warrant; no Obedience is given to the ſame, but they are ſtill continued, to the foſtering of Sedition among our Subjects, and the diſturbance of the Peace of that our Kingdom.

Seventhly, ‘ Whereas all our good Subjects ſhould have their Liberties and Goods reſtored to them; yet ſuch is the violence and fury of the People, animated thereunto by the ſaid Proteſtation, ſcandalous Papers ſpread, and ſeditious Sermons preached, as many of our ſaid Subjects are deterred from going to their own Dwelling and places of aboad, and threatned with the loſs of their Lives, in caſe they ſhall repair to their own Houſes.

Eighthly, ‘ Whereas in our Declaration before mentioned, We did make known that We could not approve the late pretended General Aſſembly at *Glaſgow*, for the Reaſons contained in Our former Proclamations; yet contrary to that our Pleaſure, they daily preſs our Subjects to ſubſcribe the approbation of the ſaid pretended Aſſembly, and Acts thereof, and to ſwear the ſame; ſo that whereas We did expect to have found our Subjects ſetled in Peace and Quietneſs againſt Our repair to *Edinburgh*, We heard of nothing but new Diſorders, Meetings and Moleſtations of our Subjects, well affected to our Service; which as it doth evidently appear, by the inſupportable Inſolencies committed as aforeſaid, upon the Perſons of our High Treaſurer the Earl of *Kinnoul* our Juſtice General, Sir *James Hamilton*, and others our Counſellors and good Subjects; ſo doth it clearly evince, that nothing was leſs intended than Obedience to our Authority, or performance of what was promiſed, or is due to Us in right of our Crown, and by the Laws of that our Kingdom.

Ninthly, ‘ Whereas We were pleaſed to grant a free General Aſſembly, for ſetling and compoſing the Diviſions cunningly raiſed and fomented in the Church of that our Kingdom, expecting a fair choice of the Commiſſioners, and ſuch as might ſtand with the reſpect due to our Authority, they did labour to pervert our Subjects by anticipating their Voices, in making them ſwear to, and ſubſcribe the Acts of the pretended Aſſembly at *Glaſgow*, and making choice of ſuch Commiſſioners (and no others) as adhered thereunto, and by Oath were bound to maintain the ſame, and further, deterred others, whom We by our Warrant did lawfully call to the next Aſſembly, from repairing thereunto, threatning them with the loſs of their lives, and what worſe may be committed againſt their Perſons, in manifeſt contempt of our Authority, and derogation from the freedom of the ſaid Aſſembly.

Tenthly, ‘ To divert all Our good Subjects from their due Obedience to Us, and to debauch them to their factious Mutinies and Diſorders; they brand all ſuch as adhere to Us, and have attended our Perſon, with the vile aſperſion of Traitors to God and their Country, threatning to proceed againſt them with Cenſures accordingly; as though the due reſpect given by them to Us, and their adhering to Us, and their aſſiſting Us in their Perſons, were Treaſon: Whereas by right of that our Crown, and the Acts of

‘Parliament of that our Kingdom, all our Subjects are to riſe with Us, and to aſſiſt Us with their Bodies and Goods; and whoſoever refuſes, or riſes in Arms or Rebellion againſt Us, or commits any Act of Hoſtility againſt our Sacred Perſon, are declared Traitors, and are to incur the pain of High Treaſon.

Laſtly, ‘Their Diſobedience appears in that unparallell'd contempt of our Royal Authority, and ſhaking off all reſpect due to Sacred Majeſty, by their proteſting that all Members of the College of Juſtice, and all our Lieges were not to attend the Seſſion, and that all Acts, Decrees, and Sentences therein paſt againſt any of them, ſhall be null, void, and ineffectual, contrary to our expreſs Warrant for the down-ſitting thereof, and to the heavy dammage of Our good Subjects, who were thereby fruſtrated of Juſtice, taking by this means our Royal Power out of our Hand, which alone belongeth to Us; none but our Self being to command our Subjects to attend the Seſſion, or to diſcharge their attendance, as We in our Princely Wiſdom and Juſtice ſhall think fit.

‘Having laid theſe inſolent and ſeditious Foundations for a Parliament, it could not in reaſon be expected but a Structure to be raiſed thereupon muſt be full of Diſorder and Confuſion; and indeed it proved all of a piece: for in all the Progreſs of the Parliament, their Actions and Demands were full of Undutifulneſs and Diſloyalty, denying to Us the moſt eſſential and inherent Prerogatives of our Crown, and ſtriving by all means to change and alter the Conſtitutions of the Parliament, and frame of Government; as appears by their firſt Act, at and after the chuſing of the Lords of the Articles; where, in a moſt inſolent and peremptory way they proteſted, That nothing done, or to be done in Parliament, ſhould be valid, except the form of electing Articles heretofore obſerved were altered, every Eſtate allowed to chuſe their own Articles, contrary to the form kept in former Parliaments for many Years, as will clearly be evinced by the Records, and will be made appear by Perſons of all Qualities yet living, who aſſiſted at the Parliaments, and were Members of the ſame, in the Years 1612, and 1609, and contrary to the Proviſions and Conditions mentioned in the Act, 1587.

‘By their Act likewiſe concerning the defining of the Power of the ſaid Articles, they preſs totally to ſubvert the Frame and Power thereof. The Articles have bin, as is acknowledged by themſelves, ever ſince King *David Bruce* his Time, which is above three hundred Years; and by the Lords of the Articles all Buſineſſes are prepared, and from them brought to the Parliament, as appears by divers Acts of Parliament, and particularly by the fourth Parliament of King *James* the *6th*, *cap.* 218; in which for eſchewing of Confuſion and impertinent Motions, all Propoſitions to be made in Parliament are to be delivered to the Clerk Regiſter, and by him preſented to the Lords of the Articles, that all frivolous and improper Motions may be rejected; which Ancient Conſtitution they would ſubvert by the aforeſaid Act.

‘So by the Act concerning the Conſtitution of the Parliament in time to come, they urge, and thereby ſtrive totally to alter the Frame of the Parliament, and to confound and take away the third Eſtate; wherein the Civil Power of Kings is ſo much concerned, as Our

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'Father, and all his Predeceſſors in former Parliaments, both in time of Popery, and ſince the Reformation of Religion, have bin moſt careful to preſerve and maintain the Dignity, Honour, and Privileges of the third Eſtate; as appears in *Anno* 1560, when all Church-Juriſdiction in the Perſons of Biſhops is alleaged to be aboliſhed; and in *Anno* 1587, when all the Temporalties of Benefices were annexed to the Crown, the Clergy retained ſtill their Vote in Parliament, and repreſented the third Eſtate, and the Civil Power and Privileges of the Church were ſtill preſerved, and again ratified, as appears by the firſt Parliament of King *James* 6. *Cap.* 24. and by divers Acts of Parliament, *Anno* 1587, 1597, and 1609. By all Which, and divers other Acts of Parliament, it does clearly appear how much the Kings, our Predeceſſors, have conceived their Civil Power, and the Honour of their Crown to be concerned in the maintaining and upholding of the Honour, Dignity, and Privileges of the three Eſtates. Nay, by a ſpecial Act made in the time of King *James* 6. *Parl.* 8. *cap.* 130. it is declared *Treaſon* to impugn the Authority of the Parliament, and three Eſtates, or to procure the Innovation of the Power and Authority of the ſame three Eſtates, or any of them: And We would willingly know how they, or any of them, can deny, but that they have ſought the breach of this Act, and ſo are guilty of *Treaſon*, and liable to the puniſhment thereof.

'Concerning the *Act* which they call *Reſciſſory*, they do not only thereby ſeek to take away the Third Eſtate (which is Treaſon, as aforeſaid) but to annul many other *Acts* formerly made in favour of the Crown: and farther, to bar Us, in a manner totally, from Aſſembly, or Aſſembly-Buſineſs, and cut Us off from all thoſe Powers in Civil Affairs, which in the Court of that Kingdom are in conſequence hereupon; by which it is evident how far they would trench upon Regal Power, and how different it is from their Promiſe, which was, to deſire nothing that is not warranted by Law.

'For the Act of *Oblivion*, in the Narrative and whole ſtrain of it, as it is formed, and deſired by them to be paſt in Parliament, they ſeek to juſtify themſelves in all their Proceedings, and inſtead of an *Act* of *Oblivion*, for which they petitioned Us at the Camp, they urge an Act which amounts to a Juſtification to be recorded in the Books of Parliament, altogether contrary to the nature of an *Act* of *Oblivion*, and to that which ever heretofore hath bin deſired in like caſe, as appears by the *Act* of *Oblivion* in *Anno* 1563.

'And whereas by the *Act of Pacification*, Reſtitution is ordained to be made to every one of Our Good Subjects of their Liberties, Lands, Goods, and Means whatſoever, taken and detained from them by any means ſince the aforeſaid time; this is not only not yet performed, but as appears by the binding part of this Act, it is never intended.

'And as by the aboveſaid *Act of Oblivion*, ſo by their *Act of Relief*, they depart from that which was condeſcended to at the Camp: for whereas upon their humble deſire We were graciouſly pleaſed, by a Commiſſion dated at *Berwick*, *July* 2. 1639, to allow them the liberty of Convening and Meeting, until a certain day, for diſtributing of their pretended Charges amongſt ſuch as ſhould willingly condeſcend thereunto; they have not only without our Warrant kept their Conventicles, and Tables, ſince the expiring of the fore-

‘ſaid Commiſſion, contrary to the poſitive Laws of the Kingdom, and *Act of Pacification*, and their own acknowledgment in petitioning for the aforeſaid Commiſſion, but by their ſaid *Act of Relief* they do moſt impudently urge upon Us, that by an *Act* of our Royal Power, all Our good Subjects, who in the late Troubles and Commotions did adhere to Us, and ſhew themſelves ready to defend our Royal Authority, ſhould be made equally, if not more liable to the defraying of their pretended Charges. So by the Act it ſelf, We are preſſed to juſtify and authorize all their Rebellions and Treaſons, and to conſtrain the Innocent, and thoſe that have ſuffered moſt for being faithful and loyal to Us, to contribnte to thoſe Rebellions and Treaſons; than which there can be nothing more Tyrannical, nor contrary to Juſtice and our Honour.

‘Concerning their Demands, although in all their Petitions, Declarations, and Remonſtrances, they profeſs, That they will never incroach upon Soveraignty, nor diminiſh our Royal Authority; yet notwithſtanding by their Demands made in Parliament, and the Reaſons of them given to our Self, they ſtrike at the very Root of our Regal Power. For they deſire,

First, ‘That the Coin be not medled with but by advice of Parliament.

Secondly, ‘That no Stranger be entruſted with keeping of our Caſtles, nor other Perſon put in them, but by advice of the Eſtates.

Thirdly, That no Patent of Honour be granted to any Stranger, but ſuch as have a competency of Land-Rent in *Scotland*.

Fourthly, ‘That no Commiſſion of Juſticiary or Lieutenancy may be granted but for a limited time.

Fifthly, ‘They proteſt likewiſe againſt the Precedency of our Lord Treaſurer, and Lord Privy-Seal, becauſe as they alleage the ſame is not warranted by a poſitive Law.

‘All which, though they are ſo eſſentially belonging to Us as their King, that for the moſt part they anſwer themſelves; yet We have thought it not unfit to give the World this ſatiſfaction concerning them.

‘And firſt for the Coin; It is a Prerogative moſt peculiar to the Crown, and none can meddle with it but by our Conſent, without incurring the puniſhment of High-Treaſon, as it is in all Kingdoms.

‘In the ſecond and third, There lurketh a great deal of Malignity and Poiſon, and they are intended meerly againſt the *Engliſh*, whom they would account Strangers; as appears by the Exception lately taken by thoſe of *Edinburgh* to thoſe *Engliſh* ſent by Us to the Caſtles of *Edinburgh* and *Donbarton*. This is a moſt dangerous and ſeditious Practice, to raiſe again the Partition-Wall between the two Nations, and to divide them, thereby to awaken thoſe ancient National Animoſities, which have bin moſt happily laid aſleep by the bleſſed Union of the two Crowns: And beſides, the great diſhonour to the *Engliſh*, that they ſhould not be held worthy to enjoy any Dignities or Priviledges in *Scotland*, as well as the *Scots* do in *England*: It is an injury to themſelves, For it is moſt juſt, that by the

An. 1639. ‘ſame Rule the *Poſt-nati* of *Scotland* (who are now admitted here to all Dignities, Privileges, and Offices, and do enjoy them as freely as any *Engliſh* whatſoever) ſhould be likewiſe excluded from them, for which moſt of their Country-man here would give them little thanks. But what Religion there can be in ſhewing themſelves ſuch Incendiaries, We leave it to the World to judg.

‘To the fourth; Some of themſelves have obtained from Us the heritable Rights of Juſticiary, over a conſiderable part of that our Kingdom; and why our Power ſhould be more limited to others than to them, We underſtand not.

‘To the fifth; No Man that is not a Traytor, can deny that the Source and Fountain of all Honour is in Us, and that is a prime Branch of our Crown to diſtribute Honours, Dignities, and Precedencies to whom We pleaſe; and beſides, the Chancellor of that our Kingdom, holds his Place and Precedency without any Warrant or poſitive Law, but meerly from Our immediate and Inherent Power; and therefore why not our Treaſurer and Privy-Seal as well as he?

‘They further boldly demand the reſcinding the Acts of Parliament concerning the Civil Government; namely, the Act concerning the Judicatory of the *Exchequer*, the Act concerning *Proxies*, the Act concerning *Confirmation of Ward-Lands*; by which they would overthrow both our Government and Revenue.

‘When We found them thus pertinaciouſly reſolved to perſiſt in theſe their inſolent and unſufferable Demands, contrary to all Religion and Laws, though they ſo much pretend them both, we ſignified our Pleaſure to our Commiſſioner the Earl of *Traquair*, to this purpoſe;

That whereas it did evidently appear unto Us, that the aim of divers of our Subjects was not now for Religion, as they have always pretended, (for it was manifeſt by the proceeding of Our ſaid Commiſſioner, how willing We had bin to give ſatiſfaction both in Aſſembly and Parliament, touching all ſuch things as were promiſed by Us, or ſued for by them under that Name of Religion); And that We did perceive, by many new ſtrange Propoſitions, that nothing would give them content but the alteration of the whole Frame of the Government of that Kingdom, and withal, the total overthrow of Royal Authority, We held it muſt now be Our care and endeavour to prevent that which did ſo nearly concern Us in Safety and Honour; and if thereupon We ſhould immediately command the diſſolving of the Parliament, it were no more than juſtly might be expected from Us. Nevertheleſs, ſuch was ſtill Our tenderneſs of their preſervation, and of the eſtabliſhment of a perfect Peace in that our Native Kingdom, as We were pleaſed rather to prorogate the ſame, and to hear ſuch Reaſons as they could give for their demands: Wherefore We commanded Our ſaid Commiſſioner to prorogate the Parliament until the ſecond of June next enſuing, and that (ſince they had diſputed it) by our Authority only; We holding it no way fitting, that any aſſent of theirs but Obedience ſhould be had to that Act, which doth ſo properly belong to Us as their King; and if they ſhould preſume to Proteſt, ſit ſtill, and diſobey this our Royal Command, Our further Will and Pleaſure was, That Our ſaid Commiſsioner ſhould diſcharge their ſo doing under pain of Treaſon. But in caſe of their Obedience, and diſſolving according to our Command, then We did require Our ſaid Commiſsioner to declare unto them, That We would not only admit to Our preſence ſuch as they ſhould ſend unto Us to repreſent their Deſires, and the Reaſons of them, but would likewiſe, as We were ready allways to do, punctually perform whatſoever We did promiſe. In the interim, We commanded Himſelf with all convenient ſpeed to repair hither, and to bring with him all that had paſſed, or had bin demanded, both in Aſſembly and Parliament, that ſo We might not only be more perfectly inform'd of all Proceedings, but likewiſe conſult with him and thoſe of our Council, what courſe would be beſt for the preſervation of our Honour, and the happy accommodation of this Buſineſs.

'This Our Command being ſignified to the Parliament by our Com-'miſſioner, was not aſſented unto without a *Proteſtation*, which they 'call a *Declaration of the Parliament*, to this purpoſe.

T*Hat whereas* John *Earl of* Traquair, *his Majeſty's Commiſſioner, honoured with a moſt ample Commiſſion, according to his Majeſty's Royal Word, having cloſed the Aſſembly, and ſitting in Parliament with them a very long time, for debating and preparing ſuch Articles as were to be repreſented in face of Parliament, did now take upon him, and that without the conſent of the Eſtates, and without any Offence on their part, who have endeavoured in all their Proceedings to witneſs their Loyalty to the King, and Duty to his Grace, as repreſenting his Majeſty's Sacred Perſon, to prorogate the Parliament upon a private Warrant, procured by ſiniſter information, againſt his Majeſty's publick Patent under the Great Seal, &c. whereby he heavily offends all his Majeſty's good Subjects, and endangers the Peace of the whole Kingdom, for which he muſt be liable to his Majeſty's Animadverſion, and to the cenſure of the Parliament, this being a new and unuſual way, without preſident in this Kingdom, contrary to his Majeſty's Honour ſo far engaged for preſent ratifying the Acts of the Kirk, contrary to the Laws, Liberties, and perpetual practice of the Kingdom; by which all continuation of Parliament once called, convened, and begun to ſit, have ever bin made with expreſs conſent of the Eſtates, as may be ſeen in the Raigns of ſundry Princes, &c. Therefore we the Eſtates of Parliament, &c. are conſtrained in this Extremity to manifeſt and declare, &c. That as we have not given the leaſt cauſe, or ſmalleſt occaſion of this unexpected or unexemplified Prorogation, ſo we judg and know the ſame to be contrary to the Conſtitution and Practices of all preceding Parliaments; contrary to the Liberties of this free and ancient Kingdom, and very repugnant to his Majeſty's Royal Intentions, Promiſe, and gracious Expreſſion in the Articles of the late Pacification, &c. And we do further declare, That any Prorogation made by the Commiſſioner's Grace alone, without conſent of the Parliament, by himſelf, or any Commiſſioner in his Name, under the Quarter Seal, or by the Lords of the Council, who have no power at all in Matters of the Parliament, during the ſitting thereof, ſhall be ineffectual and of no force at all to hinder the lawful Proceedings of the Subjects, and the doers thereof to be cenſurable in Parliament. And further we declare, That the Commiſſioner his nomination of the Articles by himſelf, his calling together*

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thoſe Articles, and commanding them to ſit continually and proceed, notwithſtanding their daily Proteſtations to the contrary; his keeping frequent Seſſions of Council, and determining Cauſes in Council, during the time of Seſſion in Parliament; His calling down and calling up of Mony during the Seſſion of Parliament, without conſent of the Eſtates of Parliament; notwithſtanding the Parliament had taken the Mony into their conſideration, and had purpoſed to have given their advice for a determination thereanent; His frequent prorogating of the riding of the Parliament, without conſent of the Eſtates, or mentioning in the Acts of Prorogation, the conſent of the Articles, although it were done by their advice, are contrary to the Liberties of the Kingdom, Freedom and Cuſtom of Parliament; and that they be no Preparatives, Practicks, nor Prejudices in time coming againſt us, or our Succeſſors. But becauſe we know that the Eyes of the World are upon us, that Declarations have bin made and publiſhed againſt us, &c. *that our Proceedings may be made odious to ſuch as know not the way how theſe Commandments are procured from his Majeſty, nor how they are made known nor intimate to us, and do as little conſider that we are not private Subjects, but a ſitting Parliament; or what National Prejudices we have ſuſtained in time paſt by miſ-information, and what is the preſent caſe of the Kingdom; We therefore declare, that whatſoever by the example of our Predeceſſors in like caſes of neceſſity, by his Majeſty's Indiction, and by the Articles of Pacification, we might do lawfully in ſitting ſtill; and which in this extream neceſſity were juſtifiable, not only before ſo juſt a King, but to the Faces of our Adverſaries; Yet out of our moſt reverend regard, and humble deſire, to render not only all real demonſtrations of Civil Obedience, but to put far from us all ſhew or appearance of what may give his Majeſty the leaſt diſcontent, we have reſolved for the preſent only to make remonſtrance to his Majeſty of the reaſon of our Propoſitions and Proceeding in this Parliament,* &c. *And in expectation of his Majeſty's gracious Anſwer to theſe our humble Remonſtrances, ſome of each Eſtate having power from the whole Body of the Parliament, remain ſtill here at* Edinburgh, *to attend the return of his Majeſty's gracious Anſwer to our humble and juſt Demands: And further, to remonſtrate our humble Deſires to his Majeſty upon all Occaſions, that hereby it may be made moſt manifeſt againſt all contradiction, that it was never our intentions to deny his Majeſty any part of that Civil and Temporal Obedience which is due to all Kings from their Subjects, and from us to our dread Soveraign after a more eſpecial manner, but meerly to preſerve our Religion and Liberties of the Kingdom, without which Religion cannot continue long in ſafety: And if it ſhall happen (which God forbid) that after we had made our Remonſtrances, and to the uttermoſt of our power and duty uſed all means for his Majeſty's Information, that our malicious Enemies, who are not conſiderable, ſhall by their Suggeſtions and Lies prevail againſt the Informations, and general Declaration of a whole Kingdom, we take God and Men to witneſs, That we are free of the Outrages and Inſolencies that may be committed in the mean time, and that it ſhall be to us no imputation, that we are conſtrained to take ſuch courſe as may beſt ſecure the Kirk and Kingdom from the extremity of Confuſion and Miſery.*

Which Declaration above-written, we the Eſtates of Parliament, required the Clerk to inſert in the Records thereof, and grant Extracts thereof under his Hand and Subſcription.

This Declaration was produced and read in the outer Houſe of Parliament, upon Decemb. 18. 1639. *according whereunto the Nobility nominated and appointed the Earls of* Lothian *and* Dalhouſe; *the Lords,* Yeſter, Balmerino, Cranſton, *and* Napier: *The Barons nominated the Commiſſioners of the three* Lothians, Fiſe *and* Twedail: *The Burroughs nominated the Commiſſioners of* Edinburgh, Linlithgow, Sterling, Haddington, Dunbar, *to attend at* Edinburgh *the return of his Majeſty's gracious Anſwer to their humble Remonſtance.*

'In this *Proteſtation* or *Declaration*, though there be a ſpecious ſhew, 'and ſundry profeſſions of Obedience to Us, yet it is evident they 'have wounded our Authority in the Perſon of the Earl of *Traquair* 'our Commiſſioner, who did nothing in that Prorogation but by Our 'ſpecial Commandment; and therefore for that they cannot cenſure him 'without reflection upon Us: And beſides, it is poſitively affirmed, 'That *any Prorogation made by the Commiſſioner alone, without conſent of 'the Parliament, ſhall be ineffectual, and of no force*; which neceſſarily 'implies, That We have no power to Prorogue, whereas the contra'ry is moſt manifeſt Truth. And though upon our Command there 'was a ſhew of Prorogation, yet they continued part of their Body 'at *Edinburgh*, upon pretence of receiving our Anſwer to their *Re'monſtrance*; which, if it ſhall not be to their liking, they conclude 'with a menacing Proteſtation, That *it ſhall be no imputation to them, 'if they be conſtrained to take ſuch courſe as may beſt ſecure the Kirk and 'Kingdom from the extremity of Confuſion and Miſery*; having firſt 'taken God and Man to Witneſs, *That they will be free of all Outrages 'and Inſolencies that may be committed in the mean time*; than which 'nothing can be more boldly and inſolently ſpoken.

'After this, theſe divided Members of that diſtracted Parliamentary 'Body remaining thus at *Edinburgh*, did ſend the Earl of *Dunfermling* 'and the Lord *Lowdon* as their Deputies, to make their Remonſtrance 'to Us. But becauſe We underſtood that they came without Warrant 'or Licence from our Commiſſioner, and had not acquainted him 'with what they were to propound unto Us, We held this like the 'reſt, a great and inſufferable Diſobedience, and would not admit 'them to our Preſence coming in this manner; and ſo commanded 'them to return without hearing them.

'Then our Commiſſioner came hither, and made a Report to Us of 'the ſtate of our Affairs there; with which We thought fit to ac'quaint the Lords of our Council of *England*, as alſo with this Car'riage of the Parliament in *Scotland*, and to adviſe with them what 'was to be done for redreſs of theſe Diſorders. Whereupon We com'manded Our ſaid Commiſſioner, the Earl of *Traquair*, to make rela'tion to the Board of all their exorbitant Demands, of which ſome 'account hath bin formerly given them by the Lord Marqueſs *Hamil'ton*. Upon this our Command, the Earl of *Traquair* made a large 'and exact repreſentation to the Board of the moſt conſiderable Mat'ters propoſed and agitated in Parliament, and of the inſolency of 'their Demands; and the Petitioners themſelves ſent from *Scotland*, 'have ſince their coming to Us inſiſted upon all and every Particular 'of Our ſaid Commiſſioner's Relation, and in a moſt bold way of'fered to juſtiſy them all; by which they have more than juſtified

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‘the Report of the ſaid Earl of *Traquair*.

‘Whereupon We were further pleaſed to acquaint the Lords, that they had lately ſent Us a Petition, which carried ſome ſhew of ſubmiſſion and humility, but was indeed nothing leſs, wherein they deſired, that ſome might be allowed to come from them to Us, to repreſent their Affairs; which to make our Subjects of *Scotland* the more inexcuſable, We told the Lords We had granted, though We had little cauſe to hope for any good from thoſe that had ſo much forgotten their Duty and Allegiance to Us.

‘When the Lords had heard the Relation of our Commiſſioner, We thought fit upon the whole Matter to put this Queſtion to them, Whether conſidering the inſolency and height of theſe Demands, even concerning Civil Obedience, it were not fit to reduce them to their Duty by force, rather than to give way to theſe Demands, ſo prejudicial to Us in Honour and Safety? To this We commanded every one of our Council to give his Anſwer, and to declare his Opinion by Vote; which was accordingly done, and they unanimouſly voted in the *Affirmative*: Whereupon ſoon after We reſolved to call a Parliament.

‘After this, our Subjects in *Scotland*, according to the Anſwer We gave them upon their Petition, having ſent up hither four Deputies, *viz.* the Earl of *Dunfermling*, the Lord *Lowdon*, Sir *William Douglas*, and Mr. *Berkeley*; We were pleaſed to admit them to Our Preſence, and to receive Petitions from them, which were after by our Direction ſubſcribed by them; in one of which they, in the Name of the Aſſembly convened at *Edinburgh*, gave Us thanks for that We had made known to them, that all Matters Eccleſiaſtical ſhould be determined in free National Aſſemblies, and Matters Civil in Parliaments, and deſired our Ratification of the Conſtitutions of the Aſſembly in Parliament: And in the other they deſired to be heard before Us, and ſome of our Council of both Kingdoms; and that the Report made by the Earl of *Traquair* to our Council here in *England*, might be delivered them in writing under his hand, which was a moſt inſolent demand.

‘Immediately after this, We thought fit to appoint a ſpecial Committee of ſome of our Council to hear them, and accordingly gave order to the Earl of *Traquair* to aſſign them a day to come to that Committee. They refuſed to come, alleaging that they had Order and Inſtructions to treat with none but our Self: Whereupon We appointed them to attend Us at the Committee, though it were the day of Our appointed remove to *Hampton-Court*; at which time they did attend Us accordingly.

‘There the Lord *Loudon* made a long Speech, the effect whereof was, A Proteſtation of the Independency of the Parliament of *Scotland*, and that it is ſubject to no other Judicatory; a profeſſion of their Loyalty and Affection to Us, and a Juſtification of their Proceedings in the Aſſembly and Parliament, as agreeable to the *Articles of Pacification*, and to the Laws and Practices of that Kingdom; and thereupon a deſire, That We would ratify and confirm thoſe their Proceedings; and to that purpoſe command that the Parliament might proceed freely, for the determining of all the *Articles* delivered into them, and the eſtabliſhing of Religion and Peace in the

Kingdom; undertaking that whatſoever Objections or Informations ſhould be made againſt their Proceedings in Parliament, (if they might receive them in writing) they would make anſwer to them.

'This Diſcourſe ended, We demanded what Power and Commiſſion they had to give Us ſatisfaction, and to oblige thoſe from whom they came? ſeeing if they had none, We ſhould hear them upon great diſadvantage, they expecting Satisfaction from Us who have Power to give it, but they none to render the like to Us.

'They anſwered, That which they ſhould propoſe (it being agreeable to Law) they were confident would give Us Satisfaction.

'We asked who ſhould be Judg of that? They anſwered, The Laws would be ſo clear that there ſhould be no need of a Judg. And though We inſiſted much hereupon, they would give Us no other Satisfaction; they avowing they had Powers, and would bring them to Us; they were ordered to do ſo at the next Meeting, and ſo for that time were diſmiſſed.

'After Our return from *Hampton-Court*, they attended Us at the Committee again; Where they produced Inſtructions ſigned by ſome *Scotiſh* Lords, and others Perſons of no great eminency; which Inſtructions having bin read, were judged by Us, (all the Committee concurring in the ſame Opinion) to be no Commiſſion, nor that they had any Power or Authority by them to give Us Satisfaction, or to oblige thoſe from whom they ſaid they came, to any thing that We ſhould yield to; or deſire. Wherefore We demanding whether they had any other Power? they ſaid, They had a Paper formerly ſubſcribed by ſome of the Lords in Parliament, by which the Earl of *Dunfermling* and Lord *Lowdon* were only authorized to come, and preſent their Juſtification to Us, and they could for the preſent have no other, the Parliament now not ſitting. Whereupon We adviſing ſeriouſly with the Committee what was beſt to be done in this weighty Buſineſs; and conſidering, That if they ſhould be diſmiſſed without further hearing, they would take occaſion to clamour, although We held our Self bound neither in Honour nor Juſtice to hear them any further, (they having offered no Foundation for an Accommodation, nor having Power to do it) yet to the end that no colour of ſiniſter Conſtruction might be left, and that We might juſtify our Self to God and the World, that We have omitted nothing on Our part that might tend to Peace, and to the ſetling of a better Intelligence between Us and them, We did reſolve that We would continue to hear them, and make Our Objections to ſuch Particulars as had bin propoſed in Parliament, and againſt which We had juſt grounds of Exception, that ſo it might appear whether they could give Us that ſatisfaction which they had promiſed and preſumed.

'This We having declared to them, not one of them made ſhew of the leaſt ſenſe of this Our Grace and Goodneſs ſo expreſſed to them; which the Lord Marqueſs *Hamilton* obſerving, took occaſion of himſelf to ſay, That though he was not of their Company, yet being a *Scots* Man, he held himſelf obliged to acknowledg with all humility this Our ſingular and princely Favour to his Country, and beſought Us to accept his moſt humble thanks for it. This drew ‘them on to do the like, and ſo they preſented their humble Thanks to Us on their knees.

‘At the next meeting of the Committee, the ſaid Petitioners produced the Paper above-mentioned, ſubſcribed by ſome of the Lords remaining at *Edinburgh*, as aforeſaid, by which the Earl of *Dunfermling* and Lord *Lowdon* only were heretofore authorized to come and preſent their Juſtification to Us: which Paper being read, the whole Committee agreed that the Petitioners had no Power by this Paper, no more than by the former, to give Us any Satisfaction, or to oblige thoſe from whom they came, but only to endeavour to juſtify themſelves, and the former Proceedings of the Parliament. Of all this We were pleaſed to give account to Our whole Council of *England*, who unanimouſly concurred in Opinion with the Committee, That the above-mentioned Papers gave them no Power at all. Nevertheleſs We were contented, according to Our promiſe, to hear them; and We did make Objections to the moſt exorbitant of their Demands: But their Anſwers were very impertinent, and rather Juſtifications of them, than any way Satisfactory: Which could not be otherwiſe, ſeeing thoſe Demands were for the moſt part ſo contrary to Law and Monarchical Government, that they did anſwer themſelves; as by our Anſwer to them formerly ſet down more particularly may appear.

‘Concerning our Promiſe of a Free Parliament, no Man of ordinary ſenſe can imagine We ever intended it ſhould be ſo free, as not to be limited with their own Conditions, ſubſcribed by the Lord *Lowdon*, which were to enjoy their Religion and Liberties, according to the Eccleſiaſtical and Civil Laws of that our Kingdom; and if they paſs theſe Bounds, as it is evident they have done, We remain diſobliged, unleſs they will have Us only obliged, and themſelves left at liberty to fly at our Monarchical Government, without controul, to wreſt the Scepter out of our Hand, to rob our Crown of the faireſt Flowers belonging to it, and to deſtroy our Regal Power and Authority, as manifeſtly they have endeavoured to do by their inſufferable intended Acts and Demands, contrary to all Law and Reaſon.

‘If it be further Objected, That they aſſume this liberty by our allowing of the Covenant, and commanding Our former High Commiſſioner the Lord Marqueſs of *Hamilton*, and other our Subjects, to ſubſcribe it; the Anſwer is very ready, That there is a great difference between the Covenant and Band ſubſcribed by our Commandment, and their Band; for that Covenant and Band was made by Our late Father King *James* of bleſſed Memory, *Anno* 1580, and obligeth thoſe that ſwear to It, that they ſhould mutually aſſiſt one another, as they ſhould be commanded by the King, or any authorized by him. But this new Band was made without Our conſent, and by it they ſwear mutually to aſſiſt one another, not excepting the King, which is indeed a meer cunning Combination againſt the King. Beſides, when any have bin required to ſubſcribe the Covenant, as the Lord Marqueſs *Hamilton* was, and did, and in that ſenſe which he declared in print, the principal Heads of them did not only refuſe it themſelves, but diſſuaded (as much as in them lay) all Our good Subjects from ſubſcribing it, though the Covenant were all one with theirs, and ſo acknowledged by themſelves: Whereby ‘it doth evidently appear, that it was not Religion they aimed to ſe‘cure, (as they pretended) for then they would have acquieſced ‘with theſe our Commands, but meerly by adhering to their own ‘Band, to keep our Subjects in that condition, as they might be al‘ways tied, and conceive themſelves obliged by Oath to take up Arms ‘againſt Us whenſoever the time ſhould be fit for a total Rebellion; ‘which they have never left endeavouring till they have brought it to ‘paſs: So that by Our approbation of the old Covenant and Band, or ‘by the Subſcription of our Commiſſioner, they can have no ſolid ‘Foundation to juſtify their now Proceedings; and it will hardly ap‘pear that ever any Covenant was made in the Chriſtian World (ex‘cept in Caſes of Rebellion and Treaſon, as this is) where the Head ‘was left out, or had not a Negative Voice.

‘Neither can the Earl of *Traquair*, our High Commiſſioner his ‘Subſcription, or allowance of the ſubſcription of the Covenant, be ‘any Warrant for their rebellious Courſes; ſeeing, as appears by their ‘own Petitions to him, they declare, that, *Now following the laudable ‘Example of their Predeceſſors, they do humbly ſupplicate for the ſame, ‘and that they may be allowed and warranted to ſubſcribe it:* Which clear‘ly evinces, that what they did before, and of themſelves, without ‘warrant of Authority, was neither laudable nor warrantable: As ‘alſo before the allowing thereof by the ſaid Earl of *Traquair*, it is ‘acknowledged (as appears by that which is prefixt to his Subſcrip‘tion) that it is one and the ſame Covenant with that of 1580; which, ‘as appears by the Reaſons heretofore deduced, will no way infer any ‘ground, or the leaſt ſhadow of Reaſon for their treaſonable Combi‘nations, or taking up of Arms againſt Us, or our Authority, or any ‘denial of our Negative Voice.

‘Now upon debate of this Point at the Council Board, the Lords ‘were of Opinion, that until the Petitioners ſent from the Covenan‘ters would acknowledg that the Supream Magiſtrate muſt have Au‘thority to call Aſſemblies, and to diſſolve them, and to have a Ne‘gative Voice in them, as is accuſtomed in all Supream Powers of ‘Chriſtendom, they ought not to be heard.

‘If they ſhall alleage (as they did when they came to the Commit‘tee) that their Demands aforeſaid were but Matters *in fieri*, and not ‘abſolutely reſolved nor concluded: it is to be anſwered, That the Im‘pediment was not on their part that they were not concluded. Nay, ‘the Lord *Lowdon* in his firſt Speech to Us at the Committee, did not ‘only juſtify their Proceedings in the Aſſembly and Parliament, as ‘agreeable to the *Articles of Pacification*, and to the Laws and Pra‘ctice of that Kingdom, but did deſire that We would ratify and ‘confirm thoſe their Proceedings, and to that purpoſe command that ‘the Parliament might proceed freely, and determine anent all thoſe ‘*Articles* delivered in to them. Howſoever, good Subjects ought to ‘be wary how they come near the ſuſpition of Rebellion or Treaſon, ‘much more how they make Demands that carry with them more ‘than a ſuſpicion of rebellious and treaſonable Intentions, as theſe ‘above-mentioned moſt manifeſtly do.

‘Now beſides the Inſolencies and Acts of Rebellion and Treaſon ‘above-mentioned, committed before, and in the Aſſembly and Par‘liament, We cannot but obſerve and publiſh to the World, that ‘their Carriage hath bin no leſs exorbitant ſince the Parliament, and

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'ſince the coming of their Petitioners hither than before: for without 'any Authority or Commiſſion from Us, they have taken upon them 'to leavy and raiſe Forces in ſeveral parts of that our Kingdom, in 'great numbers, which they have continually exerciſed and trained, 'and have aſſigned them a Rendezvouz, and a day to be in a readineſs to march.

'They have made Proviſions of great quantities of Artillery, Munition, and Arms, from Foreign Parts, which they have ready in 'Magazine to make uſe of againſt Us their Soveraign.

'They have of themſelves laid Taxes and Impoſitions of ten Marks 'in every hundred, upon all and every our Subjects, according to their 'ſeveral Revenues, to be levied upon their Eſtates, for the maintenance of this Rebellion; and this they have exacted with the greateſt 'rigour and tyranny that can be imagined, howſoever they pretend 'the Contribution to be voluntary.

'They have cauſed to be framed and publiſhed, as well in Manuſcript as in Print, ſundry falſe, ſeditious, and ſcandalous Papers and 'Pamphlets, concerning our Proceedings with them; and amongſt 'others, one intituled, *An Information from the Eſtates of the Kingdom of* Scotland, *to the Kingdom of* England, *&c.* which having come 'to Our knowledg, We cauſed it to be read publickly at our Council 'Table; and the Lords in deteſtation thereof became humble Suitors 'to Us, that it might be ſuppreſt by Proclamation, and burnt by 'the Hand of the Hangman, which hath bin done accordingly.

'They have refuſed the Lord *Eſtrick*, Governour of our Caſtle at '*Edinburgh*, Timber, and other Materials neceſſary for reparation of 'the Works lately fallen down there, notwithſtanding Our expreſs 'Commandment by our Letters to them upon their Allegiance to furniſh them.

'They have committed ſundry Outrages and Violences upon the 'Perſons of ſome of the Gariſon at *Edinburgh*, that came out of the 'Caſtle to buy Victuals.

'They have begun to raiſe Works and Fortifications againſt the ſaid 'Caſtle, thereby to block up that our Royal Fort, and to render it 'unuſeful. And they have fortified ſundry other Places in that Our 'Kingdom, and particularly *Inſgarvy*, where they have mounted divers pieces of Ordnance.

'They have lately impriſoned the Lord of *Southesk*, and ſundry 'others of Quality, for not adhering to them, and for their fidelity 'to Us.

'And whereas We have upon ſundry occaſions ſignified Our Pleaſure to the Magiſtrates of *Edinburgh* for the performance of ſuch 'things as have concerned our Service: inſtead of yeelding Obedience, they have made anſwer, That *they have delivered up the power of governing the Town, into the hands of the Committee of the pretended Tables*, by which they have not only voluntarily diſabled themſelves 'to ſerve Us, but have incurred the guilt of High Treaſon, by conferring upon any that power of Government which they derive and 'hold from Us alone, and cannot be reſigned to any other without 'our ſpecial Warrant and Command.

'But to fill up the meaſure of their Treaſons, they have endeavoured to ſettle Intelligences in parts beyond the Seas, and practiſed to 'let in Foreign Power into that our Kingdom, as We are able to

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‘make appear under the hands of ſome of the chiefeſt of them; as if the Fire, which by their own Rebellions they have already kindled within the Bowels of that State, were not ſufficient to conſume it, unleſs they added fuel to it from abroad. And herein appears firſt their malignity to Us their natural Soveraign, in that they had rather proſtitute themſelves to a Foreign Government, and ſuch as is different in Religion, than yield conformity to Ours. And then ſecondly, We cannot but take notice that the Intereſts and Safety of our Self, and this our Kingdom of *England*, are highly concerned herein: For if a Stranger once take footing in thoſe Northern parts, it is not hard to judg how eaſily he may be invited by ſuch Guides as they, and ſuch an entrance as they will readily give him, to draw nearer to this warmer Climate of the South; and then how much the *Engliſh* Nation are likely to be beholden to their Scotiſh Neighbours for ſuch Inmates, is left to every true Engliſh heart ſadly to conſider, and in time to endeavour to prevent, leſt he be overtaken unawares by the miſchief which threatens every one in particular, and the whole Nation in general; and yet all this with them is Religion and Laws.

‘But becauſe the World ſhall ſee that We charge them not but upon very good and ſure Grounds, We have thought fit to ſet down here their own Letter: Of which We have given Our good Brother, the *French* King, an account, being confident he will not aſſiſt any Rebels againſt Us. The Letter follows, with this Endorſement, *Au Roy*, which in *France* is always underſtood from thoſe Subjects only to their Natural Prince.

SIRE,

Voſtre Majeſté (eſtant l'aſyle & ſanctuaire des Princes & Eſtats affligéz) nous avous trouvé neceſſaire d'envoyer ce Gentilhomme *le Sieur de* Colvil, *pour repreſenter a V.* M. *la candeur & naiuetê tant de nos actions & procedures, que de nos intentions, leſquelles nous deſirons eſtre graveés & eſcrites à tout l' univers avec un ray du* Soleil, *auſſy bien qu' a V. M.* Nous *vous* Supplions *doncques treſhumblement* (Sire) *de luy adjouſter foy & creance, & a tout ce qu'il dira de noſtre part, touchant nous & nos affairs; eſtans treſaſſeurés* (Sire) *d' une aſſiſtance eſgale a Voſtre clemence accouſtumeé cydevant, & ſi ſouven monſtrée a ceſte Nation, laquelle ne cedera la gloire à autre quelconque d' eſtre eternellement,*

Sire,

de *V.* M.

Les treſhumbles, & treſobeyſſants,
& treſaffectionés ſerviteurs,

Rothes. Montroſe. Leſlie. Marre.
Montgomery.
Loudoun. Forreſter.

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Engliſhed thus;

SIR,

YOur Majeſty being the Refuge and Sanctuary of afflicted Princes and States, we have found it neceſſary to ſend this Gentleman Mr. Colvil, to repreſent unto your Majeſty the candour and ingenuity, as well of our Actions and Proceedings, as of our Intentions, which we deſire to be engraved and written to the whole World with a Beam of the Sun, as well as to your Majeſty. We therefore moſt humbly beſeech you (Sir) to give faith and credit to him, and to all that he ſhall ſay on our part, touching us and our Affairs; being moſt aſſured (Sir) of an Aſſiſtance equal to your wonted Clemency heretofore, and ſo often ſhewed to this Nation, which will not yield the Glory to any other whatſoever to be eternally,

Sir,

Your Majeſty's moſt humble, moſt obedient,
and moſt affectionate Servants,

Rothes. Montroſe Leſly. Marre.
Montgomery.
Loudoun. Forreſter.

'Now theſe Affronts to our Government, and dangers to our State, 'which have no Relation at all to Religion and Law, but in the violation of them both, have neceſſitated Us to put the Forces of this 'our Realm in order, and our Self into a condition to be able (by 'God's help) to vindicate our Safety and Honour againſt all thoſe 'that under pretence of Religion and Law, have already riſen, or 'ſhall riſe up againſt Us, and to preſerve and keep in ſafety Our good 'and loyal Subjects, and to take care that the Gangrene be cut off 'before it ſpread too far, to the endangering of this our Kingdom of '*England*. Nevertheleſs We profeſs before God and all the World, 'that We never did, nor ever will hinder them from the enjoying of 'their Religion and Liberties, according to the Eccleſiaſtical and Civil Laws of that our Kingdom, and according to our Promiſe and 'their Deſires, ſubſcribed by themſelves at the *Pacification*; but that 'We will govern them as a Juſt and Religious Prince: In aſſurance 'whereof, if they will yet acknowledg their former Crimes and Exorbitancies, and in an humble and ſubmiſſive manner, like penitent '*Delinquents*, crave pardon for what is paſt, and yield Obedience for 'the time to come, they ſhall ſtill find that We will be more ſenſible 'of their Converſion, than We have bin of their Rebellions; and 'that We rather deſire their Reformation, than their Deſtruction. 'But if they perſiſt in their Rebellious Courſes, and by that which 'they call the enjoying of their Religion and Liberties, according to 'the Eccleſiaſtical and Civil Laws of that Kingdom, will underſtand 'nothing but the trampling of our Crown and Royal Authority under their Feet, and the endeavouring to ſubvert all Laws and Religion, as they have done hitherto by their Proceedings in the Aſſem-

'bly and Parliament, then We hold our Self obliged, in diſcharge of 'that Duty which We owe to God and the Government which he 'hath entruſted to Us, to have recourſe to Our coercive Power, to 'prevent ſo many imminent Dangers as threaten the Publick. This 'We take God to Witneſs We are neceſſitated to, and ſhall not undertake without extream ſorrow and reluctation. Nevertheleſs We 'truſt that God, whoſe Vicegerent we are, and by whom alone Kings 'Reign, being likewiſe a God of Truth, and a ſevere puniſher of all 'Falſhood and Impoſture, will no longer ſuffer his Glory to be deſpiſed and prophaned in our Perſon, by groſs Hypocriſy, under the 'counterfeit habit of Religion, but will ariſe and ſcatter His and Our 'Enemies.

'And for this Noble *Engliſh* Nation, whoſe Glory it hath bin to 'have bin governed many hundreds of Years under a Monarchy, We 'doubt not but they will, as it becomes loyal and faithful Subjects, 'continue their Affection to Us and Monarchical Government, and 'not ſuffer themſelves to be debauched and betrayed into an Anarchy, 'by ſuch as envy the happineſs they have ſo long enjoied, and the many glorious Victories which they have atchieved, under Kingly 'Government, but following the example of the Lords of our Council, and of our Servants, will chearfully aſſiſt Us in this Our juſt 'Cauſe, wherein our Honour and Safety, together with theirs, are ſo 'highly concerned.

'Our Subjects in *Ireland*, by their late Declaration in Parliament, 'have not only given Us a conſiderable Supply toward Our preſent 'Preparations, to reduce Our diſaffected Subjects in *Scotland* to their 'due Obedience, but have humbly offered Us their Perſons and 'Eſtates, even to the uttermoſt of their Abilities for Our future Supply, in a Parliamentary way, as Our great Occaſions (ſhould that 'Diſtemper continue) ſhall require. And this they deſire may be 'recorded as an Ordinance of Parliament, and that it may be publiſhed in Print for a Teſtimony to all the World, and to ſucceeding 'Ages, of their Loyalty and Affection to Us, as it well deſerves. 'This is a ſingular comfort to Us in the midſt of theſe Diſtractions; 'and We have no cauſe to doubt but our Subjects of *England*, who 'are nearer to the Danger, will ſhew the like tenderneſs of Our and 'their own Honour and Safety, which will be no leſs contentment to 'Us, and make Us, as a Father of Our People, take the ſame care of 'their Preſervation and Proſperity, that We ſhall of Our own. And 'this We aſſure them, in the Word of a Prince, We ſhall ever do.

The end of the King's Declaration.

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The juſt double of the particular Demands of the Subjects of Scotland, *preſented to his Majeſty's Commiſsioners in Articles or otherwiſe, which by his Majeſty's Commaand, for ſatisfaction of the Council of* England, *were hiſtorically related before them by the ſaid Commiſsioner, to his Majeſty at* Whitehall.

In all which Relation he laid open, not only the Demands controverted, or what had bin debated and not concluded, but alſo ſuch as had bin proponed, and by Perſuaſion or Argument relinquiſhed, and not inſiſted upon. In all which likewiſe he left to themſelves, and thoſe whom by his Majeſty's allowance they were to ſend, to give his Majeſty a timely information of their ſaid Demands.

Which being at two ſeveral times, and in two ſeveral Papers given both to the Earl of Dunfermling *and Lord* Lowdon, *was by them acknowledged to have bin demanded, like as they have under their hands given in in writing their Reaſons for every one of them.*

The Articles given in the firſt day.

1. A Proteſtation given in at the firſt Prorogation of the Parliament, at leaſt given to the Commiſſioner to be repreſented to his Majeſty.

2. *Act* defining the Power of the Articles.

3. New Augmentations to the Cuſtoms to be diſcharged, and no Cuſtom nor Impoſition to be impoſed hereafter, but by advice of the Eſtates.

4. No change of value of Mony or Coinage thereof, but by advice of Parliament.

5. The Book of *Rates* to be reviſed by Parliament.

6. The Caſtles of *Edinburgh*, *Donbarton*, and *Striveling*, to be entruſted only to Natives, and thoſe to be choſen from time to time of honeſt Men, and by advice of the Eſtates.

7. *Act* anent the Judicatory of the *Exchequer*.

The Articles given in the ſecond day.

1. A Proteſtation againſt the Treaſurer and Privy-Seal their precedency, That their giving way to the Treaſurer and Privy-Seal ſhould not prejudg them of their Right.

2. The *Act* anent the Conſtitution of the Parliament in time coming, being by the Articles remitted to his Majeſty to be conſidered of until the next Parliament, was thereafter queſtioned by ſome of the Nobility and Barons, who in their own Name, and Name of the reſt, urged the ſame to be brought in in plain Parliament without any ſuch reference.

3. An *Article* craving every Commiſſioner of the Shires to have a ſeveral Voice.

4. An *Article* craving the Parliament to chuſe their own Clerk, or to have two of every Eſtate joined with the Regiſter; and that all Acts voiced in Parliament ſhould be immediately ſubſcribed by two of every Eſtate.

5. *Act* for every Eſtates chuſing of their own Lords of *Articles.*

6. *Act* diſcharging Proxies.

7. *Act* againſt the Book entituled, *A Large Declaration.*

8. Commiſſioners of Shires to give a Roll of the Free-holders, out of which the Juſtices of Peace are to be choſen.

9. *Act* anent the Diſorders in the North.

10. *Act* craving the Council to be ſubalterne and cenſurable by the Parliament.

11. No Patent of Nobility to be granted to any but ſuch as have ten thouſand Marks of yearly Land-rent.

12. No Taxation to be granted but in plain Parliament.

13. *Act* of Pacification.

14. *Act* craving particular Commiſſioners of Juſticiary and Lieutenancy to be diſcharged.

15. *Act* in favour of Sheriffs and Stewards, only to be obliged to produce Hornage for the Taxations.

16. Patent of making Powder to be diſcharged.

17. *Act* diſcharging Remiſſions for Slaugher, or Theſt, but upon ſatisfaction to the Party.

18. *Act* diſcharging Protections.

19. *Act* of Common Relief.

20. An *Article* craving the Act 1633 bearing, that Confirmations and Infeoffements of Ward-Lands, ſhall not prejudg the King's Ward to be repealed.

21. *Act* diſcharging the duty paid to the Conſervator upon the Coals.

22. *Act* craving Ammunition and Arms brought in ſince the beginning of theſe Troubles, to be free of Cuſtom.

23. *Act* anent the Election of Preſident of the Seſſion, and admiſſion of the Judges preſented by his Majeſty.

24. *Act* craving Stateſmen being Noblemen, to have but one Voice.

25. His Majeſty's Warrant for Mr. *William Hay* his Deputation in his Father's Place, oppoſed by the reſt of the Clerks.

Whereas the Author, whilſt the Records of *Scotland* were remaining in the *Tower* of *London*, had obtained a brief Collection of the ſeveral Heads of the Acts and Ordinances of the *Scotiſh* Nation; and of the large Treaty, and other Treaties and Tranſactions between the two Nations of *England* and *Scotland*: As likewiſe the ſeveral Acts, Supplications, and Deſires of the General Aſſemblies of *Scotland*, concerning Religion, King, and Kingdoms, Church-Government, their Faith and Covenant, their Proceedings therein, and Ratifications thereof, by their Parliaments, with divers Declarations, Remonſtrances, and Reſolutions thereupon: With their ſeveral Levies and Preparations for War, and Commiſſions and Inſtructions to their Commanders in chief: As alſo their Proclaiming *Charles* the Second; Their Tranſactions with him in *Holland*, and their admiſſion of him to his Roial Power upon Tearms of the Covenant.

An. 1639.

Covenant. Selected out of the Records of the Parliament of *Scotland*, (then remaining in the *Tower* of *London*) beginning the 15*th* day of *May*, 1639, and ending the 8*th* of *March* 1650.

Yet he thinks it convenient at preſent only to give the Reader an account of the Years 1639, and 1640, reſerving the reſt to their proper time and place.

Apud Edinburgum, *May* 15. 1639.

Prima dies Parliamenti.

THe King's Commiſſion is recorded and read for the holding of this Parliament, directed to *John* Earl of *Marr* and others.

The Parliament is continued to the 23 of *July*.

Apud Edinburgum, *Julii* 23. 1639.

The King's Commiſſion is again read.

The Parliament is continued to the 26*th* day of *Auguſt*.

Continuation of the Parliament to the ſecond of *June* 1640, and the King's Commiſſion recorded.

Apud Edinburgum, *Julii* 2. 1640.

Sexta dies Parliamenti.

Follows the Acts and other Matters paſt and done in this Seſſion of Parliament, beginning the ſecond day of *June* 1640, and ending the 11*th* day of the ſame month of *June*.

Act 2.

Act anent the Conſtitution of this Parliament, and all the ſubſequent Parliaments.

Declaration of the Eſtates of Parliament, permitted by them to their Proceedings in Parliament, containing the Reaſons and Neceſſity of the convening and proceeding thereuntil.

Junii 4. 1640.

Act 4.

Act anent the admiſſion of Miniſters to the Kirk, which belonged to Biſhopricks.

Act 5.

Anent the Large Declaration or *Manifeſto*.

Act 9.

Againſt Papiſts.

Sexto Junii 1640. *Decima dies Parliamenti.*

Act 12.

Act Statuary, appointing Parliaments to be holden every three years.

Act 13.

Act anent production of the Regiſters and Records of Parliament, to the firſt Seſſion of each Parliament.

Act 14.

Explaining the preceding Acts of Parliament, made againſt Bands and Conventions amongſt the Subjects; as alſo declaring the Bands and Convention made and kept ſince the beginning of the preſent troubles to be lawful.

Act 16.

Act appointing all Grievances to be given in plain Parliament.

Act 18.

Act anent the Ratification of the Covenant, and of the Aſſembly's Supplication; Act of Council, and Act of Aſſembly concerning the Covenant.

The Supplication of the General Aſſembly convened at *Edinburgh* the 12*th* day of *Auguſt* 1639, to his Majeſty's High Commiſſioner, and the Lords of his Majeſty's moſt honourable Privy-Council.

In this is mention made of 107 Kings, chearfully acknowledged by them and their Predeceſſors, and following the laudable Example of their Predeceſſors 1589 Years, do pray that their Confeſſion and Covenant, as a Teſtimony to their fidelity to God, and loyalty to their King, which they had ſubſcribed, may be ſubſcribed by all his Majeſty's Subjects of what Rank and Quality ſoever.

The Act of his Majeſty's moſt Honourable Privy-Council at *Edinburgh*, *Auguſt* 30. 1639. containing the Anſwer of the Supplication above-written.

The Act of the General Aſſembly, ordaining by Eccleſiaſtical Authority the ſubſcription of the Confeſſion of Faith and Covenant.

The Confeſſion of Faith ſubſcribed at firſt by the King's Majeſty and his Houſhold in the Year of God 1580.

Thereafter by Perſons of all Ranks, in the Year 1581, by Ordinance of the Lords of the Secret Council, and Act of the General Aſſembly, ſubſcribed again by all ſorts of Perſons in the Year 1590, *&c.* and again in *Anno* 1638, and now again ſubſcribed.

This Confeſſion of Faith is very largely deſcribed and expreſſed.

Act 19.

Act anent the Ratification of the Acts of the Aſſembly.

Act 24.

Act for the Committees of Eſtates to ſupply the Power of the Parliament.

Nono Junii 1640.

Act 26.

Ratification of General *Leſly*'s Proceedings *Anno* 1639.

Act 27.

Ratification in favours of General *Leſly*, of his Commiſſion to be General 1640, and of other Officers of War.

Act 39.

Act diſcharging all cuſtom of Ammunition brought home to the Lieges for their own uſe, for Defence of Religion, and Liberties of Kirk and Kingdom.

Decimò Junii 1640.

Act 43.

Ordering the whole Subjects and Lieges of this Kingdom to obey, maintain, and defend the Concluſions, Acts, and Conſtitutions of this preſent Seſſion of Parliament, and to ſubſcribe the Band appointed for that effect.

Act 59.

Act continuing the Parliament to the 19*th* day of *November* next.

Act 60.

Declaration and Cloſure of the Parliament.

Apud Edinburgum, *Nov.* 19. 1640.

Quindecima dies Parliamenti.

Act anent the continuation of the Parliament to the 14*th* day of *January* 1641.

The humble and continued Deſires of your Majeſty's Subjects convened in Parliament by your Majeſty's Authority.

'These are the Articles of this Parliament, called at firſt, and convened the ſecond time by your Majeſty's Authority, not in common way of calling a Parliament, but by your ſpecial and ſolemn Promiſe in your Majeſty's Royal Declaration, at the time of Pacification grounded thereupon, which we now with all humility preſent unto your Majeſty's View and Princely Conſideration, as containing no new thing different from our firſt and continued humble Deſires, and ſerving for the preſervation of our Religion and Laws, and for ſetling the Peace of this Kirk and Kingdom under your Majeſty's Government: And it was never our mind to deny unto your Majeſty, our native King and dread Sovereign, that of Civil and Temporal Obedience; ſo do we now all of us, with one heart and voice, teſtify to your Majeſty before the World, againſt the open Railings and ſecret Suggeſtions of our Enemies, that we accompt no earthly thing ſo deſiderable, as to have the happineſs of enjoying this Peace under the long and proſperous Reign of your Majeſty, and your Royal Succeſſors, in whom we have ſo great and kindly Intereſt. And therefore, as it hath been our care and diligence to keep our ſelves within the Bounds of Moderation, as your Majeſty's Throne ſtanding before our Eyes had bin filled, and we honoured with your Majeſty's Perſon and Preſence, in acting nothing but the Ratification of the Conſtitutions of the late Aſſembly, approved by your Majeſty's Commiſſioner, and ſuch other things as do conduce for your Majeſty's Honour, and the Good and Peace of this Kingdom; and making no kind of alteration, but ſuch as is either by unavoidable Neceſſity, and by ſtrength of the Matter it ſelf was origined and driven from the Acts of the Aſſembly, and without which they could not be ratified, according to your Majeſty's Declaration, or according to the Laws, were moſt neceſſary for the preſervation of our Religion ‘and Liberties in time coming: So it is now our humble Petition, and confident expectation, that your Majeſty will judg equally of the Proceedings of your loyal and well-meaning Subjects, and will account of theſe Acts as of your Majeſty's own Laws, ſince they have bin preſented with their Parliamentary Reaſons to your Majeſty's examination by our Commiſſioners, and nothing remonſtrate to us againſt the equity and neceſſity of them; and thus they are concluded in this Parliament (after once prorogation) convened by your Majeſty for this effect: We had bin inexcuſable, and could not have anſwered to God Almighty, nor to your Majeſty his Vicegerent for our Good, if we had not in the extream Exigency of this Kirk and Kingdom, made uſe of the Liberty, whereby his Divine Providence and your Majeſty's Authority and Permiſſion was put into our hands.

‘When your Majeſty ſhall be graciouſly pleaſed to command that theſe Acts be publiſhed in your own Name, as our Soveraign Lord, with the Eſtates of Parliament convened by your Majeſty's Authority; when the Lord *Lowdon*, one of our Commiſſioners ſent from the Parliament upon your Majeſty's Warrant, ſhall be returned in ſafety, the Caſtles of *Edinburgh*, and other Strengths of the Kingdom, ſhall, with the advice of the Eſtates, according to the firſt firſt Foundation, be furniſhed and uſed for our Defence and Security, ſome of our Countrymen in your Majeſty's other Dominions, ſhall be free from Cenſures for ſubſcribing the Covenant, and be no more preſſed with Oaths and Subſcriptions, unwarranted by our Laws, and contrary to their natural Oaths and Covenant, approved by your Majeſty; others of them who have bin wicked Inſtruments, to work us all our woe, and to divide betwixt your Majeſty and the Kingdom, ſhall be ſent hither, and put to a Trial according to the Laws; Our Ships, and Goods, Souldiers, and others impriſoned, reſtored; and all other our loſſes and wrongs that all this time we have ſuſtained, repaired; your Declaration againſt Us, as Traitors, recalled; and when your Majeſty ſhall be pleaſed to condeſcend to one ſtable and well-grounded Peace, of our enjoying of our Religion and Liberties, againſt all fears and moleſtation, and undoing us from Year to Year, whereby our Adverſaries may take advantage; then will the real Teſtimonies and Royal Proofs of your Majeſty's Juſtice and Goodneſs, be ſo ſtrong Bands of Love, and invincible Chains to tie our Hearts, that never was there a People more obſequious to a King, nor a King more contented and happy in a People: And why ſhall we not think that your Majeſty will regard the ſound Judgment and unfeigned Affection of a whole Kingdom, above the Opinion and ſelf-love of a few Male-contents, who are at diſcord with the Times, and account your Majeſty's danger and diſhonour, and our common Calamities to be a continuance of their juſtly deſerved Miſeries? And why ſhall we not hope that your Majeſty's Wiſdom will judg it more convenient to beſtow your Royal Favours upon a whole Kingdom, wherein every Man of us may have our own benefit, than upon ſome few Perſons, who by their averſion make an Eclipſe of your Majeſty's Countenance and Goodneſs at ſo great a diſtance? And why ſhall not an Obedient People, that curſeth all Rebellion and Treaſon to Hell, where it is hatched, look for better days when the Storm is blown over, wherein God may have his own

An. 1639.

‘ Glory; your Majeſty alſo as much Honour as a good King can require,
‘ and we your Majeſty's Subjects that Peace and Happineſs which may
‘ make us heartily pray for the long and proſperous Raign of our Na-
‘ tive King and Monarch?

A Liſt of the ſeveral Entertainments of the Officers General of the Field; the Lord General his Train; Officers of four Regiments of Foot-Bands, and Companies of Footmen; Officers General of the Horſe, and twelve Troops of Horſe.

* 28 days to the Month.

Officers General of the Field.	*Per diem.*			*Per* menſem.*			*Per annum.*		
	l.	*s.*	*d.*	*l.*	*s.*	*d.*	*l.*	*s.*	*d.*
THe Lord General	10	00	00	280	00	00	3065	00	00
The Lieutenant General	06	00	00	168	00	00	2190	00	00
Serjeant Major General	02	00	00	056	00	00	0730	00	00
Quarter-Maſter General	01	00	00	028	00	00	0365	00	00
Provoſt Marſhal General	00	06	08	009	06	08	0121	13	04
Waggon or Carriage-Maſter	00	06	08	009	06	08	0121	13	04
Four Corporals of the Field, at 6 *s.* 8 *d.* each	01	06	08	037	06	08	0486	13	04
							7665	00	00
The Lord General's Train.									
Treaſurer at War	02	00	00	056	00	00	0730	00	00
Muſter-Maſter General	01	00	00	028	00	00	0365	00	00
Commiſſary Gen. of the Victuals	00	10	00	014	00	00	0128	10	00
Judg-Marſhal	00	10	00	014	00	00	0128	10	00
Two Chaplains, at 6 *s.* 8 *d.* each	00	13	04	018	13	04	0243	06	08
Two Phyſicians, at 6 *s.* 8 *d.* each	00	13	04	018	13	04	0243	06	08
Two Apothecar. at 3 *s.* 4 *d.* each	00	06	08	009	06	08	0121	13	04
Secret. to the Council of War	00	10	00	014	00	00	0182	00	00
Two Chirurgeans at 4 *s.* each	00	08	00	011	04	00	0146	00	00
Fifty Halberdiers, at 1 *s.* each	02	10	00	070	00	00	0912	10	00
							73309	6	08
Four Colonels of four Regiments of Foot, each Regiment conſiſting of 1500 Men, at 1 *l.* each Colonel *per diem,*	04	00	00	112	00	00	1460	00	00
Four Lieutenant Colonels, at 10 *s.* each	02	00	00	056	00	00	0730	00	00
Four Serjeant-Majors, at 6 *s.* each,	01	04	00	033	12	00	0438	00	00
Four Quarter-Maſters, at 5 *s.* each,	01	00	00	028	00	00	0365	00	00

	Per diem.			Per menſem.			Per annum.		
	l.	s.	d.	l.	s.	d.	l.	s.	d.
Four Provoſt-Marſhals, at 5 *s.* each,	01	00	00	028	00	00	0365	00	00
Four Carriage-Maſters, at 3 *s.* each,	00	12	00	016	16	00	0219	00	00
Three Preachers, at 3 *s.* each,	00	12	00	016	16	00	0219	00	00
Four Chirurgeans, at 4 *s.* each,	00	16	00	022	08	00	0292	00	00
							4088	00	00

The Pay of a Colonel's Company *of 200 Men, in each of the four Regiments.*

A Captain, *per diem* 8 *s.* A Lieutenant, 4 *s.* Enſign, 2 *s.* 6 *d.* Three Serjeants, at 1 *s.* 2 *d.* each. Three Drums, at 1 *s.* each. Three Corporals, at 10 *d.* each. 188 Souldiers, at 8 *d.* apiece.

Being in all for one Colonel's Company of 200 Men,

	l.	s.	d.
Per diem ——	07	08	10
Per menſem	208	07	04
Per annum	2717	04	02

And ſo for four Colonels Companies, of 200 Men each,

	l.	s.	d.
Per diem	29	15	04
Per menſem	833	09	04
Per annum	10864	16	08

The Pay of a Lieutenant Colonel's Company of 150 *Men, in each of the four Regiments.*

A Captain, *per diem* 8 *s.* A Lieutenant, 4 *s.* Enſign, 2 *s.* 6 *d.* Two Serjeants, at 1 *s.* 4 *d.* a piece. Two Drums, at 1 *s.* a piece. Three Corporals, at 10 *d.* a piece. And 140 Souldiers, at 8 *d.* apiece.

		l.	s.	d.
In all,	*Per diem*	5	14	08
	Per menſem	160	10	08
	Per annum	2092	13	04

And ſo for four Lieut. Col. Companies, of 150 Men each.

	l.	s.	d.
Per diem	22	18	08
Per menſem	642	02	08
Per annum	8370	13	04
	85908	16	08

An. 1639.

Four Regiments of Foot, containing in Officers and Souldiers 6000 *Men, being* 1500 *Men in each Regiment,* viz.

The Pay of a Company of 115 *Men,* viz.

A Captain, *per diem* 8 *s.* Lieutenant 4 *s.* Enſign 2 *s.* 6 *d.* 2 Sergeants at 14 *d.* each; three Corporals at 10 *d.* each, and 105 Souldiers at 8 *d.* each *per diem.*

	l.	*s.*	*d.*
In all for one Company of 115 Men *per diem*	04	11	04
per menſem	127	17	04
per Annum	1666	06	08

And ſo for forty Companies, of 115 Men the piece, being ten Companies in each of the four Regiments, beſides the Colonels and Lieut. Colonels Companies.

per diem	182	13	04
per menſem	5114	13	04
per Annum	66673	06	08

Officers General of the Horſe.

	Per diem.			*Per menſem*			*Per Annum.*		
	l.	*s.*	*d.*	*l.*	*s.*	*d.*	*l.*	*s.*	*d.*
THe General of the Horſe	05	00	00	140	00	00	1825	00	00
Lieutenant General	02	00	00	56	00	00	730	00	00
Sergeant Major, or Commiſſary General	01	10	00	42	00	00	548	10	00
Quarter-maſter General	00	06	08	09	06	08	121	13	04
Provoſt Marſhal	00	05	00	07	00	00	91	05	00
Waggon or Carriage-maſter	00	03	04	04	13	04	60	16	08
Preacher	00	04	00	05	12	00	73	00	00
Chirurgean	00	04	00	05	12	00	73	00	00
						In all	3522	05	00

The Pay of a Troop of a hundred Horſe, viz.

A Captain, *per diem* * 8 *s.* a Lieutenant 5 *s.* a Coronet 4 *s.* Three Corporals, at 2 *s.* each; two Trumpeters, one Quarter-maſter, a Chirurgean, and 80 Horſemen, at 2 *s.* 6 *d.* each *per diem.* After which Rates, the pay of a Troop of 100 Horſemen with their Officers, is

* If not a miſtake.

per diem	13	01	00
per menſem	365	08	00
per Annum	4763	05	00

And ſo the Pay for 12 Troops of 100 Horſe the piece, with their Officers, is

	l.	s.	d.
Per diem	156	12	00
Per menſem	4384	16	00
Per Annum	57159	00	00

Sum total of the Entertainment aforeſaid, is

Dated the 19*th* of *March*, 1639.

per diem	442	17	08
per menſem	12420	14	08
per Annum	161652	08	04

A Liſt of the Train of Artillery, according to his Majeſty's Direction, reduced to ſuch a number of Officers and other Miniſters as will be meerly neceſſary for a mean Train of 30 *or* 40 *Pieces of Ordnance,* viz.

	Per diem.			*Per menſem*			*Per Annum.*		
	l.	*s.*	*d.*	*l.*	*s.*	*d.*	*l.*	*s.*	*d.*
THe General of the Ordnance	04	00	00	112	00	00	1460	00	00
Lieutenant	01	00	00	28	00	00	365	00	00

Sundry other Officers, Artificers, and Attendants upon the Ordnance and Train of Artillery, viz.

	s.	*d.*
A Comptroller, *per diem*	10	00
Two Commiſſaries of the two Magazines of Munition, *viz.* one for the Train at	06	00
The other for the Army	05	00
4 Clerks under them, each	02	00
Two Engineers, one at	08	00
and the other at	06	00
2 Clerks for them, each	02	00
Six Conductors of the Trenches & Fortifications, each	02	00
One Fireworker	03	00
his Aſſiſtant	01	08
One Petardier	02	06
Twelve Aſſiſtants, each	01	00
One Maſter Gunner	06	08
Four Gentlemen, each	04	00
Gunners Mates, each	02	06
Thirty Gunners, each	01	06
A Pay-maſter	05	00
Capt. of the Pioneers	05	00
Quarter-maſter	04	00
Four Conductors of the Matrozes	02	06

	s.	*d.*
Forty Matrozes, each	01	00
A Purveyor	03	00
One Maſter Smith	03	00
6 Servants under him, each	01	00
One Mr. Wheelwright, at	02	06
four Servants under him, each		12
One Tent-maker	02	00
2 Servants, each	01	00
A Tent-keeper, at	01	06
one Aſſiſtant to him	00	08
A Mr. Carpenter	03	00
6 Servants under him, each	01	00
One Cordage-maker	02	00
2 Servants under him, each	01	00
One Saddle-maker	01	06
one Servant under him	01	00
One Cooper	02	00
2 Servants under him, each	01	00
Four Armorers, each	02	06
4 Servants under them, each	01	00
Two Gunſmiths, each	02	06
four Servants, each	01	00
One Harneſs-maker, at	01	06
2 Servants under him, each	01	00

One

An. 1639.

	s.	d.
One Farrier, at	02	06
2 Servants under him, each	01	00
One Bridgmaker	02	06
Six Servants, each	01	00
One Provoſt Marſhal	02	00
2 Servants under him, each	01	00
One Chirurgean	04	00
one Servant under him	01	00
1 Waggoner for the Train	05	00
one Aſſiſtant to him	02	06

	s.	d.
Two Principal Conductors, *viz.* one for the Munition of the Army, the other for the Munition of the Artillery, each	03	00
Forty Conductors, *viz.* 20 for the Waggons, and 20 for the Ordnance, each	02	06
One Commiſſary for the Draught-horſes, at	04	00
Two Aſſiſtants to him, each	02	06

		l.	s.	d.
In all	*per diem*	21	07	06
	per menſem	598	10	00
	per Annum	7182	00	00

Sum total of the Officers, Artificers, and other the Attendants.

per diem	26	07	06
per menſem	678	10	00
per Annum	8820	10	00

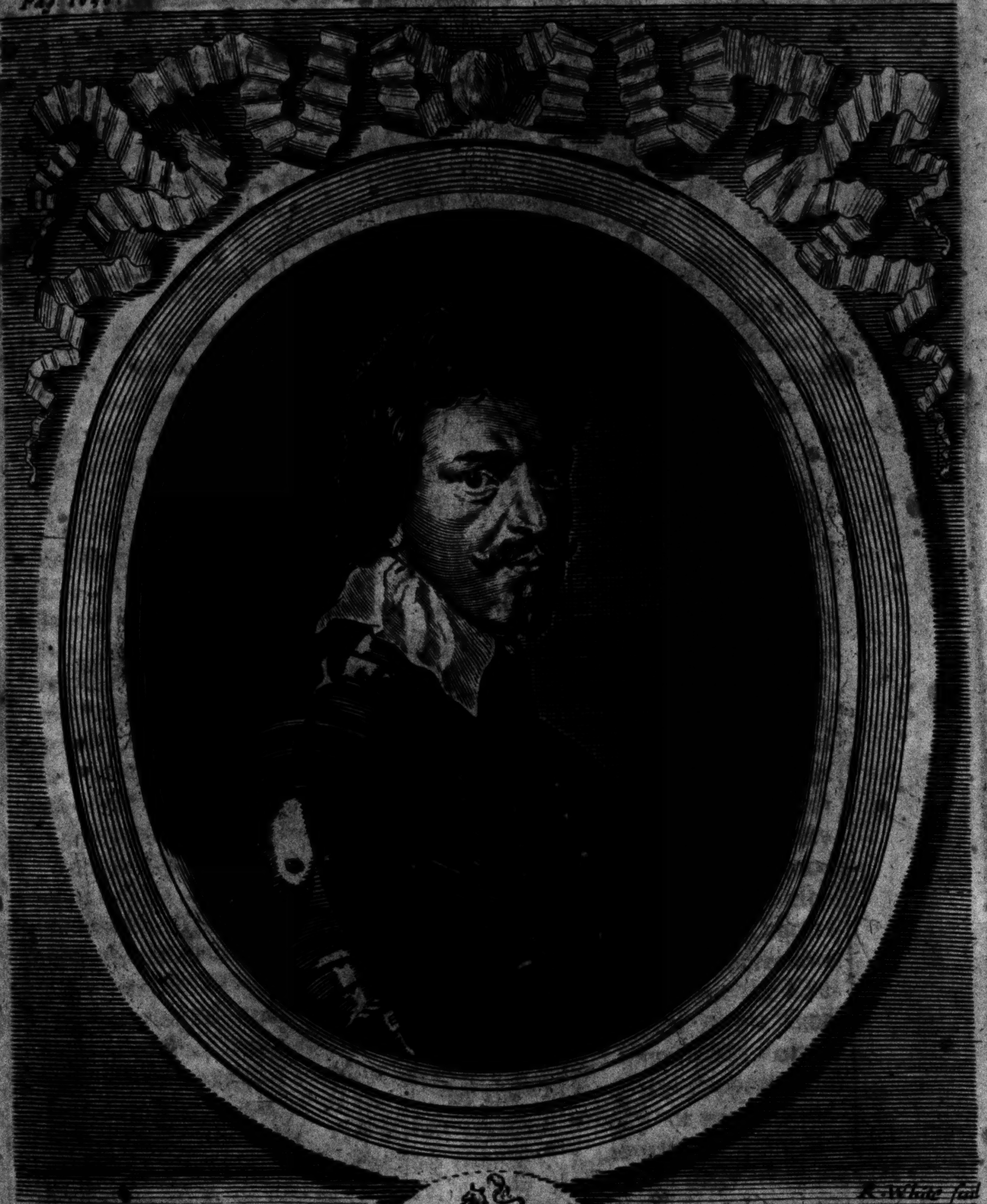
Whitehall, the laſt of *March* 1639.

Signed by,

Lord Arch-Biſhop of *Canterbury.*
Lord *Keeper.*
Lord *Treaſurer.*
Lord *Privy-Seal.*
Lord Marqueſs *Hamilton.*
Earl of *Northumberland.*
Lord *Chamberlain.*
Earl of *Dorſet.*
Earl of *Bridgwater.*
Earl of *Berk-ſhire.*
Earl of *Morton.*
Lord *Cottington.*
Lord *Newburgh.*
Mr. *Treaſurer.*
Mr. *Comptroller.*
Mr. Secretary *Windebank.*

In the month of *November* this Year, the Lord *Wentworth* Deputy of *Ireland*, arrived at the Court of *England*, where he appeared in much favour with the King, and in high Reputation for his Ability in Matters of State; and the King took him into his Cloſeſt Councils, for the better forming and finiſhing thoſe Deſigns which were then begun; and his Majeſty gave him an Increaſe of Honour, creating him Earl of *Strafford*, Lord Lieutenant of the Kingdom of *Ireland*, and Knight of the moſt Noble Order of the Garter. He was conſtituted Lord Lientenant, for that (as his Patent runs)

Obſequium ſuum & induſtrium Nobis agregie probaverit, dum officium deputatus Noſtri in Regno Noſtro Hiberniæ, & Præfecturam Generalem exercitus noſtri ibidem conſcripti fide ſumma Adminiſtravit, reſque noſtras illius Regni ea prudentia ordinaverit ut Noſter Honori Saluti, Eccleſiæ populoque Univerſo optime conſulerit.



S^{r} THOMAS WENTWORTH K^{t} EARLE of STRAFFORDE,
Viſcount Wentworth, Baron Wentworth of Wentworth Wood:
howſe, Newmarch, Overſley & Raby; L^{d} Lievtenant Generall,
and Generall Governor of the Kingdome of Ireland; and L^{d}
Preſident of y^{e} Councill eſtabliſhed in y^{e} North parts of England,
L^{d} Lievtenant of y^{e} County & City of York, & one of his Ma^{ty} moſt hon^{ble}.
Privy Councill, and Knight of y^{e} moſt Noble order of the Garter.

After ſome weeks conſultation with his Majeſty about the *Scots*, and other publick Affairs, he returned to *Ireland* to meet that Parliament which before was ſummoned, and to levy Men to encreaſe his Army for the neceſſary Defence of the King and his Kingdom.

Before he took leave of the King, there was a Subſcription of a Loan at the Council-Board to ſupply his Majeſty with Mony; the Earl began firſt, and (for example) ſubſcribed 20000 *l.* and afterwards arrived at *Dublin*, *March* the 18*th* the ſame Year 1639.

Upon the meeting of the Parliament, he ſo well improved his Intereſt and Power, as that he gained from them four entire Subſidies. And in the Preamble of the ſaid Act for Subſidies, ſundry great Cauſes of Joy and Comfort are expreſſed by the Miniſtration of the Lord Lieutenant: Particularly,

> ‘In that his Majeſty hath provided and placed over us ſo Juſt, Wiſe, Vigilant, and Profitable a Governour, as the Right Honourable *Thomas* Earl of *Strafford*, Lord Lieutenant of this your ſaid Kingdom of *Ireland*, who by his great care and travel of Body and Mind, ſincere and upright Adminiſtration of Juſtice without partiality, encreaſe of your Majeſty's Revenues, without the leaſt hurt or grievance to any of your well-diſpoſed and loving Subjects, and our great Comfort and Security, by the large and ample Benefits which we have received, and hope to receive by your Majeſty's Commiſſion of Grace for Remedy of Defective Titles, procured hither by his Lordſhip from your Sacred Majeſty; His Lordſhips great care and pains in Reſtoration of the Church; the reinforcing of your Army within this Kingdom, and ordering the ſame with ſingular good Diſcipline; His ſupport of your Majeſty's wholſome Laws here eſtabliſhed; his encouragement to your Judges, and other good Officers, Miniſters, and Diſpenſers of your Laws in the due and ſincere Adminiſtration of Juſtice; his neceſſary and juſt ſtrictneſs for the Execution thereof, his due puniſhment of the Contemners of the ſame, and his care to relieve and redreſs the Poor and Oppreſſed. For this your tender care over us ſhewed by the Deputy, and ſupporting ſo good Governors, *&c.* We in free recognition of your great Goodneſs towards Us, do, for the abreviation of ſome part of your Majeſty's ineſtimable Charges, moſt humbly and freely offer to your Majeſty four entire Subſidies, *&c.*

And after the Lord Lieutenant's return again into *England* in the beginning of the Year 1640, his Majeſty honoured him with a Commiſſion to be Lieutenant General of his Majeſty's Army to march againſt the *Scots*, the Earl of *Northumberland* being made General, but the burden of the Conduct lay upon the Lieutenant General, by Reaſon of the Earl of *Northumberland*'s indiſpoſition as to his health.

A Complaint by Dr. *Belcanqual* Dean of *Durham*, againſt his Tenants.

On the 11*th* of *March* 1639, *Walter Belcanqual*, Dean of *Durham*, complained of *George Grey* and *Anthony Smith*, two of the Tenants of the Dean and Chapter of *Durham*, for Miſdemeanours committed by them, in getting divers of the Tenants of the ſaid Dean and Chapter, to ſet their Hands and Seals to divers Papers and Petitions of Complaint againſt the ſaid Dean and Chapter their Landlord, and to contribute Mony for Proſecution of their Complaints; and as the ſaid Dean did alleage, They did not make known to the Dean and Chapter their Grievances before they came up to complain.

The ſaid *Grey* and *Smith* appearing before the Lords of the Council, did acknowledg, that what was alleaged againſt them was true as to the ſubſcribing Petitions; but declared they had cauſe to complain againſt the Dean and Chapter, for that contrary to a Decree entred in the Court of *York* and elſewhere in the time of Queen *Elizabeth*, which did aſcertain their Right in the renewing their Leaſes, with favour to them in reſpect of their Tenant-Right; and that a ſmall Fine (in compariſon of what the Dean and Chapter now required of them) had wont to be paid; of which, they ſaid, they often complained as a Grievance, but never obtained hopes of Relief from them.

The Council-Board after hearing the Buſineſs, declared themſelves diſſatisfied with the Tenants Proceedings; and the Arch-Biſhop of *Canterbury* moved, That the Dean and Chapter might do well to proceed againſt them in the *Star-Chamber*, and never to renew their Leaſes to the Tenants, or the Children of them who did complain; and that it were fit they ſhould be committed to Priſon till they did produce the Schedule of Grievances ſubſcribed by the Tenants to diſcover their Names; and that they ſhould pay ſo much Mony as they received from thoſe Tenants (who impowred them to proſecute this their Complaint) to one of the Clerks of the Council, and that nothing ſhould be deducted out of the ſame, to allow the ſaid *Grey* and *Smith* any thing towards the defraying of their Charges or Monies laid out about the proſecution of this Buſineſs: for, ſaid the Arch-Biſhop, he was confident it was a practice againſt the Church, and did believe there was ſome further deſign in the Buſineſs.

Hereupon the Council-Board ordered that *Grey* and *Smith* be committed to the *Gatehouſe*, and there to lie in Priſon until they produce a Schedule of the Names of the Subſcribers, and that they did pay the Mony they had confeſſed to have received (which was about the ſum of 80 *l.*) unto the hands of Sir *William Beecher* one of the Clerks of the Council; which they paid accordingly, but continued in Priſon many weeks, becauſe they would not deliver up the Liſt of the Tenants Names that ſubſcribed the Petition: But a Parliament meeting *April* 13 next following, they were ſet at liberty by the Council-Board, without delivering up the Liſt of the Tenants Names, and the Paper of Subſcription containing their Grievances.

The Author of theſe Collections having caſually miſlaid the Decree at large which the High Court of *Star-Chamber* paſſed againſt the Mayor and Commonalty of the City of *London*, and againſt the Society of the Governor and Aſſiſtants of *London* of the New Plantation of *Ulſter* in the Kingdom of *Ireland*, is not able to give a full and clear account thereof, being a Caſe of great weight, and which held ſeventeen days hearing, the Court ſitting *de die in diem*, in a long Vacation, the Author being then in the North; the Reader therefore is deſired to inform himſelf as to that great Caſe, of ſome Proceedings in the beginning of that Parliament, which met the third of *November* 1640, whilſt the King remained with his Parliament, tho at that very time he was gone to *Edinburgh* in *Scotland*, to confirm the Peace betwixt the two Nations of *England* and *Scotland*; and upon his return was magnificently entertained by the City of *London*, as will be at another time fully declared.

The Reſolves of the Commons Houſe of Parliament, as to this Caſe of London-Derry, *were as followeth.*

'Upon Mr. *Whiſtler*'s Report of the Caſe of *London-Derry*, Reſolved upon the Queſtion, That the Opinion of this Houſe is, That the Citizens of *London* were ſolicited and preſſed to the undertaking of the Plantation of *London-Derry*.

'Reſolved upon the Queſtion, That the Copy atteſted with Mr. *Goad*'s hand, is a true Copy of the Sentence given in the *Star-Chamber* againſt the Maſter and Commonalty of the City of *London*, and the Society of the Governor and Aſſiſtants of *London*, of the New Plantation of *Ulſter* in the Kingdom of *Ireland*.

'Reſolved, *&c.* That the Order made in the Court of *Star-Chamber*, dated the 8 *Martii*, 8 *Car.* is unlawful, both for the Matter, Perſons, and Time therein prefixed.

'Reſolved, that this Houſe is of Opinion, That the King was not deceived in the Grant which he made unto the Society of Governors and Aſſiſtants of *London* of the New Plantation of *Ulſter* in the Kingdom of *Ireland*, in particular, not in creating a New Corporation called, *The Society of the Governors and Aſſiſtants of* London *of the New Plantation of* Ulſter *in the Kingdom of* Ireland.

'Reſolved, that this Houſe is of Opinion, That the King did not by that Patent grant more Land than was by him intended to be granted, nor was therein deceived.

'That it doth not appear by ſufficient proof, That the Citizens of *London* were tied to perform the printed Articles, and conſequently not bound to Plant with *Engliſh* and *Scots*, nor reſtrained from planting with Natives.

'By the 27 Articles, the City was to build two hundred Houſes in *Derry*, and an hundred at *Colrain*, by the firſt day of *November* 1611; admitting that the Houſes were not built, nor the Caſtle of *Culmore* repaired by the time prefixed, yet this is no Crime nor Cauſe for giving Dammages, in regard the City had not their Patent until the 29th of *March* 1613.

'That there is no proof that the Governor, *&c.* of the New Plantation, or any of their Companies, did make any Leaſe unto any Popiſh Recuſant, nor of any decay of Religion there by default of the Planters.

'There is no proof of any default in the Planters, for not making a ſufficient number of Freeholders, nor any Articles that do tie them thereunto.

'That there is no proof, that the City of *London*, or the Governor of the New Plantations, have felled any Trees in the Woods called *Glancankin* and *Kellytrough*, contrary to their Covenant.

'That the not conveying of the Glebe Lands to the ſeveral Incumbents of the ſeveral Pariſh-Churches, in regard they did enjoy the Lands, is no Crime puniſhable, no cauſe of ſeizure of their Lands.

‘That the Breach of Covenant (if any ſuch were) is no ſufficient Cauſe to forfeit the Lands.

‘That the breach of Covenant is no Crime, but triable in ordinary Courts of Juſtice.

‘That the Court of *Star-Chamber*, while it ſtood as a Court, had no Power to examine Freehold nor Inheritance, nor had any Power to examine or determine breach of Covenant or Truſts.

‘That the Sentence upon theſe two Corporations aggregate no particular Perſon being guilty, it is againſt Law.

‘That in all the Proofs of this Cauſe, there doth not appear Matter ſufficient to convince the City of *London* of any Crime.

‘That upon the whole Matter, the Sentence in the *Star-Chamber* was unlawful and unjuſt.

‘That this Compoſition and Agreement made with the City upon theſe tearms in the time of Extremity, ought not to bind the City.

‘That the Opinion of the Houſe is, That they think fit, that both the Citizens of *London*, and thoſe of the New Plantation, and all under-Tenants, and all thoſe put out of Poſſeſſion, by the Sequeſtration or King's Commiſſioners, ſhall be reſtored to the ſame ſtate they were in before the Sentence in the *Star-Chamber*.

‘That the Citizens of *London*, and all they againſt whom the Judgment is given in the *Scire Facias*, ſhall be diſcharged of that Judgment.

The Author had a full purpoſe to have given the Reader a Report of many Caſes in the *Court of Honour*, or *Lord Marſhal's Court*, (which uſed to ſit in the *Painted Chamber*) which Caſes he took with his own Pen, but poſtponed the tranſcribing thereof, hoping to have finiſhed the ſame in time, but is now prevented in doing thereof by his conſtant attendance upon ſeveral Printing-Preſſes to haſten out this Second Part of *Collections* before *January* 26. 1679. yet ſomething the Author by his Memory doth call to mind of Proceedings in that Court.

The principal Caſe there heard, as to Deſcent and Coat of Arms, was in the Caſe of [*Weſt*] Lord *De la Ware*, the Proceedings wherein did carry good Reputation of Juſtice with it, in giving relief to that Noble Family; the Caſe was thus,

There was a Perſon took upon him the Name of *Weſt*, himſelf being of a far different Name by Birth; and aſſumed not only the Name, but the Coat of Arms of the Family of [*Weſt*] Lord *De la Ware*: Whereas the ſaid pretended *Weſt* had got the Name of [*Weſt*] by his great skill in Wreſtling in *Lincolns-Inn Fields*, who went by the Name of *Jack of the Weſt*, but was indeed an Hoſtler: Afterwards he came to be an Inkeeper, and got a good Eſtate, and maintained his Son at the *Inns of Court*; but the Son was impatient till he did let the World ſee that he was a Perſon honourably Deſcended, and thereupon did, by virtue of his Patent, take place of ſome of the Gentry his Neighbours in *Hampſhire*; which did ſo diſoblige them, (they knowing his Original) as they acquainted ſome of the Family of the Lord *De la Ware* therewith; who being then an Infant, yet did by his Guardian bring this Caſe to a hearing in the Court of *Honour*;

Honour; where this pretended *Weſt* produced his Patent granted by the *Herauld*, that he was thus deſcended, as if it were (but the Author remembers not the names certainly) from *John Weſt*, the Son of *Robert Weſt*, the Son of *Roger Weſt*, the Fourth Son of the Lord *De la Ware*.

On the other part it was made out, on the behalf of the Lord *De la Ware*, that there were ſuch Perſons as were named in the Patent, and that one of them went beyond Seas, who was conceived to be dead, but was now come over, and then preſent in Court; and there it was made out that this *Weſt* the Hoſtler aſſumed his Deſcent to be from the Gentleman, that ſo appeared in Court: So upon the whole hearing of the Buſineſs, the Court was fully ſatisfied of the Abuſe by the ſaid *Weſt* the Hoſtler done to the Family of *Weſt* Lord *De la Ware*. Whereupon he was ordered to be Degraded, and never to write himſelf Gentleman any more, and to pay 500 *l.* Fine. Some other Circumſtances did attend his Degradation, which cannot now be called to mind.

The next Caſe of note to this which the Author then obſerved, was between *Pierpoint* and *Coply* about Matter of Honour, and Precedency in Antiquity of Families; when the Cauſe came to hearing, both Families proved their Pedigree from the Conqueſt; but foraſmuch as there were ſcandalous words proved to be ſpoken by the ſaid *Coply*, to the defamation of the Family of *Pierpoint*, the Sentence paſſed againſt *Coply*, and 300 *l.* Fine ſet.

Except theſe two Caſes, the Author (who frequently attended there for three or four Years to take Reports) cannot call to mind any other Caſe remarkable; but many were the Complaints by way of Libel (that Court proceeding according to the Civil Law) againſt others, for giving a Gentleman words tending to the defamation of a Family well deſcended:

As for inſtance, One *Brown* ſet forth in Libel his Deſcent; that another Perſon, in way of defamation, ſaid, he was no Gentleman, but deſcended from *Brown* the great Pudding-eater in *Kent*; but it appearing he was not ſo deſcended, but from an Ancient Family, he that ſpoke the words underwent the Sentence of the Court, and decreed to give Satisfaction to the Party complaining.

In another Caſe, a Citizen of *London* was complained of, who going to a Gentleman, well deſcended, for ſome Mony that was due unto him; the Gentleman not only refuſed to pay him the Mony, but gave him hard words; then ſaid the Citizen, Surely you are no Gentleman that would not pay your Debts, with ſome other reflecting Language; and the Citizen underwent the Cenſure of the Court.

The Author can give no further account at preſent of the Proceedings in that and other Caſes; but if he be permitted to proceed, he will ſupply this defect in his next *Remains*.

An. 1639.

Yet the Reader is deſired to excuſe a little Digreſſion out of Time, to give ſome ſmall account of this *Court of Honour*, and what paſſed concerning the ſame in the beginning of the Parliament, which met the third of *November* 1640, when ſeveral Petitions, by way of Complaint, came to the Parliament againſt the Proceedings of this Court; which being read, were referred to a Committee, *viz.* To

Mr. *Selden*.	Mr. *Palmer*.
Mr. *Hollis*.	Sir *John Culpeper*.
Mr. *Hide*.	Mr. *Mainard*.
Lord *Faulkland*.	Dr. *Parry*.
Dr. *Eden*.	And others.

To whom this Power was given to receive all Petitions that ſhall be brought unto them, concerning the *High-Conſtable* and *Earl-Marſhal's Court*; and to enquire after the Fees of the *High-Conſtable* and *Earl-Marſhal's Court*, and the *Herald's* Fees; and to conſider of the Proceedings and Power of the *High-Conſtable* and *Earl-Marſhal's Court*, and to report the ſtate of the whole Matter to the Houſe.

Mr. *Edward Hide* being called to the Chair by this Committee, made a Report from them to the Houſe.

1. That the *Conſtable* and *Earl-Marſhal's Court* have no Juriſdiction to hold Plea of Words.
2. That the *Earl-Marſhal* can make no Court without the *Conſtable*.
3. That the *Earl-Marſhal's Court* is a Grievance.

All which Opinions of the Committee, the *Houſe* confirmed by ſeveral Votes agreeing with them therein.

And further Power at this time was given to the Committee, whereof Mr. *Hide* was in the Chair;

1. That they do conſider who they are that are guilty of this Grievance by the *Earl-Marſhal's Court*.
2. To conſider of the Nature of the Crime which they are guilty of.
3. That they prepare and draw up a Charge to be tranſmitted to the Lords, againſt thoſe who have thus, to the Grievance of the Subject, uſurped this Juriſdiction.

Concerning the Foreſt in Eſſex, *&c.*

We did forget to mention, in order of Time, ſome Proceedings concerning the Foreſts in *England*, eſpecially in the County of *Eſſex*, before the *Juſtice in Ayre*, and thoſe joined in Commiſſion with him; againſt whoſe Proceedings the Country made grievous Complaints, that the Meets, Meers, Limits and Bounds of Foreſts were adjudged by them to extend further than they were taken to be in the 20*th* Year of King *James*, and contrary to thoſe Bounds by which the Country had enjoied them near the ſpace of 300 Years; and alſo complained that the ſaid Court, to effect their Deſign, did unlawfully procure

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procure undue Returns to be made by Jurors, in joining with them other Perſons who were not ſworn; the Court alſo uſing threatning Speeches to make them give a Verdict for the King.

And when the Country, who found themſelves hardly dealt withal, did deſire to traverſe the Proceedings againſt them, having juſt cauſe to except againſt the Evidence; yet the Court denied the ſame, except what they ſhould verbally ſpeak; Whereupon the Council for the Country told the *Juſtice-Seat*, That their Proceedings were contrary to Law, and to the Charter of the Liberties of the *Foreſts*, and other Charters, and divers Acts of Parliament. Nevertheleſs the Court obtained a Verdict for the King; at which time the *Juſtice-Seat* was called by Adjournment to ſit, and continued ſitting, to maintain and confirm the Verdict given againſt the Country.

It ſo happened, that when the Court was to declare their final Decree and Sentence againſt the People inhabiting in the *Foreſts* in *Eſſex*, ſitting then at *Stafford-Langton* near *Bow*, about three miles diſtant from *London*, that there came a drove of Calves paſſing through the Town towards *London*, and when they were at the open place in that Town over againſt the *Juſtice-Seat*, they ſullenly made a ſtand and a great bleating, with ſuch an united and unmeaſurable noiſe, as the Court could not hear themſelves to declare what was intended in giving Judgment; ſo that after they had forbore ſpeaking till the noiſe was over, and the Calves with much difficulty removed towards *London*, then the Court proceeded to give their final Sentence, as to the *Foreſts* in *Eſſex*, againſt the Country, by which many Inhabitants were fined great Sums of Mony, or forthwith depart from their Houſes and Eſtates, and retire out of the *Foreſts*, for that they were found, by Verdict given againſt them, to have encroached upon the *Foreſts*.

There is one Circumſtance, which to divert the Reader, is mentioned, That a Knight of the County of *Suffolk* having Lands within the *Foreſt* (upon this occaſion) told a Knight of the County of *Eſſex*, That the *Eſſex*-Calves did make that bleating, as if the dumb Creatures did underſtand that Sentence was to be pronounced againſt the Inhabitants in the *Foreſt* in whoſe Grounds they fed. But the *Eſſex* Knight took exception to the words [*Eſſex*-Calves] and told the other Knight, They were *Suffolk* Calves driven through *Eſſex*, therefore ſaid the *Eſſex* Knight, Let not Calves hereafter be caſt upon *Eſſex* alone, but let *Suffolk* bear a ſhare.

Here followeth a further account of what was Regiſtred by Sir *Alex. Gibſon*, in the Year 1641, his Majeſty being then preſent at the Parliament at *Edinburgh*, who was pleaſed to give his conſent in that Parliament to the confirmation of the Treaty between both Kingdoms, which corroborates all the Proceedings that were at the Treaty at *Rippon*, and afterwards at the Treaty at *London*, which account will not be unacceptable for the Reader to be informed of for his better underſtanding the future Hiſtory, tho now a little out of time.

Apud Edinburgum, *Jan.* 14. 1640.

Act 2.

INſtructions upon production of the King's Letter.

Act 3.

Act anent the continuation of the Parliament to *April* 13. 1641.

Apud

An. 1639.

Apud Edinburgum, *April* 13. 41.

Inſtruments upon production of the King's Letter, and Proteſtation of the Eſtates.

Act anent the continuation of the Parliament to *May* 25. 1641.

Apud Edinburgum, *May* 25. 1641.

Inſtruments upon production of the King's Letter, and Proteſtation for the Eſtates.

Act anent the continuation of the Parliament to *July* 15. 1641.

Apud Edinburgum, *July* 15. 1641.

Concerning the Government Civil.

July 16. 1641.

A Committee for Ordering the Houſe of Parliament.

19 *Julii* 1641.

A Letter from the Eſtates of Parliament to the Commiſſioners at *London*.

Articles agreed upon by the Eſtates for ordering the Houſe of Parliament.

27 *Julii* 1641.

Commiſſion and Warrant for concluding and ſubſcribing of the Treaty.

Penultima Julii 1641.

Commiſſion for examination of Witneſſes at *London*, upon the Libel againſt the Incendiaries.

4 *Auguſti* 1641.

Act and Proclamation for apprehending the Incendiaries.

10 *Auguſti* 1641.

Ordinance of Parliament for meeting and receiving the King's Majeſty.

Warrant to the Lord *Yeſter* and others under-written, for ſeeing of the Rools and Accounts in the Caſtle.

13 *Auguſti* 1641.

Warrant for ane Proclamation diſcharging all Noblemen who are cited to the Parliament, and have not ſubſcribed the Covenant-Band for maintenance of the Acts, and tane the Oath, to have Place or Voice in Parliament.

Ordinance for giving Information to his Majeſty of all that is paſt heretofore in this Seſſion of Parliament.

Apud Edinburgum, *Aug.* 17. 1641.

The King's Majeſty preſent in Parliament.

18 *Auguſti* 1641.

Act anent the Oath to be given to every Member of Parliament.

24 *Auguſti* 1641.

Inſtruments tane by the Lord *Lowdon* upon the production of the Treaty, and others after ſpecified, and mentioning the 220000 *l.* of Brotherly Aſſiſtance from *England*.

26 *Auguſti* 1641.

Act anent the Ratification of the Articles of the Treaty ſuperſcribed by the King, and ſuperſcribed by the Preſident of Parliament.

The King's Commiſſion is recited.

And in like manner a Commiſſion hath bin granted by the Committees of this Parliament of *Scotland*, bearing date the laſt of *October*, and the 4*th* day of *November* 1640. and in the words following.

We the Commiſſioners of the Parliament of *Scotland*, &c.

Articles of the large Treaty concerning the eſtabliſhing of the Peace betwixt the King's Majeſty and his People of *Scotland*, and betwixt the two Kingdoms, agreed upon by the Scotiſh and Engliſh Commiſſioners at the City of *Weſtminſter*, the *7th* day of *Auguſt* 1641.

Concerning an Act of Pacification and Oblivion.

The Propoſitions and Articles given in by the Scotiſh Commiſſioners, after the Lord *Lowdon* his return from the Parliament of *Scotland*, in twelve Articles.

The Engliſh Lords Commiſſioners anſwer to twelve Articles.

And the King's Aſſent.

Orders of the Parliament anent the diſbanding of the Engliſh Army.

Inſtructions by the King's Majeſty, and Eſtates of Parliament of *Scotland*, to the Lord *Maitland*, That both the Engliſh and Scotiſh Armies diſband at one certain day.

2 *Septemb.* 1641.

Act anent incovenanting Patrons.

14 *Septemb.* 1641.

Act containing the Form and Words to be ſubjoined to the exemplification of the Treaty under the Great Seal.

Carolus *Dei Gratia*, Scotiæ, Angliæ, Franciæ, *&* Hiberniæ, *Rex*, &c.

18 *Septemb.* 1641.

Warrant for printing the Articles of the Treaty.

28 *Octob.* 1641.

Committee anent the Commotions in *Ireland*.

1 *Novemb.* 1641.

Anent the Commotions in *Ireland*.

Order of Parliament for recalling of the Marqueſs of *Hamilton*, Earls of *Argile* and *Lanerick*, to the Parliament.

6 *Novemb.* 1641.

Order of the Creation of the Lord General to be Earl of *Levyn*.

Act in favour of the Prince Elector *Palatine*, for 10000 Foot to be ſent into *Germany*.

Commiſſion for receiving of the Brotherly Aſſiſtance from the Parliament of *England*, viz. 220000 *l. Sterling*, conform to the Articles of the Large Treaty.

16 *Novem.* 1641.

Commiſſion for conſerving the Articles of the Treaty.

Commiſſion anent the *Articles* referred to conſideration by the *Treaty*.

Commiſſion for Reviſing the Regiſters and Records.

The Lord Chancellor *Lowdon*, the Earl of *Argile*, the Earl of *Lauderdale*, and Clerk Regiſter, Commiſſioners to reviſe and look over all the whole Regiſters and Records of Parliament, and all other Records, and to make Inventories and Regiſters thereto, ſaving the Right of the Regiſter's Place, with all Profits incident thereanent.

17 *Novemb.* 1641.

Warrant to the Secret Council, for giving Inſtructions to the Commiſſioners for the Remainder of the Treaty.

Act appointing the next Parliament to convene the firſt *Tueſday* of *June* 1644.

Theſe before-written Acts, Ordinances, and Statutes, of the aforeſaid Parliament, are Collected, Reviſed, Recorded, and Booked, by me Sir *Alexander Gibſon* younger, of *Dury*, Clerk of our Soveraign

Lord his Rolls, Regiſter, and Council, witneſſing hereunto my Sign and Subſcription Manual.

Alexander Gibſon, Cler. Regis.

Titles of PROCLAMATIONS, *&c.*

Pro Anno 1638.

By the KING.

York, April 9. A Proclamation declaring his Majeſty's Gracious Pleaſure touching ſundry Grants, Licences, and Commiſſions, obtained upon untrue Surmiſes.

Whitehall, March 25. A Proclamation concerning Tobacco.

Berwick, June 10. A Proclamation to reſtrain the tranſportation of Butter out of this Realm.

Berwick, July 7. A Proclamation for the better Regulation of the Offices of Clerk of the Market, and Water-Bailiff; and to reſtrain the execution of the Charter of Brick, and Tile-makers; and to redreſs Abuſes in the farming out of the Iſſues of Jurors.

Weſtminſter, Auguſt 11. A Proclamation publiſhing an Act of State, and his Majeſty's Command concerning a ſcandalous Paper lately diſperſed among many of his Subjects.

Whitehall, Auguſt 19. A Proclamation declaring his Majeſty's Pleaſure to continue his Commiſſion, and Letters Patents for Licenſing Retailers of Tobacco.

Whitehall, Decemb. 14. A Proclamation prohibiting the Making or Wearing of Demicaſters, and the Veſing or Mixing of any Wooll or Stuff with Beaver, in the making of Beaver-Hats.

Whitehall, Decemb. 7. A Proclamation to enable the Tranſportation of Butter from the Northern Parts, according to his Majeſty's former Licence.

York, May 5. A Proclamation for the better ordering the Tranſportation of Clothes, and other Woollen Manufactures into *Germany* and the *Low-Countries*; and to reſtrain the Tranſportation of Wooll, Wooll-Fells, Woollen-Yarn, Fullers-Earth, and Tobaccopipe-Clay.

Hiſtorical Collections
for the Year 1640.

The Arch-Biſhop of Canterburies *Diary.*

The Arch-biſhop of *Canterburies* Diary.

Monday, *April* 13. the *Parliament* ſate down, called about the *Rebellion* of *Scotland.*

April 14. *Tueſday*, the *Convocation* began at St. *Pauls.*

April 28. *Tueſday*, the hot conteſtation in the Lords Houſe, which ſhould have *precedence*, the Kings Supply, or the Subjects Grievances? Voted in the Upper Houſe for the King.

May 5. *Tueſday*, the *Parliament ended* and nothing done; the *Convocation* continued.

May 9. *Saturday*, a *Paper paſted* upon the Old Exchange, animating *Apprentices to ſack my houſe*, upon the *Monday* following early.

May 11. *Monday* night at Midnight my houſe at *Lambeth* was beſet with *five hundred perſons* of the Raſcal Routous multitude; I had notice, and ſtrengthned the houſe as well as I could, and God be bleſſed I had no harm: ſince I have got Cannons, and fortified my houſe as well as I can, and hope all may be ſafe: But yet *Libels* are continually ſet up in all places of note in the City.

May 21. *Thurſday*, one of the chief being taken, was condemned at *Southwark*, and *hanged* and *quartered* on *Saturday* morning following *May* 23. ſome of theſe mutinous people came in the day time, and brake the *White Lyon Priſon*, and let looſe their fellows, both out of that Priſon and the *Kings Bench*, and the other Priſoners out of the *White Lyon.*

May 29. *Friday*, the *Convocation* ſat after the ending of the Parliament till *May* 29. and then ended, having made in that time *ſeventeen Canons*, which I hope will be uſeful to the Church.

Ibid. The *Biſhop* of *Glouceſter*, *Godfrey Goodman*, ſuſpended for Notorious Scandal to the Church, in refuſing firſt to ſubſcribe to the Canons, and after to profeſs a reſervation. He had long before been ſuſpected as inclining to *Popery.*

The *Canons* were all voted *Nemine diſſentiente*, ſave this Biſhop, who had in general conſented before.

July 8. *Wedneſday*, being the day of the Solemn Faſt, about ſix of the Clock in the Evening, the Queen was happily delivered of a Son, Chriſtened *Henry.*

July 10. *Friday*, I took my *Oath* to the *new Canons* at the Council Table, and ſo did my Lord Biſhop of *London*, and after him the Biſhop of *Glouceſter* ſubmitted himſelf, and took the Oath, and was releaſed out of Priſon by the Kings command.

An. 1640.

July 22. I Chriſtned the Kings young Son *Henry* at *Oatlands*; the Queen was there happily delivered of him.

Auguſt 20. *Thurſday*, His Majeſty took his *Journey* towards the North in *haſte*, upon information that the *Scots* were entred the *Monday* before into *England*, and meant to be at *Newcaſtle* by *Saturday*.

Auguſt 22. *Saturday*, a *Libel* was brought me, found in *Covent-Garden*, animating the Apprentices and Soldiers to fall upon me, in the Kings abſence.

September 21. I received a Letter from one *John Rocket*, a name and perſon unknown to me, he was among the *Scots* as he paſſed through the Biſhoprick of *Durham*; he heard them inveigh and rail at me exceedingly; and they hoped ſhortly to ſee me, as the Duke was, ſlain by one leaſt ſuſpected. His Letter and Advice to me, to look to my ſelf.

September 24. A *Great Council* of the Lords was called by the King to *York*, to conſider what way was beſt to be taken to get out the *Scots*, and this day the meeting began at *York*, and continued till *October* 28.

October 22. *Thurſday*, the *High Commiſſion* ſitting at St. *Pauls*, becauſe of the troubles of the times, very near two thouſand *Browniſts* made a tumult at the end of the Court, tore down all the Benches in the Conſiſtory, and cryed out, they would have *no Biſhop*, nor *no High Commiſſion*.

October 27. *Tueſday Simon* and *Jude*'s Eve, I went into my upper Study, to ſee ſome Manuſcripts, which I was ſending to *Oxford*: In that Study hung *my picture, taken by the life*, and coming in I found it *fallen down upon the face*, and lying on the floor, the ſtring being broken by which it hanged againſt the wall. I am almoſt every day threatned with my ruine in Parliament, God grant this be *no omen*.

Tueſday the *Parliament began*; the *King* did not ride, but went by Water to *Kings Stairs*, and through *Weſtminſter*-Hall to the Church, and ſo to the Houſe.

Wedneſday, the *Convocation* began at St. *Pauls*, the ſame day *Thomas* Viſcount *Wentworth*, Earl of *Strafford*, accuſed to the Lords, by the Houſe of Commons, for *High Treaſon*, and *reſtrain'd* to the Uſher of the Houſe.

November 22. *Wedneſday*, he was ſent to the *Tower*.

December 2. *Wedneſday*, a great debate in the Houſe, that no Biſhop ſhould be ſo much as of the Committee for preparatory examinations in this cauſe, as accounted *cauſa ſanguinis*, put off till the next day.

December 3. *Thurſday*, the debate declined.

December 4. The King gave way, that his Council ſhould be examined upon Oath, in the Earl of *Straffords* caſe. I was examined this day.

December 16. *Wedneſday*, the *Canons condemned in the Houſe of Commons*, as being againſt the Kings Prerogative, the Fundamental Laws of the Realm, the liberty and property of the Subject, and containing divers other things tending to Sedition, and of dangerous conſequence. Upon this, *I was made the Author of them*, and a Committee put upon me, to enquire into all my actions, to prepare a Charge. The ſame morning in the Upper Houſe I was named an

Incendiary by the *Scotiſh Commiſſioners*, and a complaint promiſed to be drawn up by to morrow.

December 18. *Friday*, *I was accuſed* by the Houſe of Commons, for *High Treaſon*, without any particular charge laid againſt me; which they ſaid ſhould be prepared in convenient time. Mr. *Hollys* was the man that brought up the meſſage to the Lords; ſoon after the Charge was brought into the Upper Houſe by the *Scots* Commiſſioners, tending to prove me an Incendiary: upon which I was preſently *committed* to the Gentleman Uſher; I was permitted to go in his company to *Lambeth*, for a Book or two to read in, and ſuch Papers as pertained to my defence againſt the *Scots*: I ſtaid at *Lambeth* till the evening, to avoid the gazing of the people. I went to Evening Prayer in my Chappel; the *Pſalms* of the day 93 and 94. and *Chap.* 50. of *Eſay* gave me great comfort; God make me worthy of it, and fit to receive it.

December 21. I was *fined* 500 *l.* in the Parliament Houſe, and Sr. *John Lambe* and Sr. *Henry Martin* 250 *l.* a piece, for keeping Sr. *Robert Howard cloſe Priſoner*, in the caſe of the eſcape of the Lady Vicounteſs *Purbeck* out of the *Gate-houſe*, which Lady he kept lewdly, and had children by her: in ſuch a caſe, ſay the impriſonment were more than the Law allowed, what may be done for honour and religion ſake? *Wedneſday*, the Lords ordered me to pay the money preſently, which was done: I was forced to ſell plate to pay where I borrowed it. *Thurſday*, a Parliament man of good note, intereſſed in divers Lords, ſent me word, that by reaſon of my patient and moderate carriage ſince my commitment, four Earls of great power in the Upper Houſe told him, that the Lords were not now ſo ſharp againſt me as they were at firſt; and that now they were reſolved only to ſequeſter me from the Kings Council, and to put me from my Arch-biſhoprick: ſo I ſee what Juſtice I may expect, ſince here is a reſolution taken, not only before my anſwer, but before my charge was brought up againſt me.

February 14. *Sunday*, *A. R.* And this if I live and continue Archbiſhop of *Canterbury* till after *Michaelmas* day come twelvemonth *Anno* 1642. God bleſs me in this.

February 26. *Friday*, This day I had been full ten Weeks in reſtraint at Mr. *Maxwells* houſe, and this day, being St. *Auguſtines day*, my charge was brought up from the Houſe of Commons to the Lords, by Sr. *Henry Vane* the younger; it conſiſted of fourteen Articles: Theſe general, they craved time to prove in particular. The Copy of this general charge is among my papers; I ſpake ſomething to it, and the Copy of that alſo is among my papers. I had favour of the Lords not to go to the *Tower* till the *Monday* following.

March 1. I went in Mr. *Maxwells* Coach to the *Tower*: no noiſe till I came to the end of *Cheapſide*; but from thence to the *Tower* I was followed, and railed at by the people and rabble in multitudes to the very *Tower* gates; where I left them, and I thank God he made me patient.

March 9. *Shrove-Tueſday*, *&c.* was with me in the *Tower*, and gave great engagements of his faith to me.

March 13. *Saturday*, the Lord *Brooks* dined with the Lords, at the new houſe built by the King at *Lambeth*: three of the Lords in Boat together, one of them ſaying, he was ſorry for my commitment, becauſe the building of St. *Pauls* went ſlow on the while; the Lord *Brooks*

replyed,

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replyed, I hope one of us ſhall live *to ſee no one ſtone left upon another*, of that building.

March 21. *Monday*, a *Committee for Religion* ſetled in the Upper Houſe of Parliament, ten Earls, ten Biſhops, ten Barons; ſo the Lay Votes will be double to the Clergy. This Committee will meddle with Doctrine as well as Ceremonies, and will call ſome Divines to them, to conſider of the buſineſs; as appears by a Letter hereto annexed, ſent by the Lord *Biſhop of Lincoln* to ſome Divines, to attend this ſervice: upon the whole matter, I believe this Committee will prove the *National Synod* of *England*, to the great diſhonour of the Church: And what elſe may follow upon it, God knows.

March ibid. Monday, the Earl of *Strafford*'s *Tryal* began in *Weſtminſter*-Hall, and it continued till the end of *April*, taking in the variation of the Houſe of Commons, who after a long hearing, drew a Bill of *Attainder* againſt him.

We begin this Year with Warlike Preparations for a ſecond Expedition againſt the *Scots*; and being unwilling to give a ſhort Abſtract of thoſe Preparations, we ſet down at large the very Orders made upon that occaſion by the Lords of the Council, and others in Power and Authority.

Copies of Letters directed to the ſeveral Counties hereafter following, for the Levying of Soldiers which are to March by Land *to* Newcaſtle *upon* Tine.

A Liſt of Soldiers to be Levied for the ſecond Expedition againſt the *Scots*, to march *by Land.*

AFter, *&c.* to your good Lordſhip: By His Majeſties Letters ſent herewith, your Lordſhip will underſtand His pleaſure and intention for the levying of Foot within that County of your Lieutenancy, for the neceſſary defence of the Realm. By which Letter your Lordſhip is referred to us for ſuch Inſtructions and Directions as ſhall be requiſite for that ſervice. We have therefore thought good to pray and require your Lordſhip, to give preſent and effectual Order to your Deputy Lieutenants, forthwith to meet, and in the firſt place to diſtribute the Number of men to be raiſed in the ſeveral Hundreds of that County, and to take eſpecial care, that there be a very good Choice made of the men out of the Trained Bands there, that they be of able Bodies and Years meet for this Imployment. Where any Free-holder hath uſed to have his Arms born by another man, that other man is to be preſſed to ſerve, if he be of able body: and where a Free-holder hath ſerved with his own Arms, and is not fit or willing to ſerve himſelf, he is to find another able man to ſerve in his place; and if he cannot procure another, then your Lordſhip or your Deputy Lieutenants are to cauſe another able man to be preſſed to ſerve. And where any man hath uſed to bear the Common Arms of the Pariſh, if he be fit and able of body, he is to be taken; but if he be unfit, a ſufficient man is to be preſſed in his ſtead. Your Lordſhip is eſpecially to take care, that in this Liberty given to change men to ſerve in the place of the trained Souldiers, there be not any rewards or money taken, which was an abuſe too much practiſed the laſt year, and now in examination, to receive Condign puniſhment. As for the choice of the men, our very good Lord the Earl of *Northumberland*, Lord General of His Majeſties Army, will forthwith ſend into that County Commanders to aſſiſt your Lordſhip and your Deputy Lieutenants in the Choice and Liſting of them. And when they ſhall be in ſuch manner liſted, your Lordſhip is to take effectual order, that there be no alteration of any of them, without a particular Warrant under the hand of your Lordſhip, or two of your Deputy Lieutenants. The men to be raiſed, are to be appointed to meet in Companies of one hundred a piece at particular Rendezvouz in that County moſt convenient for each hundred men, till the tenth of *May* next, to be Weekly exerciſed with falſe Fires or no Fire, by ſuch inferiour Officers, as the Lord General ſhall ſend down to inſtruct them in their poſtures, and the uſe of their Arms: to which purpoſe, your Lordſhip is to cauſe the Arms of the Trained Bands to be lent unto them, which ſhall be re-delivered back, when they ſhall march out of that County. Your Lordſhip is likewiſe to take order, that there be preſt, and ſent with the ſaid Soldiers one Drum and Drummer to every hundred men, who ſhall enter into His Majeſties pay, as ſoon as the ſaid Soldiers ſhall march out of that County. Beſides the ſaid particular Rendezvouz, where the ſeveral Companies are to meet in that County, your Lordſhip is to cauſe one General Rendezvouz to be appointed on the Confines of that Shire, moſt convenient for the ſaid Soldiers march towards *Newcaſtle* upon *Tine*; to which General Rendezvouz in that County, the ſaid Soldiers are to be brought the tenth of *May*, and to remain there till the twentieth of the ſame Month, to be there exerciſed and put in order for their March towards *Newcaſtle*, by ſuch Commanders and Officers as ſhall be ſent thither by the Lord General, to whom your Lordſhip is to ſend preſent advertiſement, what place you appoint for the ſaid General Rendezvouz of that County. The Soldiers are to be allowed at the charge of that County 8 *d.* a piece *per diem* for every day they ſhall be exerciſed, at the particular Rendezvouz in that County. And from the tenth of *May* till the twentieth. The charge alſo of conducting the ſaid men to the General Rendezvouz of the County, is to be born by that County. Your Lordſhip (or at leaſt) two of your Deputy Lieutenants are to be at the General Rendezvouz of the County by the tenth of *May*, as well to aſſiſt in keeping of the men in order, as to take care for the receiving back from them the Arms of the County, and to deliver the ſaid men over by Indenture, to ſuch Commanders and Officers, as ſhall be appointed to receive and take charge of them: of which Indentures, one part is to be ſigned by your Lordſhip, or two of your Deputy Lieutenants, and the other by the ſaid Commanders or Officers that ſhall receive the men; and Duplicats of the ſaid Indentures are to be ſent by your Lordſhip, one to this Board, and another to the Lord General. As His Majeſty is graciouſly pleaſed for the eaſe of that County, that all the Soldiers ſhall enter into His Majeſties pay as ſoon as they ſhall march out of the Confines of that Shire towards *Newcaſtle*; ſo he expects, that the more readineſs and care be uſed in the raiſing and keeping them together while they ſhall be there; and that they be ſent away well Cloathed and Coated at the charge of that County; all which charges and allowances, as well for the

Coating,

An. 1640.

Coating as for the entertainment of the ſaid men in their exerciſing, and Conducting to their General Rendezvouz of that County; His Majeſties Pleaſure and Command is, that your Lordſhip do cauſe the ſame to be Levied in that County as hath been uſed heretofore in caſes of leſs Importance. And the Counties are to be repaid the ſame upon Accompt thereof made out of his Majeſties Exchequer, in ſuch manner as in former times, upon the like occaſion. And laſtly we do expect and require the Juſtices of peace, and other Officers in their ſeveral Diviſions to be aiding and aſſiſting to your Lordſhip and your Deputy Lieutenants in this Service, *&c.*

Letters directed to the ſeveral Counties hereafter following, for the Levying of Souldiers which are to be ſent by Sea.

Soldiers to be Levied and to march to Sea-port Towns.

AFter *&c.* to your good Lordſhip. By his Majeſties Letters ſent herewith your Lordſhip will underſtand his pleaſure and intention for the Levying of three hundred Foot in the County of *Cambridge*; Six hundred in the County of *Suffolk*; Six hundred in the County of *Dorſet*, and Three hundred in the *Cinque-Ports*, for the neceſſary Defence of the Realm. By which Letter your Lordſhip is referred to us for ſuch Inſtructions and Directions as ſhall be requiſite for that Service. We have therefore thought good hereby to pray and require your Lorſhip to give preſent and effectual order to your Deputy Lieutenants in each County reſpectively, forthwith to meet, and in the firſt place to diſtribute the Numbers of men to be raiſed in the ſeveral Hundreds of every particular County, and to take ſpecial Care, that there be a very good choice made of the men, out of the Trained Bands there, that they be of able Bodies and years meet for this imployment. Where any Free-holder hath uſed to have his Arms born by another man, that other man is to be preſſed to ſerve if he be of able Body. And where any Free-holder hath ſerved with his own Arms, and is not fit or willing to ſerve himſelf, he is to find another able man to ſerve in his place; and if he cannot procure another, then your Lordſhip, or your Deputy Lieutenants are to cauſe another able man to be preſſed to ſerve. And where any man uſed to bear the common Arms of the Pariſh, if he be fit and able of Body, he is to be taken; but if he be unfit, a ſufficient man is to be Preſt in his ſtead. Your Lordſhip is eſpecially to take care, that in the Liberty given to change to ſerve in the place of Trained Soldiers, there be not any rewards or money taken, which was an abuſe too much practiſed in the laſt year in ſome Counties, and now in Examination to receive condign puniſhment. As for the choiſe of the men, our very good Lord the Earl of *Northumberland*, Lord General of his Majeſties Army, will forthwith ſend into thoſe Counties Commanders to aſſiſt your Lordſhip and your Deputy Lieutenants in the Choice and Liſting of them: And when they ſhall be in ſuch manner Liſted, your Lordſhip is to take effectual order that there ſhall be no alteration of any of them without a particular Warrant under the hand of your Lordſhip, or two of your Deputy Lieutenants. The men to be Raiſed in each County, are to be appointed to meet in Companies of one hundred a piece, at their particular Rendezvouz in each County reſpectively; moſt convenient for each hundred men, untill they ſhall be brought to the General Rendezvouz, in the ſeveral Counties, to be weekly exerciſed with ſalſe fire, or no fire, by ſuch inferiour Officers as the Lord General ſhall ſend down to inſtruct them in their Poſtures and uſe of their Arms. To which purpoſe, your Lordſhip is to cauſe the Armes of the Trained Bands to be lent unto them, which ſhall be delivered back when they ſhall march out of the Counties. Your Lordſhip is likewiſe to take Order that there be Preſt and ſent with the ſaid Soldiers one Drum and Drummer to every hundred men, who ſhall enter into His Majeſties pay as ſoon as the ſaid Souldiers ſhall march out of the Counties. Beſides each particular Rendezvouz, where the ſeveral Companies of one hundred apiece are to meet in thoſe Counties; your Lordſhip is to cauſe one general Rendezvouz to be appointed on the Confines of each Shire moſt convenient for the ſaid Soldiers march towards the ſeveral Ports or places following (*viz.*) the Six hundred men from the County of *Dorſet* to *New-Caſtle* upon *Tine*. The three hundred from the County of *Cambridge*, and the ſix hundred men from the County of *Suffolk* to *Yarmouth*; and the three hundred men from the Cinque-Ports to *Graveſend*. To which General Rendezvouz in each County reſpectively; thoſe from the County of *Dorſet* are to come the tenth of *May*, to remain there till the twentieth; then to march towards *Newcaſtle*. Thoſe from the County of *Cambridge* are to come to the General Rendezvouz of that County on the twenty fifth of *May*, to remain there till the fifth of *June*, then to march to *Yarmouth*, that they may be there ready to be Shipped on the tenth of *June*. Thoſe from the County of *Suffolk* are to come to the General Rendezvouz of that County on the twenty ſeventh of *May*, to remain there till the ſixth of *June*, then to march to *Yarmouth*, that they may be there ready to be Shipt on the eighth of *June*. Thoſe from the Cinque-ports are to come to their General Rendezvouz the twenty firſt of *May*, to remain there till the firſt of *June*, then to march to *Graveſend*, that they may be there ready to be Shipped the fourth of *June*. And they are all to be at the ſaid General Rendezvouz of the ſeveral Counties exerciſed and put in order for their march towards the ſaid Ports and places by ſuch Commanders and Officers as ſhall be ſent thither by the Lord General, to whom your Lordſhip is to ſend preſent advertiſement what places you appoint for each General Rendezvouz of every County. The Soldiers are to be allowed at the charge of every County reſpectively, eight pence a piece *per diem*, for every day they ſhall be exerciſed at each particular Rendezvouz in Companies as aforeſaid of one hundred a piece, in every of the ſaid Counties, as alſo for the time they ſhall remain at the General Rendezvouz in their ſeveral Counties, until they march out of the County. When they are to enter into his Majeſties pay, your Lordſhip or at leaſt two of your Deputy Lieutenants for every County are to be at each General Rendezvouz of the ſaid Counties, by the times afore ſet down for the ſame, as well to aſſiſt for the keeping of the men in order, as to take care for the receiving back of the ſaid Arms from them, and to deliver the ſaid men over by Indenture to ſuch Commanders and Officers as ſhall be appointed to receive and take the charge of them, of which Indenture one

An. 1640.

one part is to be ſigned by your Lordſhip or two of your Deputy Lieutenants, and the other by the ſaid Commanders or Officers that ſhall receive the men. And Duplicates of the ſaid Indentures are to be ſent one to this Board, and another to the Lord General. As his Majeſty is graciouſly pleaſed for the eaſe of the Counties that all the Souldiers ſhall enter into pay, as ſoon as they ſhall march out of the Confines of each Shire towards the Ports and places aforeſaid of *Newcaſtle*, *Yarmouth*, and *Graveſend*: ſo he expects that the more care and readineſs be uſed, in the raiſing and keeping of them together while they ſhall be there, and that they be ſent away well Cloathed and Coated at the charge of the Counties; all which charges and allowances as well for the Coating as the entertainment of the ſaid men, in their exerciſing and conducting to their General Rendezvouz of each County, His Majeſties Pleaſure and Command is, that your Lordſhip do cauſe the ſame to be Levied in each of thoſe Counties reſpectively, as hath been uſed heretofore in caſes of leſs importance; and the Counties are to be repaid the ſame upon accompt thereof made, out of his Majeſties Exchequer, in ſuch manner as in former times upon the like occaſion. And laſtly we do expect and require the Juſtices of Peace, and other Officers in their ſeveral Diviſions to be aiding and aſſiſting to your Lordſhip and your Deputy Lieutenants, in the performance of all this Service, as they are directed by his Majeſties Letters of Lieutenancy to you under the Great Seal, and as the practice hath been in former times. Whereof the ſaid Juſtices of Peace, and other Officers are to take notice upon your imparting theſe Letters unto them. And ſo we bid, &c. From *White-Hall* the twenty ſixth of *March* 1640. Signed

Lord Arch-biſhop of Canterbury.
Lord Keeper.
Lord Goring.
Lord Treaſurer.
Earl Marſhall.
Lord High-Admiral.
Earl of Salisbury.
Earl of Berks.
Lord Cottington.
Mr. Treaſurer.
Mr. Comptroller.
Mr. Secretary Windebanke.
Lord Chief Juſtice of the Common Pleas.

A Liſt of the number of Souldiers that are to go by Sea: and where to be Shipped.

Souldiers when and where to be ſhipped.

Suſſex 600. to be ſhipt the ſixth of *June*, at *Graveſend*, to be at the General Rendezvouz the twentieth of *May*, to march thence the firſt of *June*.

Surrey 800. to be ſhipt the ſixth of *June* at *Graveſend*, to be at the General Rendezvouz the twenty firſt of *May*, to march thence the ſecond of *June*.

Kent 700. to be ſhipt the fourth of *June* at *Graveſend*, to be at the General Rendezvouz the twenty third of *May*, to march thence the third of *June*.

Cinque-Ports 300. to be ſhipt the fourth of *June* at *Graveſend*, to be at the General Rendezvouz the twenty firſt of *May*, to march thence the firſt of *June*.

Middleſex 1200. to be ſhipt the eighth of *June* at *Harwich*, to be at the General Rendezvouz the twenty fourth of *May*, to march thence the third of *June*.

Hertford 650. to be ſhipt the fifth of *June* at *Harwich*, to be at the General Rendezvouz the twentieth of *May*, to march thence the one and thirtieth of *May*.

Eſſex 700. to be ſhipt the fourth of *June* at *Harwich*, to be at the General Rendezvouz the twenty fourth of *May*, to march thence the third of *June*.

Buckingham 500. to be ſhipt the ſixth of *June* at *Harwich*, to be at the General Rendezvouz the twentieth of *May*, to march thence the firſt of *June*.

London 1200. to be ſhipt at *Blackwall*.

Huntingdon 400. to be ſhipt the tenth of *June* at *Yarmouth*, to be at the General Rendezvouz the twenty fifth of *May*, to march thence the fifth of *June*.

Suffolk 600. to be ſhipt the eighth of *June* at *Yarmouth*, to be at the General Rendezvouz the twenty ſeventh of *May*, to march thence the ſixth of *June*.

Norfolk 750. to be ſhipt the eighth of *June* at *Yarmouth*, to be at the General Rendezvouz the twenty eighth of *May*, to march thence the ſeventh of *June*.

Cambridge 300. to be ſhipt the tenth of *June* at *Yarmouth*, to be at the General Rendezvouz the twenty fifth of *May*, to march thence the fifth of *June*.

Bedford 400. to be ſhipt at *Yarmouth* the tenth day of *June*, to be at the General Rendezvouz the twenty fifth of *May*, to march thence the fifth of *June*.

Lincoln 200. to be ſhipt the tenth of *June* at *Grimsby*, to be at the General Rendezvouz the twenty ninth of *May*, to march thence the ninth of *June*.

Nattingham 300. to be ſhipt the tenth of *June* at *Grimesby*, to be at the General Rendezvouz the twenty ſeventh of *May*, to march thence the ſixth of *June*.

Derby 400. to be ſhipt the tenth of *June* at *Grimsby*, to be at the General Rendezvouz the twenty fifth of *May*, to march thence the fifth of *June*.

The total is 10000. Men.

Letters directed to the ſeveral Counties hereafter following, for the providing of Horſes and Carts for Carriage of the Train of Artillery.

Horſes and Carters for the Train of Artillery.

AFter &c. to your good Lordſhip, Whereas the neceſſity of the Defence of the Realm, at this time doth continually require from Us a care by all fit means to provide for the ſtrength and advancement of His Majeſties ſervice and Army, now in raiſing for the Northern parts, and all things incident thereunto; for which purpoſe, there is nothing more neceſſary, than a fit proviſion to be made of Horſe for the Train of Artillery, and for the carriage of Ammunition and all other requiſite proviſions: We have therefore thought fit, to pray and require your Lordſhip to take order, *An.* 1640. that there may be provided strong and able horſes, and able Carters to take care of them within the Limits of your Lieutenancy, in ſuch places where they may be moſt conveniently had, to be ready at *Newcaſtle* upon *Tine*, by the fifteenth of *June* next. And for the charge of ſending the horſes and Carters to the Rendezvouz at *Newcaſtle*, the ſame is to be born by that County, but when they ſhall arrive there, they ſhall enter into His Majeſties pay of 12 *d. per diem* for every horſe, and 8 *d. per diem* for every Carter, and ſhall be continued therein, ſo long as they ſhall remain in his Majeſties ſervice: and when they ſhall be diſcharged, an eſpecial care ſhall be had, and a convenient allowance for their return home again. And laſtly, we do expect and require the Juſtices of Peace and other Officers in their ſeveral Diviſions, to be aiding and aſſiſting to your Lordſhip and your Deputy Lieutenants in the performance of all this ſervice as they are directed by his Majeſties Letters of Lieutenancy to you under the Great Seal, and as the practice hath been in former times. Whereof the ſaid Juſtices of Peace and other Officers are to take notice upon your imparting theſe Letters unto them. And ſo, *&c.* Dated the twenty ſixth of *March* 1640.

Signed Lord Arch-biſhop of *Canterbury*, *&c.*

A Proclamation *againſt* Libellous *and* Seditious Pamphlets *and Diſcourſes from* Scotland.

March 30. 1640. ‘WHereas of late ſundry late ſeditious and libellous Pamphlets and Diſcourſes, as well Manuſcripts as in Print, have been *ſent from* Scotland *and other* parts of his Majeſties Dominions, and *ſpread* and *publiſhed in divers places* of this Kingdom of *England*, *eſpecially in the City of London*, which have been framed and contrived by *factious ſpirits*, and ſuch as endeavour to caſt moſt unjuſt and falſe aſperſions and ſcandals upon his Majeſty and his Government, and *upon his proceedings with his ſubjects in Scotland*, and to diſtemperate and *alienate from his Majeſty the hearts* of his well affected ſubjects, and ſuch as otherwiſe are no way inclined to ſuch ſeditious and diſloyal courſes: His Majeſty having taken theſe diſorders into ſerious conſideration, and finding them of *dangerous conſequence to his Government*, if ſometimely remedy be not applyed; hath with the *advice of his Privy Council*, thought fit to publiſh and declare, and by theſe preſents doth publiſh and declare, that all and every perſon and perſons, of what degree or quality ſo ever, now have, or hereafter ſhall have any *ſuch libellous and ſeditious Diſcourſe or Pamphlet*, either in *Manuſcript* or *Print*, concerning his Majeſties proceedings with his ſubjects in *Scotland*, (other than ſuch Relations and Diſcourſes concerning the ſame, as have been publiſhed and printed by his ſpecial Licence and Authority) and ſhall not within *ten dayes after the date* of theſe preſents, bring and *deliver the ſame* to one of his principal *Secretaries of State*, all and every ſuch perſon and perſons ſhall *incurr the uttermoſt of ſuch puniſhments and penalties*, as by the Laws of this Realm are to be inflicted upon thoſe that keep ſuch ſcandalous and ſeditious Pamphlets and Papers.

16 *Caroli.*

‘And whereas there hath been of late a Pamphlet publiſhed in print, intituled, *An Information from the States of the Kingdom of* Scotland *to the Kingdom of England*, containing many notorious *falſhoods and ſcandals*, to the diſhonour of his Majeſties proceedings with his ſubjects in *Scotland*, ſundry Copies of which printed Diſcourſe have been *ſent from Scotland* to divers of his Majeſties ſubjects in *England*, *eſpecially in the City of* London:

‘And whereas there have been very lately ſundry *copies of that falſe and ſeditious Pamphlet re-printed and publiſhed in another Edition, and diſperſed in the ſaid City of London*, and in ſundry other parts of this Kingdom: His Majeſty having acquainted the Lords of his Council therewith, and cauſed the ſame to be read at the Board, and *the ſaid Lords in deteſtation* of ſo *ſcandalous*, *ſeditious* and *falſe a diſcourſe*, having made humble ſuit to his Majeſty with one conſent, that the ſame *might be publickly burnt by the Hangman*; His Majeſty therefore holding it moſt neceſſary, that ſome ſuch publick demonſtration ſhould be made of ſo great and *enormous an inſolency*, tending to *raiſe Mutiny* and *Sedition in the Kingdom*, is pleaſed to Declare by theſe preſents, *That no perſon or perſons* hereafter, of what degree or condition ſoever, *preſume to keep any Copy of any of the Editions of the ſaid Pamphlet*, but that within ten dayes after this Proclamation publiſhed, every ſuch perſon or perſons dwelling in the Countrey remote from *London*, *ſhall deliver to the next Juſtice of the Peace* adjoyning to his or their dwelling, all and every Copy and Copies thereof, of what Edition ſoever, the ſame to be by the ſaid Juſtices of Peace *immediately ſent* or brought to one of his Majeſties *principal Secretaries*, upon peril of incurring the uttermoſt of ſuch puniſhments and penalties as by the Laws of this Realm are to be *inflicted upon thoſe that keep ſuch ſcandalous and ſeditious Pamphlets* and Papers, his Majeſty hereby *pardoning* and remitting unto ſuch perſons *as have formerly had any Copy* of the ſaid Diſcourſe in their cuſtody, and ſhall deliver the ſame according to this Proclamation, all their offences in their former detaining thereof.

‘And if hereafter any ſeditious and ſcandalous Pamphlets of like nature, *either Manuſcripts or printed*, concerning his Majeſties proceedings in *Scotland*, or any other Relations or Diſcourſes concerning the ſame, ſhall be publiſhed or divulged, other than ſuch Relations or Diſcourſes as ſhall be printed or publiſhed by his Majeſties ſpecial Licence or Authority, and that they ſhall come into the hands of any of his Majeſties ſubjects, *who ſhall not within ten dayes after* bring the ſame unto one of his Majeſties principal Secretaries of State, if they into whoſe hands they ſhall come be or remain in *London*, or within twenty miles diſtance of the ſame, or if they ſhall remain or be in parts *more remote*, ſhall not bring the ſaid ſeditious Pamphlets or Diſcourſes to one of his Majeſties Juſtices of the Peace, to be by him ſent to one of his principal Secretaries of State as aforeſaid, his Majeſty by the advice of his Council *doth declare*, *that then every perſon ſo offending*, *ſhall incurr his Majeſties high diſpleaſure, and the uttermoſt of ſuch penalties and puniſhments*, as by the Laws of this Realm are to be inflicted *upon thoſe that keep ſuch ſcandalous and ſeditious Papers and Pamphlets without pardon or remiſſion.*

A Copy of Letters directed to the Lord Lieutenants and Deputy Lieutenants of the ſeveral Counties, to be aſſiſting to the Lord Conway, *for the raiſing and levying of men.*

Lord *Conway* to be aſſiſted in levying of men.

AFter *&c.* to your good Lordſhip, Whereas a Commiſſion hath been given by our very good Lord, the Earl of *Northumberland,* Lord General of his Majeſties Army and Forces ſent into the Northern parts, by which his Lordſhip by vertue of his Majeſties Commiſſion under the Great Seal to him directed, hath conſtituted and appointed our very good Lord the Lord *Conway*, his *Deputy* for the Government of the ſaid Army in his Abſence, and of the Horſe Troops already levied, and hath given to him ſundry powers, directions and authorities, as by the ſaid Letters under the ſaid Lord Generals hand and ſeal more at length appeareth, We have thought fit hereby to pray and require your Lordſhip, and your Deputy Lieutenants, according to his Majeſties ſpecial Command, to be aiding and aſſiſting unto the ſaid Lord *Conway* in the Government of the ſaid Army, and Troops of Horſe, and for the raiſing and levying of the Trained Bands of Horſe and Foot of your County, to make reſiſtance to any Enemies, or to aſſail them according to the tenor of his ſaid Commiſſion, and to be aiding unto him both by your Council, and all other fit wayes and means as he ſhall deſire, and as the occaſions ſhall require. Whereof you may not fail, for ſuch is his Majeſties eſpecial Direction and Command. Dated the laſt of *March* 1640. Signed

Lord Arch-biſhop of Canterbury.	*Lord Chamberlain.*
Lord Keeper.	*Earl of* Salisbury.
Lord Treaſurer.	*Lord* Goring.
Marqueſs Hamilton.	*M. Treaſurer.*
Earl Marſhal.	*Mr. Comptroller.*
Lord Admiral.	*Mr. Secretary* Windebanke.

Lord Chief Juſtice of the Common Pleas.

At the Court at WHITE-HALL, the First of April 1640.

Preſent

The Kings Moſt Excellent Majeſty,

- *Lord Arch-biſhop of* Canterbury.
- *Lord Keeper.*
- *Lord Treaſurer.*
- *Lord Duke of* Lenox.
- *Lord Marqueſs* Hamilton.
- *Earl Marſhal.*
- *Lord Admiral.*
- *Lord Chamberlain.*
- *Earl of* Salisbury.
- *Earl of* Dorſet.
- *Earl of* Holland.
- *Earl of* Berks.
- *Earl of* Traquaire.
- *Lord* Goring.
- *Mr. Treaſurer.*
- *Mr. Comptroller.*
- *Mr. Secretary* Windebanke.
- *Lord Chief Juſtice of the* Common Pleas.

THis day his Majeſty ſitting in Council, was pleaſed to communicate to the Lords the contentment he had received, as concerning the proceedings of his ſubjects of the Kingdom of *Ireland* there aſſembled in Parliament, and for their Lordſhips information therein, did require Mr. Secretary *Windebanke* to read the Letters by him newly received from his Majeſties Council there, together with the Declaration of the Houſe of Commons made upon the twenty third of *March* laſt paſt, touching the grant of four Subſidies, and the unanimous expreſſion of their Loyal affection to his Majeſties ſervice and Perſon, and their humble acknowledgement of the great favours and benefits which they enjoyed through his Majeſties gracious and happy Government, which Letters and Declaration having accordingly been read, his Majeſty further acquainted the Board, that by other Letters he was advertiſed, that the Upper Houſe of Parliament there, had likewiſe expreſſed the ſame affection, and conſented in all that had been agreed or declared by the Houſe of Commons, they alſo deſiring, that as much might likewiſe be ſignified to his Majeſty on their parts, and be made publick alſo to all the World. Their Lordſhips were thereupon filled with Joy, which they as fully expreſſed to his Majeſty; and after deliberation thereof had, it was by his Majeſty with advice of the Board ordered, that the ſaid Letter from his Majeſties Council in *Ireland*, and Declaration of the Houſe of Commons, ſhould be entred in the Regiſter of the Council Cauſes, to remain there as a Record unto poſterity, and that Copies of the Declaration ſhould not be refuſed to any that deſired the ſame. The Tenour of which Declaration and Letter was as followeth.

A Letter from the Council in *Ireland*, with the free Declaration of the Houſe of Commons, whereby they give to the King four Subſidies.

SIR,

THE reſolution taken this day in the Commons Houſe of Parliament; and the obſervable circumſtances which occurred therein, in our view who have the honour to ſerve his Majeſty, as of his Privy Council here; and who as members of the houſe of Commons, were preſent and Co-operating in that Reſolution, have rendred to us ſuch inward joy and contentment, in the apprehenſion of the intire affections and great Loyalty of this people, abundantly teſtified thereby, as we eſteem it our duties to haſten the glad advertiſement thereof to his Sacred Majeſty.

After the propoſal of ſuch Acts of Grace and advantage to the ſubject, as we conceived moſt fit to lead in order to the propounding of the Subſidies; ſix Subſidies were demanded for his Majeſty. Whereupon divers members of the Houſe ſpake thereunto; ſome of the Natives declaring, That as ſix were granted the laſt Parliament, towards enabling the King to pay the debts contracted for the occaſions of this Crown, and for the better ſettlement of the revenues, ſo at this time ſix or more are fit to be given, it being apparent that the peace and ſafety of the Kingdom are become ſo nearly concerned. Some alſo of the Natives ſhewing divers preſidents in ancient Times, and among thoſe, ſome, whereby the King by a Mandate from himſelf alone without a Parliament, cauſed moneys and goods to be taken in Ireland *from Merchants and others, towards defraying the Charges of his Expeditions againſt the* Scots, *for defence of his Kingdom: And thoſe having enlarged themſelves in that point, mentioned the abundant Clemency and Piety of his Majeſty, in being ſo indulgent to his Subjects, as to decline that example of his Progenitors, and require Aid of his Subjects in a Parliamentary way. Some of them ſaid that his Majeſty ſhould have a fee ſimple of Subſidies in their Eſtates upon like occaſions, others of them with great cheerfulneſs declared that to anſwer his Majeſties occaſions for the Honour of his perſon, and ſafety of his Kingdoms, it was fit to be done though it were with leaving themſelves nothing beſides Hoſe, and Doublet; ſome of them with much earneſtneſs after forward expreſſions of readineſs towards advancing the buſineſs, concluded that as his Majeſty is the beſt of Kings, ſo his people ſhould ſtrive to be ranked amongſt the beſt of Subjects. Thus every of them in a manner, ſeeming to contend with one another, who ſhould ſhew moſt affection and forwardneſs to comply with his Majeſties Occaſions; and all of them expreſſing even with paſſion how much they abhor and deteſt the Scotiſh Covenanters, and how readily every mans hand ought to be laid on his Sword, to aſſiſt the King in the reducing of them, by force to the Obedience and Loyalty of Subjects, they deſired that themſelves and others of this Nation might have the honour to be imployed in this Expedition, and declared with very great Demonſtration of cheerful affections, That their hearts contained Mines of Subſidies, for his Majeſty, That Twenty Subſidies, if their abilities were equal with their deſires, were too little to be given to ſo ſacred a Majeſty, from whoſe Princely Clemency, by the miniſtration of the Lord Lieutenant, ſo many and ſo gracious favours are continually derived unto them, That the promiſes made unto them by his Lordſhip the laſt Parliament on his Majeſties behalf, have been fully and effectually performed in all things to their Comfort and Contentment; That the Subjects of this Kingdom are infinitely bound to his Majeſty for his gracious favour in giving them the firſt opportunity, thus early before others of his Subjects, to manifeſt their faith and Loyalty to him; and in the end conſidering*

ſidering the preſent Condition of the Kingdom, and how Unable they are without too much preſſure to advance more at this time, They humbly beſought that by the Lord Lieutenants interpoſition to his Majeſty, four Subſidies might be accepted from them at this time; yet with this Declaration made by them, with as much Demonſtration of Loyalty as ever Nation or people expreſſed towards a King, That if more than theſe four ſhall be requiſite and the occaſions of the War continue, They will be ready to grant more; and to lay down their Perſons, Lives and Eſtates at his Majeſties Feet, to furniſh his Royal Deſigns for Correction of the diſordered factions in Scotland, *and reducing them to a right underſtanding of themſelves, and for the defence and ſafety of his Majeſties Kingdoms and people. And they earneſtly deſired us of the Council then preſent, that immediately after the riſing of the houſe, we would repreſent this from the houſe to the Lord Lieutenant, which they did with General Acclamations and ſigns of Joy and Contentment; even to the throwing up of their hats, and lifting up of their hands.*

The queſtion being put for the granting of four Subſidies, with ſuch a Declaration to be made, beſide the Act of Subſidie, It was unanimouſly aſſented unto by the whole Houſe, there being found therein not one Negative Voice; which we mention for the glory of his Majeſty that hath ſo good and Loyal Subjects, and for the Honour of this Government and Nation; And at the requeſt of the Houſe, ſelect Committees were appointed to draw up the Declaration, which will be printed with the Act of Subſidy.

And we intreat you as ſpeedily as you may to make known to his Majeſty theſe paſſages, which are, (as we humbly conceive) of mighty importance to the Honour of his Majeſty and ſafety of his Dominions.

And becauſe no words are able fully to ſet forth the cheerfulneſs wherewith this people did in this particular manifeſt their ſenſe of his Majeſties Occaſions, by their deſires to further his Royal Intentions, and their entire affections to preſerve the honour of his Perſon, and all with moſt lively expreſſions of their Duty and Loyalty towards him; We of his Council could have wiſhed if it had been poſſible that his Majeſty had been in his own Perſon an eye-witneſs of this dayes carriage, which we humbly conceive would have been of much more value in his Royal Eſtimation than Twenty Subſidies. And ſo Sir we remain, from his Majeſties Caſtle of Dublin *the twenty third of* March 1639.

Your very aſſured Loving Friends,

John Dillon.	*Cha. Coote.*
William Parſons.	*Geo. Radcliffe.*
Ph. Maenwaring.	*Adam Loftus.*
Edward Trevor.	*John Borlaſſe.*
William St. Leger.	*Tho. Rotherham.*
Chr. Wandesford.	*Ro. Meredeth.*

A Declaration of the Commons Houſe of Parliament.

A Declaration of the *Iriſh* Parliament.

‘WHereas they have with one conſent cheerfully given to his Majeſty four entire Subſidies, towards his preſent preparation to reduce his diſaffected Subjects the Covenanters in *Scotland* to their due Obedience, They ſtill hope that his Majeſties great Wiſdom and unexampled clemency may yet prevail, even with the worſe affected of thoſe his Subjects, to bring them to that Conformity and ſubmiſſion, which by the Laws of God and Nature they owe unto him. But if his Majeſty ſhall be inforced to uſe his power to Vindicate his juſt Authority, this Houſe for themſelves, and the Commons of this Kingdom do profeſs, that their zeal and duty ſhall not ſtay here at theſe four Subſidies. But they do humbly offer their Perſons and Eſtates, even to the utmoſt of their ability, for his Majeſties future Supply in a Parliamentary way, as his great occaſions by the continuance of that diſtemper ſhall require. This they pray that it may be repreſented to his Sacred Majeſty, by the Right Honourable the Lord Lieutenant, That it may be recorded as an Ordinance of Parliament; and that it may be Publiſhed in Print for a Teſtimony to all the World and ſucceeding Ages, That as this Kingdom hath the happineſs to be Governed by the beſt of Kings, ſo they are deſirous to give his Majeſty juſt cauſe to account of this people amongſt the beſt of his Subjects.

THe Privy Council was careful to provide all things Neceſſary in order to the carrying on of the War in *England* againſt the Scots, whatever the Iſſue of the Parliament ſhould prove to be, and took ſpecial care for Proviſions for the Horſe, as by the Inſtructions and Orders following do appear.

Inſtruction for John Gibbon *Eſquire, appointed by Commiſſion under the Great Seal of* England *to be Commiſſary and Provider for Proviſions for the Horſe belonging to his Majeſties Army.*

Commiſſary of Proviſions his Inſtructions.

FIrſt, You are to attend the Lord General of his Majeſties Army, and to take direction from his Lordſhip from time to time what Quantities of Oates, Beans, Hay, and other proviſions for Horſe will be requiſite and wanting, and provide the ſame by vertue of your Commiſſion, and cauſe them to be provided from time to time to ſuch places as his Lordſhip ſhall direct you; and for the preſent you are to provide the quantity of ſix hundred Loads of Hay, and three thouſand quarters of Oates to be laid in at *Barwick* before the laſt of *June*.

You are to require the aſſiſtance of the Juſtices of Aſſize, and Deputy Lieutenants, and likewiſe of the Peace jointly in Seſſions or ſeverally as occaſion ſhall require, and as in your diſcretion ſhall ſeem beſt for the ſervice, to which end Letters of Aſſiſtance are directed unto them.

For Coveyance and Carriage of thoſe Proviſions you ſhall by vertue of your Commiſſion, and your Letters of Aſſiſtance provide the ſame both by Land and Water, that is to ſay, either ſhips by Sea, or Boats by Rivers, as likewiſe all kind of Land Carriages, by Carts, Waggons, Horſes, *&c.* at ſuch moderate prices as you can agree upon.

You ſhall from time to time give due advertiſement to the Lord General of his Majeſties Army, or ſuch as his Lordſhip ſhall appoint, letting his Lordſhip know where you are, and how you proceed in the particular Services.

You ſhall likewiſe imploy your ſufficient Deputies for the better expedition of the ſervice, and to that end divers Duplicats of your Commiſſion are to be ſealed with the Great Seal.

If in the execution of this ſervice, you ſhall find any perſons either negligent in giving Aſſiſtance, or refractory in their Obedience, you ſhall give accompt thereof either to the Lord General, or to the Lords of the Council here, as you ſhall judge of the Reformation to be more ſpeedily expected in reſpect of the place and diſtance.

You ſhall give your Paſports or Certificates to all ſuch as you ſhall imploy in carriage of thoſe Proviſions you ſhall make, ſignifying that they are carried by your order, requiring all perſons to be aiding and aſſiſting unto the Conveyers, and not to preſume to divert or hinder them in their paſſage to thoſe places you have directed them. And in thoſe paſports you ſhall require all his Majeſties Officers and Miniſters to be aiding and aſſiſting; and the like Paſports your Deputies ſhall give from thoſe places, where they ſhall make any proviſions for your direction.

If in the Execution of this ſervice you ſhall find any defect in the Commiſſion, Power and Inſtructions given you, or your Deputies, you ſhall further advertiſe the ſame unto one of the principal Secretaries of State, that ſo it may be ſupplyed.

Laſtly, howſoever there is a fee allowed you in the eſtabliſhment of the Army, yet becauſe other ſumms may peradventure be neceſſarily expended both in reſpect of the charge of your Deputies, as many other wayes, his Majeſty hath given order that the ſame ſhall be from time to time payed unto you upon ſuch bills as you ſhall preſent unto the Lord Treaſurer and Chancellor of the Exchequer, and which they ſhall allow of. Dated and Signed as the Warrants.

An open Warrant directed to all his Majeſties Lords Lieutenants of Counties, their Deputies, Juſtices of Aſſize, Juſtices of Peace, Sheriffs, Mayors, and to all Admirals, Vice-Admirals, Bayliffs, Headboroughs, Conſtables, and all other his Majeſties Officers and Loving Subjects whatſoever.

Concerning Proviſions for Horſe in his Majeſties Army in the Northern parts.

WHereas his Majeſty by Commiſſion under the Great Seal of *England*, bearing date the firſt of *April*, hath been pleaſed to nominate and appoint *John Gibbon* Eſq; to be Commiſſary and provider of all manner of Proviſions for the Horſe belonging to the Army, now going towards the Northern parts; As likewiſe for providing all manner of Carriages, as well by Land as by Water, and whatſoever elſe ſhall be incident and neceſſary for that ſervice, as more at

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at large doth appear by the ſaid Commiſſion: And for that the due and diligent execution of this ſervice doth highly concern the proſperity and good ſucceſs of his Majeſties affairs, Theſe ſhall be in his Majeſties Name, ſtrictly to charge and require all thoſe his Miniſters whom it doth concern, and eſpecially thoſe to whom theſe preſents are directed, to be furthering, aiding and aſſiſting unto the ſaid *John Gibbon* his Agents and Deputies in the execution of the ſaid Commiſſion. And in caſe any perſon or perſons ſhall be found diſobedient or refractory in the performance of whatſoever may conduce to the execution and diſcharge of the ſaid Commiſſion, and duly required from the ſaid Commiſſary, They ſhall proceed by all lawful means and wayes for the exemplary and ſpeedy puniſhment of ſuch Offenders at their utmoſt perils. Dated at *White-Hall* the ſecond of *April* 1640.

Twelve of theſe Warrants were ſo dated, becauſe they muſt bear date after the Commiſſion.

Signed

Lord Arch-biſhop of Canterbury.	*Earl of* Salisbury.
Lord Keeper.	*Lord* Goring.
Lord Treaſurer.	*Mr. Treaſurer.*
Marqueſs Hamilton.	*Mr. Comptroller.*
Earl Marſhall.	*Mr. Secretary* Windebanke.
Lord High-Admiral.	*Lord Chief Juſtice of the* Common Pleas.
Lord Chamberlain.	

Sir *John Finch* Keeper of the Great Seal, created Baron of *Fordwich.*

A *Patent of Creation granted unto Sr.* John Finch *Knight, Lord Keeper of the Great Seal of* England, *of the Dignity and Honour of Lord* Finch *of* Fordwich *in the County of* Kent, *to him and the heirs Males of his body, with all rights and priviledges to the ſame belonging.* Hiis teſtibus, *&c.* Datum per manum Domini Regis apud Palacium *Weſtm.* vii. die Aprilis Anno R. ſui xvi.

Per ipſum Regem.

J. F. C. S.

Wyllis.

The Oath of a Lord Keeper or Lord Chancellor.

Lord Chancellor or Lord Keepers Oath.

YOu ſhall ſwear, That well and truly you ſhall ſerve our Sovereign Lord the King and his people in the Office of Chancellor, and you ſhall do right to all manner of people, poor and rich, after the Laws and Uſages of this Realm: And tru-

ly you ſhall counſel the King, and his counſel you ſhall layn and keep, and you ſhall not know nor ſuffer the hurt or diſinheriting of the King, or that the right of the Crown be decreaſed by any means, as far forth as you may lett it: And if you may not lett it, you ſhall make it clearly and expreſly known unto the King, with your true Advice and Counſel. And that you ſhall do, and purchaſe the Kings profit in all that you reaſonably may, As God you help, and by the Contents of this Book.

UPon report of his Majeſties Attorny General, that *ſundry Patents, Licences* and *Commiſſions* which were laſt *called in and declared void* by his Majeſties Proclamation, were ſtill deteined and kept by the Patentees, and ſuch unto whom thoſe Licences and Commiſſions were granted, they *refuſing* to bring in and deliver up the ſame, according as by Command and Order of the Board they were enjoyned; which Order was ſufficiently made known unto them by *Edward Stockdale*, one of the Meſſengers of his Majeſties Chamber, thereto expreſly appointed: It was thereupon ordered, that the ſaid *Edward Stockdale* ſhould by vertue hereof, give warning to all thoſe Patentees, and others concerned in the Licences and Commiſſions, according to the Schedule ſet down at the foot of this Order, to bring in the ſaid Patents, Licences and Commiſſions to the Council Chamber, and with the ſame, to attend perſonally on the Board on *Friday* next. Whereof they may not fail, as they will anſwer the contrary at their perils.

April 10. 1640.
Patents called in ſtill kept on foot, notwithſtanding the Kings Proclamation.

The Commiſſion for Brewing and Malting.
A Patent of Regiſter to the Commiſſion for Bankrupts in divers Counties.
The Patent for marking and gaging of Butter Cask.
The Hat-band Makers Grant.
The Patent for making Brick.
The Patent for Kelp and Sea-weed.
The Patent for Sealing of Linnen Cloth.
The Privy Seal for Buttons.
The Patent for Gut-ſtring-making.
The Horners Patent.
The Patent for Lampreys.
The Patent for Tranſportation of Butter.
The Patent for Gathering of Raggs.
The Patent for Hay and Straw.

A Warrant directed to Thomas Adams *one of the Sheriffs of the City of* London, *as followeth.*

WHereas his Majeſty finds cauſe to reſtrain the perſon of the Lord *Lowden*, and hath made choice of your ſervice and of your Houſe for that purpoſe; Theſe are therefore in his Majeſties Name, to will and require you to receive the ſaid Lord *Lowden* into your cuſtody,

April 11. 1640.
The Lord *Lowden* committed.

An. 1640.

cuſtody, and him ſafely to keep, until his Majeſties pleaſure ſhall be further ſignified unto you in this behalf. Dated the eleventh of *April* 1640. Signed

Lord Arch-biſhop of Canterbury.
Lord Marqueſs Hamilton.
Lord High Admiral.
Earl of Traquaire.
Lord Cottington.
Mr. Treaſurer.
Mr. Secretary Windebanke.

The Parliament opened.

On *Monday April* 13. the Parliament opened at *Weſtminſter.* Now becauſe we deſire to keep ſtrictly to point of Time, let Military preparations be poſt-poned till the end of this Parliament, which was diſſolved the fifth of *May* following.

But before the Parliament opened, a Proclamation was made before the Lord Steward in the Lobby as followeth.

A Proclamation before the *Lord Steward.*

A Proclamation before the *Lord Steward.*

The Kings Moſt Excellent Majeſty doth ſtraightly charge and command all manner of Perſons, choſen for the Knights, Citizens and Burgeſſes, to attend in this preſent Parliament, that they, nor any of them, do preſume to ſit or take their places in the Lower Houſe of Parliament, until they, and every of them, have firſt taken the Oaths of Supremacy **and** Allegiance **in the uſual manner and place; nor until the Sheriff ſhall make return of his Writ according to Statute, unto the Clerk of the Crown in** Chancery, **and his, or their names be there entred in ſuch manner as hath heretofore been accuſtomed, upon pain of the peril ſhall fall thereon.**

God ſave the King.

All Knights, Citizens, and Burgeſſes, choſen to attend this preſent Parliament, make your appearance, and anſwer to your Names as you ſhall be called.

The

The Names of the Knights, Citizens and Burgeſſes of the Counties, Cities and Borough-Towns of England *and* Wales, *and the Baronie of the Ports now Summoned to ſit in Parliament holden at* Weſtminſter *the thirteenth day of* April 1640. *in the ſixteenth Year of the Reign of our Soveraign Lord King* Charles.

Names of Members returned to ſerve in Parliament *April* 1640.

Bedford.

Thomas Lord *Wentworth.*
Oliver Luke Knight.
Town of Bedford.
Beuchampe St. John Knight.
Samuel Luke Knight.

Buckingham.

John Hambden Eſq;.
Arthur Goodwyn Eſq;.
Town of Buckingham.
Peter Temple Knight & Baronett.
Alexander Denton Knight.
Borough of Wiccombe.
Edward Verney Knight Marſhal.
Thomas Lane Eſq;.
Borough of Alisbury.
John Packington Baronett.
Ralph Verney Eſq;.
Borough of Agmondeſham, *alias* Amerſham.
William Drake Eſq;.
Edward Walter Junior Eſq;.
Borough of Wendover. q
Walter Pye Knight.
Robert Crooke Eſq;.
Bennet Hoskins Eſq;.
Borough of Merlowe.
John Burlace Eſq;.
William Hicks Knight.

Berkſhire.

John Fettiplace Eſq;.
Henry Marten Eſq;.
Borough of New Windſor.
Arthur Ingram Knight.
Richard Harriſon Knight.
Borough of Reading.
Francis Knowles Senior Knight.
Francis Knowles Junior Knight.
Borough of Wallingford.
Edmond Dunch Eſq;.
Unton Croke Eſq;.
Borough of Abingdon.
George Stonehouſe Baronett.

Cornwall.

Francis Godolphin Eſq;.
Richard Buller Knight.
Borough of Dunchevit *alias* Lanceſton.
Bevell Greynvill Knight.
Ambroſe Manaton Eſq;.
Borough of Leskard.
John Harris Eſq;.
Sege Kekewich Eſq;.
Borough of Loſtwithiel.
Richard Arundel Eſq;.
Nicholas Kendall Eſq;.
Borough of Truro.
Francis Rows Eſq;.
John Roll Gent.
Borough of Bodwyn.
Richard Winn Knight & Baronet.
Richard Prideaux Eſq;.
Borough of Helſton.
Sidney Godolphin Eſq;.
William Godolphin Eſq;.
Borough of Saltaſhe.
George Buller Eſq;.
Francis Buller Eſq;.
Borough of Camelford.
Pierce Edgcombe Eſq;.
Edward Reade Eſq;.
Borough of Port-pigham *alias* Weſtlowe.
Anthony Mildmay, Eſq;.
George Potter Eſq;.

Borough

16 *Caroli.*

Borough of Grampound. q
Warwick Mohun Eſq;.
John Trevanion Eſq;.
William Coryton Eſq;.
Borough of Eaſtlaw.
William Scawen Eſq;.
William Code Eſq;.
Borough of Penrin.
Joſeph Hall Eſq;.
Richard Vivion Knight.
Borough of Tregony. q
Nicholas Burlaſe Eſq;.
John Arundell Eſq;.
John Seyntaubyn Eſq;.
Borough of Boſſing.
Anthony Nichols Eſq;.
Edward Herle Eſq;.
Borough of St. Ives.
William Dell Eſq;.
Henry Martin Knight.
Borough of Fowey.
Edwin Rich Eſq;.
Jonathan Raiſhleigh Eſq;.
Borough of St. Jermins.
William Scawen Eſq;.
John Elliot Eſq;.
Borough of Michell. q
Peter Courtney Eſq;.
William Chadwell Eſq;.
Francis Baſſet Eſq;.
Samuel Coſworth Eſq;.
Borough of Newport. q
Nicholas Trefuſis Eſq;.
John Maynard Eſq;.
Paul Specott Eſq;.
Borough of St. Mawes.
Jacob Sheffeild Eſq;.
George *Parry* Doctor at Law.
Borough of Killington.
Samuel Roll Knight.
Thomas Gardiner Eſq;.

Cumberland.

George Dalſton Knight.
Patrick Curwyn Baronet.
City of Carlile.
William Dalſton Eſq;.
Richard Barwis Eſq;.

Cambridge-ſhire.

Dudley North Knight and Bar.
John Cutts Knight.
Cambridge *Univerſity.*
Thomas Eden Doctor at Law.
Henry Lucas Eſq;.
Town of Cambridge.
Thomas Meautes Eſq;.
Oliver Cromwell Eſq;.

Cheſhire.

William Brereton Baronet.
Thomas Aſhton Baronet.
City of Cheſter.
Thomas Smith Knight & Alderm.
Robert Brerewood Eſq;.

Derby-ſhire.

John Mannors Knight.
John Curſon Baronet.
Town of Derby.
William Alloſtree Eſq;.& Record.
Nathanael Hallowes Alderman.

Devon-ſhire.

Thomas Wiſe Eſq;.
Edward Seymour Eſq;.
City of Exeter.
Robert Walker Eſq;. Mayor.
Jacob Tucker Eſq;. Alderman.
Borough of Totnes.
Oliver St. John Eſq;.
John Maynard Eſq;.
Borough of Plimouth.
Robert Trelawny Eſq;.
John Waddon Eſq;.
Borough of Barneſtaple.
George Peard Eſq;.
Thomas Mathew Merchant.
Borough of Plimpton. q
Richard Strode Knight.
Nicholas Slanning Knight, Record.
Thomas Hele Baronet.
Borough of Taviſtocke.
William Lord *Ruſſel.*
John Pym Eſq;.

Borough of Dartmouth Cliſton Hardnes.
John Upton Eſq;.
Andrew Voyſey Merchant.
Borough of Bereaſton.
William Strode, Eſq;.
John Harris Eſq;.
Borough of Tiverton.
Peter Ball Eſq; Queens Attorney.
Peter St. Hill Eſq;.

Dorſet-ſhire.

Richard Rogers Eſq;.
George Lord *Digby*.
Town of Pool.
John Pym Eſq;.
William Conſtantine Eſq;.
Borough of Dorcheſter.
Denzel Hollis Eſq;.
Dennis Bond Gent.
Borough of Lyme-Regis.
Walter Earle Knight.
Edward Prideaux Eſq;.
Richard Roſe Gent.
Borough of Waymouth.
John Strangewayes Knight.
Thomas Gier Gent.
Melcomb-Regis.
Giles Strangewayes Eſq;.
Richard King Eſq;.
Borough of Bridport.
Thomas Trenchard Eſq;.
John Miller Knight.
Borough of Shaftsbury.
William Whitaker Eſq; Recorder.
Samuel Turner Eſquire.
Borough of Wareham.
John Trenchard Eſq;.
Gilbert Jones Doctor of the Civil Law.
Borough of Corſe-Caſtle.
Henry Jermin Eſq;.
Giles Green Eſq;.

Eſſex.

Thomas Barrington Knight & Bar.
Harbottle Grimſton Knight and Baronet.
Borough of Colcheſter.
William Maſham Knight & Bar.
Harbottle Grimſton Eſq;.
Borough of Malden.
Henry Mildmay Knight.
John Porter Eſq;. Recorder.
Borough of Harwich.
Thomas Cheeke Knight.
John Jacobs Knight.

Glouceſter-ſhire.

Robert Tracy Knight.
Robert Cooke Knight.
City of Glouceſter.
William Singleton Eſq;.
Henry Brett Eſq;.
Borough of Cirenceſter.
Henry Poole Eſq;.
John George Eſq;.
Borough of Tewksbury.
Anthony Aſhley Cowper Baronet.
Edward Alford Knight.

Huntington-ſhire.

Thomas Cotton Baronet.
Capell Beadle Baronet.
Town of Huntington.
Robert Bernard Eſq;. Recorder.
William Mountague Eſq;.

Hartford-ſhire.

William Litton Knight.
Arthur Capel Eſq;.
Town of St. Albans.
John Jennings Knight of the Bath.
Thomas Conningesby Eſq;.
Town of Hartford.
Charles Viſcount *Cranborne*.
Tho. Fanſhaw Knight of the Bath.

Hereford-ſhire.

Robert Harley Knight of the Bath.
Walter Pye Knight.
City of Hereford.
Richard Weaver Gent.
Richard Seaborn Eſq;.
Borough of Lempſter.
William Smaleman Eſq;.
Walter Kitle Eſq;.
Borough of Webley.
William Tomkins Eſq;.
Thomas Tomkins Eſq;.

Kent.

Kent.

Roger Twiſden Knight & Baronet.
Norton Knatchbull Eſq;.
City of Canterbury.
Ed. Maſter Eſq;.
John Nutt Eſq;.
City of Rocheſter.
Thomas Walſingham Knight.
John Clerk Eſq;.
Borough of Maidſtone.
George Fane Knight.
Francis Barnham Knight.
Borough of Quinborough.
Edward Hales Knight & Baronet.
John Wolſtenholme Knight.

Lincolnſhire.

John Wraye Knight & Baronet.
Edw. Huſſey Knight & Baronet.
City of Lincoln.
John Farmery Doctor of the Civil Law.
Thomas Grantham Eſq;.
Town of Boſton.
Anthony Irby Knight.
William Ellis Eſq;.
Town of Grimeſby.
Gervaſe Holles Eſq;.
Chriſtopher Wraye Knight.
Town of Stamford.
Thomas Hatton Knight.
Thomas Hatcher Eſq;.
Borough of Grantham.
Edward Baſh Knight.
Henry Pelham Eſq;.

Leiceſterſhire.

Arthur Haſelrigge Baronet.
Henry Lord *Graye of* Ruthen.
Town of Leiceſter.
Simon Every Eſq;.
Thomas Cooke Eſq;.

Lancaſhire.

Gilbert Houghton Knight *and* Baronet.
William Farrington Eſq;.
Borough of Preſton *in* Andernes.
Richard Shuttleworth Eſq;.
Thomas Standiſhe Eſq;.
Town of Lancaſter.
Roger Kirby Eſq;.
John Harriſon Eſq;.
Borough of Leverpoole.
Jacob Lord *Cranfeilde.*
John Holcroft Eſq;.
Borough of Wigan.
Orlando Bridgeman Eſq;.
Alexander Rigbie Eſq;.
Borough of Clithero.
Richard Shuttleworth Gent.
Ralph Aſhton Eſq;.
Borough of Newton.
Richard Wynne Knight & Baron.
William Sherman Eſq;.

Middleſex.

Gilbert Gerrard Baronet.
John Franklyn Knight.
City of Weſtminſter.
John Glyn Eſq;.
William Bell Gent.
City of London.
Thomas Soame Eſq;. Alderman.
Iſaac Pennynton Eſq;. Alderman.
Mathew Cradocke Merchant.
Samuel Vaſſel Merchant.

Monmouth-ſhire.

Thomas Morgan Eſq;.
Walter Rumſey Eſq;.
Town of Monmouth.
Charles Jones Eſq;. Recorder.
William Watkins Eſq;.

Northampton-ſhire.

John Crewe Eſq;.
Gilbert Pickering Knight *and* Baronet.
City of Peterburgh.
David Cecil Eſq;.
William Fitz-Williams Eſq;.
Town of Northampton.
Zouche Tate Eſq;.
Richard Kneightley Junior, Eſq;.

An. 1640.

Borough of Brackley.
Thomas Wenman Knight.
Martin Liſter Knight.
Borough of Higham Ferrers.
Chriſtopher Hatton Knight *of the* Bath.

Nottingham-ſhire.

Thomas Hutchinſon Knight.
Robert Sutton Eſq;.
Town of Nottingham.
Charles Cavendiſh Knight.
Gilbert Boone Sergeant at Law.
Borough of Eaſt-Retford.
Jervas Clifton Knight *and* Baron.
Francis Pierrepoint Eſq;.

Norfolk.

John Holland Baronet.
Edward Moundeford Knight.
City of Norwich.
Thomas Atkins Citizen of *Norwich.*
John Tooley Citizen *and* Alderm.
Town of Lynne-Regis.
William Doughtie Eſq;. Alderm.
Thomas Gurlyn Eſq;. Alderman.
Town of Great Yarmouth.
Edward Owner Eſq;. Alderman.
Miles Corbett Eſq;. Recorder.
Town of Thetford.
Thomas Woodhouſe Knight *&* Bar.
Frambugham Gawdy Eſq;.
Borough of Caſtle-Riſing.
Thomas Talbot Eſq;.
Nicholas Harman Eſq;.

Northumberland.

John Fenwick Knight *&* Baronett.
William Widderington Knight.
Town of Newcaſtle *upon* Tyne.
Peter Riddell Knight.
Thomas Liddell Eſq;.
Borough of Morpeth.
Philip Manwareing Knight.
Thomas Witherings Eſq;.
Town of Berwick.
Thomas Widdrington Knight.
Hugh Potter Eſq;.

Oxford-ſhire.

Jacob Fyennis Eſq;.
Francis Wenman Knight.
Univerſity of Oxford.
Francis Windebanke Knight, one of the Principal Secretaries of State.
John Danvers Knight.
City of Oxford.
Charles Viſcount *Andover.*
Thomas Cooper Gent. Alderman.
Borough of Woodſtocke.
William Lenthall Eſq;.
William Fleetwoode Knight.
Borough of Banbury.
Nathaniel Fyennis Eſq;.

Rutland.

Baptiſta Noell Eſq;.
Guido Palmes Eſq;.

Surrey.

Richard Onſlowe Knight.
Ambroſe Browne Baronett.
Borough of Southwarke.
Robert Holborne Eſq;.
Richard Tuffnell Gent.
Borough of Blechenley. q
Edward Biſbe Eſq;.
Edmund Hoskins Eſq;.
Francis Carew Knight of the Bath.
Borough of Ryegate. q
Thomas Thurland Eſq;.
Thomas Budder Knight.
John Goodwyn Eſq;.
Borough of Guilford.
Robert Parkhurſt Knight.
George Abbot Eſq;.
Borough of Gatton.
Samuel Owfield Eſq;.
Edward Sanders Eſq;.
Borough of Haſlemere.
John Jaques Baronet.
William Elliot Knight.

Stafford-ſhire.

Edward Littleton Baronet.
William Bowyer Knight.

*An.*1640.

Borough of Litchfield.
Walter Devoreux Knight.
Richard Dyot Knight.
Town of Stafford.
Ralph Sneyde Gent.
Richard Weſton Eſq;.
Borough of Newcaſtle *upon* Lyne.
John Merrick Knight.
Richard Loyd Eſq;.
Borough of Tamworth.
George Abbot Eſq;.
Simon Archer Knight.

Shrop-ſhire.

William Pierpoint Eſq;.
Vincent Corbet Eſq;.
Borough of Salop.
Francis Newport Eſq;.
Thomas Owen Eſq;.
Bruges *alias* Bridgenorth.
Thomas Whitmore Eſq;.
Edward Acton Eſq;.
Borough of Ludlow.
Ralph Goodwyn Eſq;.
Charles Baldwyn Eſq;.
Great Wenlocke.
Thomas Littleton Eſq;.
Richard Creſſet Eſq;.
Biſhops Caſtle.
Robert Howard Knight & Bar.
Richard Moore Eſq;.

Southampton.

Henry Wallop Knight.
Richard Whitehead Eſq;.
Borough of Winton.
John Liſley Eſq;.
William Ogle Knight.
Town of Southampton.
John Mill Baronet.
Thomas Levingſton Eſq;.
Borough of Portſmouth.
William Hamilton Eſq; *of* Lanrick.
Henry Percie Eſq;.
Borough of Yarmouth.
Philip Lord *Liſle*.
William Oglander Eſq;.
John Bulkley Eſq;.

Borough of Peterfield.
William Lewis Baronet.
William Udal Knight.
Newport *alias* Medena.
Lucius Viſcount *Falkland*.
Henry Worſley Baronet.
Borough of Stockbridge.
William Jephſon Eſq;.
William Heveingham Eſq;.
Borough of New-towne.
Nicholas Weſton Eſq;.
John Meux Eſq;.
Chriſt-Church.
Arnold Herbert Knight.
Henry Tulſe Eſq;.
Borough of Whitchurch.
Thomas Jervoyſe Knight.
Richard Jervoyſe Eſq;.
Borough of Limmington.
John Dodington Eſq;.
John Kempe Eſq;.
Borough of Andover.
Richard Wyn Baronet.
Robert Wallop Eſq;.

Suffolke.

Nathanael Barnardiſton Knight.
Philip Parker Knight.
Borough of Ipſwich.
William Gage Eſq;.
John Gardon Eſq;.
Borough of Dunwich.
Henry Coke Eſq;.
Anthony Bedingfield Eſq;.
Borough of Ortford.
Charles le Groſſe Knight.
Edward Duke Eſq;.
Borough of Aldburgh.
William Raynborow Eſq;.
Squire Bence Merchant.
Borough of Sudbury.
Robert Crane Knight *&* Baronet.
Richard Pepys Eſq;.
Borough of Eye.
Frederick Cornwallis Knight and Baronet.
Roger North Knight.
Borough of St. Edmondsbury.
Thomas Jermin Knight.
John Godbold Recorder.

Somerſet-ſhire.

Ralph Hopton Knight *of the* Bath.
Thomas Smith Eſq;.
City of Briſtol.
John Glanvil Serjeant *at* Law.
Humphrey Hook Eſq;. Alderman.
City of Bath.
Charles Berkley Knight.
Alexander Popham Eſq;.
City of Wells.
Edward Rodney Knight.
John Baber Eſq;.
Borough of Taunton.
William Portman Baronet.
Roger Hill Gent.
Borough of Bridgewater.
Edmund Windham Eſq;.
Robert Blake Gent.
Borough of Mynhead.
Alexander Popham Eſq;.
Francis Windham Gent.
Arthur Ducke Doctor *of the* Civil Law.
Borough of Ilcheſter.
Henry Berkley Knight.
Edward Philips Eſq;.
Milborne *Port.*
Edward Kirkton Eſq;.
Thomas Earle Eſq;.

Suſſex.

Thomas Pelham Baronet.
Anthony Stapley Eſq;.
City of Chicheſter.
Chriſtopher Lewknor Eſq;.
Edward Dowſe Eſq;.
Borough of Horſham.
Thomas Middleton Eſq;.
Hall Ravenſcroft Eſq;.
Borough of Midhurſt.
Thomas May Eſq;.
Robert Long Eſq;.
Borough of Lewes.
Herbert Morley Eſq;.
Jacob Rivers Eſq;.
Borough of Shoreham.
William Marlot Gent.
John Alford Eſq;.
Borough of Bramber.
John Suckling Knight.
Thomas Bowyer Baronet.
Borough of Steyning.
John Leeds Knight.
Thomas Farneſold Knight.
Borough of Eaſtgrimſted.
Henry Compton Knight *of the* Bath.
Robert Goodwyn Eſq;.
Borough of Arundel.
Henry Garton Eſq;.
Henry Goring Eſq;.

Weſtmerland.

Philip Muſgrave Baronet.
Henry Bellingham Knight *and* Baronet.
Borough of Appleby.
Richard Viſcount *Dungarven.*
Richard Lowther Eſq;.

Wilt-ſhire.

Philip Lord *Herbert.*
Francis Seymour Knight.
Borough of Salisbury.
Robert Hide Eſq; *&* Recorder.
Michael Olſworth Eſq;.
Borough of Wilton.
Henry Vane Knight.
Benjamin Rudyerd Knight.
Borough of Downton.
Edward Griffin Knight.
William Eyre Eſq;.
Borough of Hyndon.
Miles Fleetwood Knight.
George Gerrard Eſq;.
Borough of Heytsbury.
John Berkley Knight.
Thomas Moore Eſq;.
Borough of Weſtbury.
Thomas Peneſtone Knight.
John Aſh Eſq;.
Borough of Calne.
William Maynard Eſq;.
Walter Norborne Eſq;.
Borough of Vize.
Edward Baynton Eſq;.
Henry Danvers Eſq;.

16 *Caroli.*

Borough of Chippenham.
Edward Hungerford Knight *and* Baronet.
Edward Baynton Knight.
Borough of Malmsbury.
Nevill Poole Knight.
Anthony Hungerford Eſq;.
Borough of Kricklade.
Robert Jenner Eſq;.
Thomas Hodges Eſq;.
Borough of Bedwyn.
Richard Harding Eſq;.
Charles Seymour Eſq;.
Borough of Ludgerſhall.
William Aſhburnham Eſq;.
John Evelin Knight.
Borough of Old Sarum.
Edward Herbert Eſq;. Solicitor.
William Howard Knight.
Wotton Baſſet.
Thomas Windebanke Eſq;.
Edward Hide of *Pirton* Eſq;.
Borough of Marleborough.
William Carnaby Knight.
Francis Baskervile Eſq;.

Worceſter-ſhire.

Thomas Littleton Knight *and* Baronet.
John Packington Baronet.
City of Worceſter.
John Cowcher Eſq;.
John Naſh Eſq;.
Borough of Droitwich.
John Wilde Sergeant at Law.
Samuel Sandys Eſq;.
Borough of Eveſham.
William Sandys Eſq;.
William Morton Eſq;.
Borough of Bewdley.
Henry Herbert Knight.

Warwick-ſhire.

Thomas Lucy Knight.
William Combe Eſq;.
Borough of Coventry.
William Jeſſon Alderman.
Simon Norton Alderman.
Town of Warwick.
William Pureſey Eſq;.
Godfery Boſſevile Eſq;.

Barons of Cinque-Ports.

Borough of Haſtings.
John Baker Baronet.
Robert Reade Eſq;.
Borough of Winchelſey.
Nicholas Criſpe Knight.
John Finch Eſq;.
Borough of Rye.
John Culpeper Knight.
John White Eſq;.
Borough of Rumney.
Thomas Godfrey Eſq;.
William Steele Eſq;.
Borough of Hyeth.
Henry Heyman Eſq;.
John Wandesford Eſq;.
Borough of Dover.
Edward Boys Knight.
Peter Heyman Knight.
Borough of Sandwich.
John Manhood Knight.
Nathanael Finch Serjeant at Law.

WALES.

Angleſey.

John Bodvill Eſq;.
Borough of Bewmaris.
Charles Jones Eſq;.

Brecknock-ſhire.

William Morgan Eſq;.
Town of Brecknocke.
Herbert Price Eſq;.

Cardigan-ſhire.

Jacob Lewis Eſq;.
Town of Cardigan.
John Vaugham Eſq;.

Cairmarthen-ſhire.

Henry Vaugham Eſq;.
Town of Cairmarthen.
Francis Loyd Eſq;.

Cairnarvon-ſhire.

Thomas Glynn Eſq;.
Town of Cairnarvon.
John Glynn Eſq;.

Denbigh-ſhire.

Thomas Salisbury Baronet.
Town of Denbigh.
John Salisbury Junior Eſq;.

Flint-ſhire.

John Moſtyn Eſq;.
Town of Flint.
Thomas Hanmer Baronet.

Glamorgan-ſhire.

Edward Stradling Knight & Baronet.
Town of Cardiffe.
William Herbert Eſq;.

Merioneth-ſhire.

Henry Wynn Eſq;.

Pembroke-ſhire.

John Wogan the elder Eſq;.
Town of Hartfordweſton.
Hugh Owen Eſq;.
Town of Pembroke.
John Stepney Baronet.

Montgomery-ſhire.

Richard Herbert Eſq;.

Town of Montgomery.
Edward Loyd Knight.

Radnor-ſhire.

Charles Price Eſq;.
Town of Radnor.
Richard Jones Eſq;.

York-ſhire.

Henry Bellaſis Eſq;.
William Savile Baronet.
City of York.
Edward Osborne Baronet.
Roger Jaques Knight.
Town of Kingſton *upon* Hull.
John Liſter Knight.
Henry Vane Eſq;.
Borough of Knasborough.
Henry Slingsby Baronet.
Henry Benſon Eſq;.
Borough of Scarborough.
Hugh Cholmley Knight.
John Hotham Eſq;.
Borough of Rippon.
William Mallory Eſq;.
Paul Neile Knight.
Borough of Richmond.
William Pennington Baronet.
Major Norton Eſq;.
Borough of Heydon.
Philip Stapleton Knight.
John Alured Eſq;.
Borough of Borough-bridge.
Ferdinand Fairefax Knight.
Francis Nevill Eſq;.
Borough of Thurske.
John Bellaſis Eſq;.
William Franckland Eſq;.
Borough of Aldburgh.
Richard Aldburgh Eſq;.
Brian Palmes Eſq;.
Borough of Beverley.
John Hotham Knight & Baron.
Michael Warton Eſq;.
Borough of Pomfret.
John Ramſden Knight.
George Wentworth Knight.

MUNDAY

An. 1640.

MUNDAY the 13th of APRIL 1640.

the Parliament Opened,

The King ſpake,

My Lords and Gentlemen,

THere was never a King that had a more great and weighty cauſe to call his People together than My Self: I will not trouble you with the Particulars; I have informed my Lord Keeper, *and command him to ſpeak and deſire your Attention.*

Sir *John Finch* Lord Keeper ſpake thus,

My Lords, and you the Knights, Citizens and Burgeſſes of the Houſe of Commons,

‘YOu are here this day aſſembled by his Majeſties gracious Writ and Royal Command to hold a Parliament, the general, antient and greateſt Council of this Renowned Kingdom. By you, as by a ſelect choice and abſtract the whole Kingdom is preſented to his Majeſties Royal view, and made happy in the beholding of his excellent and Sacred Perſon. All of you not only the Prelates, Nobles and Grandees, but in your perſons that are of the Houſe of Commons every one, even the meaneſt of his Majeſties ſubjects are graciouſly allowed to participate and ſhare in the honour of thoſe Counſels, that concern the great and weighty affairs of the King and Kingdom. You come all armed with the Votes and ſuffrages of the whole Nation: and I aſſure my ſelf, your hearts are filled with that zealous and humble affection to his Majeſties Perſon and Government, that ſo juſt, ſo pious, and ſo gracious a King hath reaſon to expect from all his ſubjects. I doubt not, but you rejoyce at this dayes meeting, and methinks you ſhould do ſo too; and good reaſon you have to do ſo, and with all humbleneſs of heart to acknowledge the great goodneſs of his Majeſty, who ſequeſtring the memory of all former diſcouragements in preceding aſſemblies, is now of a Fatherly affection to his people, and a confidence that they will not be failing in their duty to him, who is pleaſed graciouſly to invite you and all his loving ſubjects to a ſacred Unity of hearts and affections, in the ſervices of him and of the Common-wealth, and in the execution of thoſe Counſels that tend only to the honour of his Majeſty, and to the good preſervation of you all. His Majeſties Kingly reſolutions are ſeated in the Ark of his Sacred Breaſt, and it were a preſumption of too high a nature, for any *Uzzah* uncalled to touch it: yet his

Majeſty is now pleaſed to lay by the ſhining beams of Majeſty, as *Phœbus* did to *Phaeton*, that the diſtance between Soveraignty and ſubjection ſhould not barr you of that filial freedom of acceſs to his Perſon and Counſels ; only let us beware how with the Son of *Clyméne*, we aim not at the guiding of the Chariot ; as if that were the only teſtimony of Fatherly affection : and let us ever remember, that though the King ſometimes layes by the Beams and Rayes of Majeſty, he never layes by Majeſty it ſelf. —

‘In former Parliaments you have been adviſed with, for the preventing and diverting of thoſe dangers, which by foreign and more remote Counſels might have tended to the diſhonour and ruine of this Nation; therein his Majeſties great Wiſdom and Providence hath for many years eaſed you of that trouble, his Majeſty having with great judgement and prudence, not only ſeen and prevented our danger, but kept up the Honour and Splendor of the *Engliſh* Crown, of which at this day we find the happy and comfortable experience, Almighty God having vouchſafed ſuch ſucceſs to his Majeſties Counſels, that *our Fleece is dry*, when it raineth blood in all the Neighbour States. But what availeth this the Kingdom? *Si foras hoſtem non inveniat, ſi modò domi inveniet.* You are now ſummoned to Counſels and reſolutions that more nearly concern you, to prevent a danger and a diſhonour, that knocks at our gates, and that moves from ſuch, from whom we had little reaſon to ſuſpect it. It's well known upon what happy and ſolid Counſels, one of our Wiſeſt Kings made a match with *Scotland* for his eldeſt daughter. We cannot forget (I'm ſure we ſhould not) the bleſſed Succeſs that waited upon thoſe Counſels, when the Crown of *England* deſcended upon King *James* of ever bleſſed and famous memory, who with the fulneſs of Joy to all true *Engliſh* hearts, made his Entry not by Bloodſhed. The Wall of Separation was thereby taken away; and that glorious King to make his word good, *faciam eos in Gentem unam*, made all *England* rejoyce, and *Scotland* I'm ſure had no reaſon to be ſorry for it: They participated of *Engliſh* Honours, the Wealth and Revenue of this Nation they ſhared in, and no good thing was withholden from them, ſuch was the largeneſs of heart in that moſt excellent King, and ſuch was the comfort we took in this Fraternity, or rather Unity: When both of us had but one Brazen Wall of Fortification to look unto, the Sea, and all things ſo equally and evenly carried between us, that *Tros Tyriuſque nullo diſcrimine habentur*. His Majeſty our moſt gracious Soveraign became Heir, as well to his Fathers Vertues as to his Kingdoms, *Pacatumque Regis, &c.* and in his gracious and tender affection to that Nation, hath given as many indulgent teſtimonies of Love and Benignity, as they could expect. Thus became we both like a Land flowing with milk and honey; peace and plenty dwelt in our Streets, and we have had all our bleſſings crowned with the ſweet hopes of Perpetuity. God found out for my Lord the King, a Companion meet for him, his Royal Conſort our moſt gracious *Queen*, who as ſhe is not to be paralleled for her Perſon and Vertue, ſo hath ſhe made his Majeſty and the whole Kingdom moſt happy and bleſſed, in the ſweeteſt pledges of their love and our hopes which ever ſtood like Olive-branches about the Throne or Table : But which I ſorrow for,

16 Caroli.

‘*Civiles furores patria nimia infelicitas*, and when his Majeſty had moſt reaſon to expect a grateful return of Loyalty and Obedience from all the *Scotiſh* Nation, ſome men of *Belial*, ſome *Zeba* hath blown the Trumpet there, and by their Inſolencies and rebellious Actions draw many after them, to the utter deſertion of his Majeſties Government; his Majeſties and his Kingly Fathers love and bounty to that Nation quite forgotten, his goodneſs and piety unremembred.

‘They have led a multitude after them into a courſe of diſloyalty and rebellious Treaſon, ſuch as former times have not left in mention, nor this preſent age can any where equal; they have taken up Armes againſt the Lords Anointed, their rightful Prince and undoubted Soveraign, and following the wicked Counſels of ſome *Achitophel*, they have ſeized on the Trophies of Honour, and inveſted themſelves with Regal power and authority: ſuch and ſo many Acts of diſloyalty and diſobedience, as (let their pretences be what they will be,) no true Engliſh or Chriſtian heart, but muſt acknowledge them to be the effects of foul and horrid Treaſon.

‘The laſt Summer his Majeſty at his own charge, and at the vaſt expence of many of his faithful and loving Subjects of *England*, went with an Army, and then they took upon them the boldneſs to outface and brave his Royal Army, with another of their own raiſing; Yet for all this, his Majeſties goodneſs was not leſſened by that, nor could his gracious Nature forget what he was to them, nor what they were to him; but conſidering with himſelf they were ſuch (*quos nec vincere, nec vinci glorioſum fuerat*) out of his Piety and Clemency choſe rather to paſs by their former miſcarriages, upon their humble proteſtations of future Loyalty and Obedience, than by juſt vengeance to puniſh their Rebellions.

‘But his Majeſty (who is ever awake for the good and ſafety of all his Subjects) hath ſince too plainly diſcovered, that they did but prevaricate with him to divert the ſtorm which hung over their heads, and by gaining time to purchaſe themſelves more advantage, for purſuing their rebellious purpoſes.

‘For ſince his Majeſty came from *Berwick*, it is come to his certain knowledge, that inſtead of performing that Loyalty and Obedience, which by the Laws of God, of Nature, and Nations they owe unto him, they have addreſſed themſelves to Forraign States, and treated with them to deliver themſelves up to their protection and power (as by Gods great Providence and Goodneſs, his Gracious Majeſty is able to ſhew under the hands of the prime Ring-Leaders of that Faction) than which nothing could be of more dangerous conſequence to this and his Majeſties other Kingdoms. Whoſoever they be that do, or ſhall wiſh *England* ill, they may know it to be of too tough a Complexion and Courage, to be aſſailed in the face, or to be ſet upon at the Fore door: and therefore it is not unlikely, but they may (as in former times) find out a Poſtern-gate.

‘There were heretofore two of them, *Scotland* and *Ireland*, and both of them had their ſeveral Defences.

‘*Ireland* through his Majeſties juſt and prudent Government, is not only reduced from the diſtemper of former times, but ſettled in ſuch a condition of peace, and during his Majeſties happy Reign, 'ſo altered and civilized, that inſtead of being a charge to him (as 'it was to his Predeceſſors) hath yielded to him ſome Revenue, and 'his Subjects there do daily give very acceptable teſtimonies of their 'Loyal and Dutiful affection, both to his Perſon and Government. 'And now lately at the Parliament aſſembled, they have not only with 'full and free conſent, made his Majeſty a cheerful Aide towards his 'preſent preparations, to reduce his diſaffected Subjects in *Scotland* to 'their due obedience, but they have alſo profeſſed and promiſed, that 'they will be ready with their Perſons and Eſtates, to the uttermoſt of 'their Ability, for his Majeſties future Supply, as his great Occaſions 'by the continuance of his Forces againſt that diſtemper, ſhall re'quire; ſo that the hopes of hurting *England* that way, are quite ex'tinct.

'*Scotland* then only remains, whither (as to a weak and diſtem'pered part of the body) all the Rheumes and Fluxes of factious 'and ſeditious humours make way.

'His Majeſty hath taken all theſe, and much more into his Prince'ly Conſideration, and to avoid a manifeſt and apparent miſchief, 'threatned to this and his other Kingdoms, hath reſolved by the 'means of a powerful Army, to reduce them to the juſt and modeſt 'Conditions of Obedience.

'It is a courſe his Majeſty takes no delight in, but is forced unto it; 'for ſuch is his Majeſties grace and Goodneſs to all his Subjects, and 'ſuch it is and will be to them (how undutiful and rebellious ſoever 'they now are) that if they put themſelves into a way of humility 'becoming them, his Majeſties Piety and Clemency will ſoon ap'pear to all the World: But his Majeſty will not endure to have his 'honour weighed at the common Beam: nor admit any to ſtep be'tween him and his vertue: and therefore as he will upon no terms, 'admit the mediation of any perſon whatſoever; ſo he ſhall judge it 'as high preſumption in any perſon to offer it, and as that which he 'muſt account moſt dangerous to his Honour, to have any conceit, 'that the ſolicitation of others can by any poſſibility better incline 'him to his people than he is, and ever will be, out of his own grace 'and goodneſs.

'The Charge of ſuch an Army hath been throughly adviſed, and 'muſt needs amount to a very great ſumm, ſuch as cannot be imagi'gined to be found in his Majeſties Coffers, which how empty ſoe'ver, have neither yet been exhauſted by unneceſſary triumphs, 'or ſumptuous buildings, or other magnificence whatſoever, but 'moſt of his own Revenue, and whatſoever hath come from his 'Subjects, hath been by him employed, for the common good and 'preſervation of the Kingdom. And like vapours ariſing out of 'the Earth and gathered into a Cloud, are fallen in ſweet and refreſh'ing ſhowres upon the ſame ground. Wherefore his Majeſty hath 'now at this time, called this Parliament, the ſecond means under 'Gods bleſſing to avert theſe publick Calamities threatned to all his 'Kingdoms, by the mutinous behaviour of them.

'And as his Majeſties Predeceſſors have accuſtomed to do with 'your Fore-fathers, ſo his Majeſty now offers you the honour of 'working together with himſelf, for the good of him and his, and 'for the common preſervation of your ſelves and your poſterity.

An. 1640.

‘Counſels and Deliberations that tend to benefit or profit, may endure diſputes and debates, becauſe they ſeem only accompanied with perſwaſions; But deliberations that tend to preſervation, are waited upon by neceſſity, and cannot endure either debate or delay; of ſuch nature are the bleeding evils, that are now to be provided againſt.

‘This Summer muſt not be loſt, nor any minute of Time foreſtowed, to reduce them of *Scotland*, leſt by protraction here they gain time and advantage, to frame their parties with Foraign States.

‘His Majeſty doth therefore deſire, upon theſe preſſing and urgent occaſions, that you will for a while lay aſide all other debates, and that you would paſs an Act for ſuch, and ſo many Subſidies as you in your hearty affection to him, and to your common good, ſhall think fit and convenient for ſo great an Action, and withal that you would haſten the payment of it, as ſoon as may be: And his Majeſty aſſures you all, that he would not have propoſed any thing, out of the ordinary way, but that ſuch is the ſtraitneſs of Time, that unleſs the Subſidies be forthwith paſt, it is not poſſible for him to put in order ſuch things, as muſt be prepared before ſo great an Army can be brought into the Field.

‘And indeed, had not his Majeſty upon the credit of his ſervants, and ſecurity out of his own eſtate, taken up and iſſued between *three and four hundred thouſand Pounds*, it had not been poſſible for his Majeſty, to have provided thoſe things to begin with, which were neceſſary for ſo great an Enterprize, and without which we could not have ſecured *Berwick* and *Carliſle*, or avoided thoſe affronts, which the Inſolency of that Faction might have put upon us, by injuring the perſons and fortunes of his Loyal Subjects, in the Northern parts.

‘To avoid all queſtion and diſpute that may ariſe, touching his Majeſties taking of *Tonnage* and *Poundage*, his Majeſty hath commanded me to declare unto you, that he hath taken it only *de facto*, according to the example of former Kings, from the death of their paſt Predeceſſors, until the Parliament had paſſed an Act for it themſelves. That in like manner, his Majeſty deſires not to claim it, but by grant of Parliament; for this purpoſe his Majeſty hath cauſed a Bill to be prepared in the ſame form as it paſſed to his Royal Father of bleſſed memory, adding only words to give it him, from the firſt of his Majeſties Reign.

‘This and the Bill of Subſidies, his Majeſty expects (for the preſſing reaſons before delivered unto you) may be diſpatched with all ſpeed, which his Majeſty commanded me to tell you he ſhall graciouſly accept, as the welcome pledges of your loving, happy, and dutiful affection to him, his perſon, and Government.

‘And his Majeſty is moſt graciouſly pleaſed, to give you his Royal word, that afterwards he will give you time for conſidering of ſuch Petitions, as you ſhall conceive to be good for the Common Wealth, even now before you part, according as the ſeaſon of the year, and the great affairs in hand will permit; and what is now omitted, his Majeſty will give you time to perfect towards Winter, when your own leiſure and conveniency may better attend it, he knowing well, that theſe Subſidies can be of little uſe, without that more ample ſupply, which his Majeſty expects upon the happy con-

‘ cluſion of this Seſſion, and therein his Majeſty is graciouſly pleaſed
‘ (according to the ancient way of Parliaments) to ſtay till your juſt
‘ grievances be heard and redreſſed.

‘ And his Majeſty aſſures you, that he will go along with you for
‘ your advantage, through all the gracious expreſſions of a juſt, a
‘ pious, and gracious King, to the end there may be ſuch a happy con-
‘ cluſion of this Parliament, that it may be a cauſe of many more
‘ meetings with you.

I have now delivered what I have in Command from his Majeſty.

The KING.

The King's Speech.

My Lords,

YOU ſhall ſee he hath ſpoken nothing hyperbolically, or nothing but what I ſhall make good one way or other.

And becauſe he did mention a Letter by my Subjects in Scotland, *who did ſeek to draw in Foraign power for aid, here is the Original Letter, which I ſhall command him to read unto you.*

And becauſe it may touch a Neighbour of mine, whom I will ſay nothing of, but that which is juſt (God forbid I ſhould); for my part, I think it was never accepted of by him; indeed it was a Letter to the French *King, but I know not that ever he had it; for by chance I intercepted it, as it was going unto him; and therefore I hope you will underſtand me right in that.*

His Majeſty delivering the Letter to the *Lord Keeper*, his Lordſhip began to read it, and obſerve as followeth.

Lord Keeper.

The Superſcription of the Letter is this.

AU ROY.

A Letter from the Scots to the French King.

‘ FOR the nature of which Superſcription, it is well known to
‘ all that know the ſtyle of *France*, that it is never written by
‘ any *French* man to any, but to their own King; and therefore be-
‘ ing directed (‘*AU ROY*) it is to their own King, for ſo in effect
‘ they do by that Superſcription acknowledge.

Then his Lordſhip read the Letter in *French*, being the original Language wherein it was Writ.

The Letter being read in *French*, his Lordſhip added.

‘ His Majeſty Commanded me to read it in *Engliſh* to you, as it is
‘ Tranſlated, for that is the Original under their own hands.

An. 1640.

SIR,

YOur Majeſty being the refuge and ſanctuary of afflicted Princes, and States, We have found it neceſſary to ſend this Gentleman Mr. Colvil, *by him to repreſent unto your Majeſty, the Candor and Ingenuity, as well of our Actions and Proceedings, as of our Intentions, which we deſire ſhould be Engraven and Written to the whole World, with the Beams of the Sun as well as to your Majeſty: We moſt humbly beſeech you therefore, to give Faith and Credit to him, and all he ſhall ſay on our part concerning us, and our affairs: being moſt aſſured of an aſſiſtance, equal to your accuſtomed Clemency heretofore, and ſo often ſhewed to this Nation, which will not yield to any other whatſoever, the Glory to be eternally*

Your Majeſties moſt humble, obedient
and affectionate ſervants,

Rothes.
Montroſs.
Leſley.
Marre.
Montgomery.
Lowdon.
Foreſter.

Then the KING added.

OF theſe Gentlemen, that have ſet their hands to this Letter, here is one, and I believe you would think it very ſtrange, if I ſhould not lay him faſt; and therefore I have Signed a Warrant, to lay him cloſe Priſoner in the Tower.

My Lords, *I think, (but that I will not ſay poſitively, becauſe I will not ſay any thing here, but what I am ſure of,) I think I have the Gentleman that ſhould have carryed the Letter, faſt enough; but I know not, I may be miſtaken.*

And then my Lord Keeper *concluded.*

Gentlemen,

‘YOU of the Houſe of Commons, his Majeſties pleaſure is, that you do now repair to your own Houſe, there to make choice of your Speaker, whom his Majeſty will expect to be preſented to him on *Wedneſday* next, at two of the Clock in the Afternoon.

APRIL the 14th.

The Convocation began to ſit at St. *Pauls.*

The

The 15th of APRIL 1640.

His Majeſty being Seated on his Throne, Mr. Sergeant Glanvile *was called in, being preſented by the Houſe of Commons as their Speaker, and he being come to the Bar, ſpake as followeth.*

May it pleaſe your Majeſty,

The Speaker's Speech.

‘THE Knights, Citizens, and Burgeſſes, of your Commons-houſe of Parliament, in conformity to moſt ancient and moſt conſtant uſage (the beſt guide in great ſolemnities) according to their well-known priviledges, (a ſure warrant for their proceedings) and in obedience to your Majeſties moſt Gracious Counſel and Command (a duty well becoming Loyal Subjects) have met together in their Houſe and choſen a Speaker, one of themſelves to be the mouth, indeed your ſervant of all the reſt, to ſteer watchfully and prudently in all their weighty Conſultations and debates, to collect faithfully and readily the genuine ſence of a numerous Aſſembly, to propound the ſame ſeaſonably, and in apt queſtions of their final Reſolutions, and ſo repreſent them and their Concluſions, their Declarations and Petitions, upon all urgent occaſions with truth, with right, with life and with luſtre, and with full advantage to your moſt excellent Majeſty, with what Judgement, what temper, what ſpirit, what Elocution ought he to be endowed and qualified, that with any hope of good ſucceſs ſhould un undergo any ſuch employment? your Majeſty in your great Wiſdom, is beſt able to diſcern and judge, both as it may relate to your own peculiar and moſt important affairs of State and Government, and as it muſt relate to the proper buſineſs of your Houſe of Commons, which was never ſmall nor mean, and is like at this time to be exceeding weighty.

‘Had your Houſe of Commons been as happy in their choice (as they were regular, well warranted, and dutiful) of my ſelf, who ſtand elected yet to be their Speaker, and am now preſented by them to your Majeſty, for your gracious and royal approbation, I ſhould not have needed to become troubleſome to your Majeſty in this ſuit, for my releaſment and diſcharge, which now in duty to your Majeſty and care for the good, proſperity, and ſucceſs of your affairs, I hold my ſelf obliged to make. My imperfections and diſabilities are beſt known to my ſelf, to your Majeſty I ſuppoſe not altogether unknown, before whom in the courſe of my practice and profeſſion, I have divers times had the honour and favour to appear and bear a part, as an ordinary pleader.

‘It is a learned Age wherein we live, under your Majeſties moſt peaceful and flouriſhing Government, and your Houſe of Commons (as it is now compoſed) is not only the repreſentative body, but the abſtracted quinteſſence of the whole Commonalty, of this your noble Realm of *England*; there be very many amongſt

‘them,

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'them, much fitter for this place than I am, few or none in my opinion, ſo unfit as my ſelf.

'I moſt humbly beſeech your Majeſty, as you are the Father of the Common-wealth and head of the whole Parliament, to whom the care of all our welfare chiefly appertains, have reſpect to your own ends, have regard to your Houſe of Commons, have compaſſion upon me the moſt unworthy member of that Body, ready to faint with fears, before the burthen light upon me.

'In the fulneſs therefore of your Kingly power, your piety and your goodneſs, be graciouſly pleaſed to command your houſe of Commons, once moer to meet together to conſult and deliberate better, about their choice of a meet Speaker, till they can agree of ſome ſuch perſon, as may be worthy of their chooſing, and of your Majeſties acceptation.

The *Lord Keeper* after directions received from his Majeſty, replyed as followeth.

The Lord Keeper's Reply.

HIS Majeſty with a gracious ear, a Princely attention, hath liſtened to your humble and modeſt excuſe, full of flowers of Wit, of flowers of Eloquence, and flowers of Judgement.

Many reaſons from your ſelf he hath taken, to approve and agree to the Choice and Election, made by the Houſe of Commons, he finds none from any thing that you have ſaid, to diſſent or diſagree from it; you have ſet forth your inabilities with ſo much Ability, you have ſo well deciphered and delineated the parts, duties, and office of a good Speaker, which is to collect the ſence of the Houſe judiciouſly, to render it with fidelity, to ſum it up with dexterity, and to mould it into fit, and apt queſtions for reſolutions, and thoſe as occaſion ſhall ſerve, to preſent with vigour, advantage, and humility to his Majeſty, he doubts not, but you that are ſo perfect in the Theory, will with great eaſe perform the practick part, and with no leſs Commendation.

His Majeſty hath taken notice, and well remembers, your often waiting on him in private Cauſes, wherein you have alwayes ſo carryed your ſelf, and won ſo much good opinion from his Majeſty, as he doubteth not but that now, when you are called forth to ſerve him, and the publick, your affections and the powers of your ſoul, will be ſet on work with more zeal, and more alacrity. It's that for which the Philoſophers call a man happy, when men that have ability and goodneſs, do meet with an object fit to bring it into Act, and ſuch at this time is your good fortune, an occaſion being miniſtred unto you, to ſhew your ability and goodneſs, and your fidelity to his Majeſties Service, to ſhew the candor and clearneſs of your heart towards thoſe of the Houſe of Commons; In all which his Majeſty nothing doubteth, but you will ſo diſcharge your ſelf, as he may to his former favours, find occaſion and reaſon to add more unto you, That the Houſe of Commons may rejoice in this election of theirs, and that the whole Kingdom, by your good, clear, and candid ſervice, may receive fruits that may be comfortable unto all.

His Majeſty therefore doth approve and confirm the choice of the Houſe of Commons, and ratifies you for the Speaker.

Then

Then Mr. Speaker *addreſt himſelf again to his Majeſty.*

The Speaker's farther Speech.

Moſt Gracious Soveraign,

‘MY Profeſſion hath taught me, that from the higheſt Judge and higheſt ſeat of Juſtice, there lyeth no *writ of Error*, no Appeal. Your Majeſty in full Parliament, hath been pleaſed by the mouth of the *Lord Keeper*, to declare your Royal Judgement in affirmation of the Election of your Houſe of Commons, whereby I'm become their Speaker, and their Servant. What is there therefore left unto me ? but in the firſt place devoutly to beſeech Almighty God, the Author and finiſher of all good works, to enable me by his bleſſing to diſcharge honeſtly and effectually, ſo great a task, ſo great a truſt.

‘And in the next place, humbly to acknowledge (as I do) the great grace and favour, that is done unto me by your Majeſty, and readily to conform my ſelf to your good pleaſure and command, to which I now ſubmit with all poſſible cheerfulneſs, leſt elſe my too much diffidence to undertake the ſervice, might add a further diſadvantage to my performance, than peradventure would ariſe out of my other Imperfections.

‘Two Enemies I might fear, the common Enemies of ſuch Services, *Expectation* and *Jealouſie* : I'm not worthy of the former, and I contemn the later. Time that tryeth truth, ſhall let the whole world ſee and know, that I am and will be found an equal Free-man, zealous to ſerve my Gracious King, and zealous to ſerve my deareſt Countrey.

‘Monarchy, Royal and Hereditary, is of all ſorts of Government the moſt compleat and excellent ; whether we regard the Glory, the Wealth, or the ſafety of the Governour or of the People, or of both. And I hope there are not of this Nation any that are of Antimonarchical ſpirits or reſolutions, no, nor diſpoſitions, nor friends to ſuch as are ſo ; If there be, I wiſh no greater honour to this Parliament, than to diſcover them ; and by all means poſſible to aſſiſt your Gracious Majeſty to ſuppreſs them, or to confound them.

‘You are a great King at all times, but ſitting now attended by your Prelates, your Lords, and People in free Parliament are in the higheſt ſtate of Majeſty and Glory.

‘I remember well, I heard your Majeſties moſt Royal and learned Father our late dear Soveraign King *James* of ſacred memory, ſpeak to that purpoſe of himſelf and of Kings in general ; his Majeſty ſitting then in Parliament, upon that Throne which by deſcent from him, and from innumerable Royal Anceſtors, is now become your Majeſties lawful Seat and rightful Inheritance.

‘To behold you thus in peace and ſafety, upon this great and good occaſion, after full fifteen years experience of your moſt peaceful Government, yields moſt compleat joy to all your Majeſties Loyal and Well-affected Subjects, who cannot but concur with me in this deſire, *ſerus in Cœlum redeas diuq; lætus interſis Brittanno populo. England* is your Seat of Reſidence not made a Province, nor Governed by a *Vice-Roy*. God open all our Eyes and underſtandings, to diſcern ‘and value the great bleſſings and benefits we enjoy, by your Majeſties gracious preſence and immediate influence of life and cheerfulneſs to all the parts of theſe your Nobleſt Kingdoms.

‘*Scotland* is your Birth-place, and therein hath advantage of your other Realms; God make them and keep them ever ſenſible and worthy of that Honour.

‘*Ireland* begins apace to imitate *England*, in a great and quick progreſſion in civility of manners and Converſation, by many ſedulous plantations and improvements of the Soyle, by their receiving and enacting of the more wholeſome Laws and Statutes of this Kingdom, and by many other good effects and fruits of Peace, and bleſſed Government.

‘*France* is ſtill an Attendant to your Royal Style and Title.

‘The Prerogative of a King is as neceſſary, as it is great: without it, he ſhould want that power and Majeſty which is, and ought to be inſeparable from the Crown and Scepter. Nor can there any danger reſult from ſuch prerogative in the King to the Liberty of the Subject, ſo long as both of them admit the Temperament of Law and Juſtice: Eſpecially under ſuch a King as your Majeſty, who to your immortal glory among your printed Laws, have publiſht this to the whole world for your Maxime, *The liberty of the People ſtrengthens the Kings Prerogative, and the Kings Prerogative is to defend the Peoples liberty. Apples of* Gold *in Pictures of Silver.*

‘Kings as they are Kings, are never ſaid to err, only the beſt may be abuſed by miſ-information. The higheſt point of Prerogative is, *the King can do no wrong.* If therefore by the ſubtilty of miſinformers, by the ſpecious falſe pretences of publick good, by cunning and cloſe contrivance of their ways to ſeduce, the Sacred Royal Perſon ſhall at any time be circumvented or ſurprized, or over-wrought and drawn to command things contrary to Law, and that the ſame be done accordingly; Theſe Commands will be void and the King innocent even in his very perſon, being defended by his Prerogative; Nevertheleſs the Authors in ſuch miſ-informations, and Actors in thoſe abuſes will ſtand lyable, and expoſed to ſtrict examination and juſt cenſure, as having nothing to defend themſelves but the colour of a void Command, made void by juſt Prerogative, and by the fundamental and true reaſon of State and Monarchy: and what difference is there, or can be in Law, between a void Command, and no Command at all?

‘If Religion, Juſtice and mercy, all happily aſſembled and graciouſly lodged together in your Royal Breaſt, may give to your well-affected Subjects a good hope of the good Succeſs of this Parliament, I know not why we ſhould not all of us, expect it with much confidence. Some few particulars pertaining to theſe general heads, I humbly beg of your Majeſty, that without offence to your ſacred Ears, I may have leave to mention and obſerve, for the further comfort of my ſelf and all that hear me.

‘What Prince of this Land was ever known to keep the hours and times ſet for Prayer and for the Service of Almighty God, with that Regularity and conſtancy as your Majeſty? Nay more, have you not ever ſince your acceſs to the Crown, had one day in every week beſides the Lords Day, dedicated and applyed to preaching and devotion? I may not ſtay here, there is another particular 'equalling, nay much excelling both the former, And that is your Majeſties great care, to educate thoſe pledges of Conjugal and moſt abundant mutual love, that is between your Majeſty and your moſt gracious Conſort, the beſt Queen and Woman, and the foundation of our future hopes, the moſt illuſtrious Prince *Charles*, and the reſt of your Royal Progeny, in the true Religion of Almighty God, publickly profeſſed and by Law eſtabliſht in this Kingdom; what tongue is able to expreſs the great Joy and Comfort, which all your Majeſties moſt loyal and loving Subjects do derive unto themſelves, in Contemplation of your Majeſties great piety and prudence in this one Act expreſſed, extending it ſelf not only to the preſent time, but to the good of Succeſſion and all after Ages!

'Touching Juſtice, there is not any more certain ſign to diſcern an equal Judge, than by his patience to be well informed before he give his ſentence; and I may boldly ſay all your Judges throughout all your Kingdoms, may take example by your Majeſty, and learn their duty, from your practice in this kind, I my ſelf have been witneſs of it, to my no little Admiration and Content.

'From your patient hearing, let me paſs on to your righteous Judgement; and therein bring but one Inſtance, but it ſhall be a great one. When your Lords and your People in your laſt Parliament, preſented to your Majeſty a Petition, concerning divers rights and liberties of your Subjects; the Petition being of no ſmall weight and importance, as by the ſame may well appear, your Majeſty after meet deliberation, in few but moſt effectual words (*ſoit droit fait come eſt deſire,*) made them ſuch an anſwer, as ſhall renown you for juſt Judgement, in this Age and to all Poſterity.

'I make haſte to come to your mercy, whereof I cannot but have need again and again, before I have finiſhed that ſervice to which I am enjoyned, and am not altogether in deſpair of obtaining it; Nevertheleſs the mercy which I mean to celebrate, is not only concerning ſingle or particular perſons, but whole Nations; that unexampled mercy and Clemency, which (in your Royal Wiſdom and abundant goodneſs, happily met together) your Majeſty vouchſafed to ſhew to us and all your Kingdom, in not drawing your Sword of Juſtice the laſt Summer, againſt your People of *Scotland*, though your Armies were much the better and the ſtronger.

'It ſeems your Majeſty remembred with more tenderneſs of heart than they do, that they were Chriſtians and your Subjects, and that your Power was *poſſe & nolle nobile.* Whatſoever might be the Rule that inclined you to mercy, I am ſure the benefit redounds to us and ours, who by this means are ſtill in peace and tranquillity, not without good hope of long continuance; A bleſſing peradventure undervalued by us, we have had ſo much of it, under your Majeſties moſt gracious Fathers Royal Government.

'I have yet no Inſtructions from your Houſe of Commons, therefore can propound nothing as by Warrant from them; But if I may have leave to preſent to your Majeſty my own moſt humble and moſt hearty wiſhes and deſires, they be directed upon Religion, and Chivalry, Commerce, Juſtice, and Unity: That this Parliament may be famous for the care and contentment of Gods true Religion in this world and that to come; and to that purpoſe, that the moſt Reverend Prelates your Majeſties Arch-Bi

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ſhops and Biſhops, ſitting on the right hand of your Throne, will be therein moſt forward, to whom it is moſt proper.

‘That the Lords Temporal girt with their Swords in their creation, as more ſpecially rewarded or deſired for Actions Military, would call to mind the moſt Noble and moſt Valiant of their Anceſtors, whoſe Lands and Honours they inherit; and how famous this Land hath been at home and abroad, for Deeds of Arms and Acts of Chivalry, and to labour to reſtore it by all means to its antient Glory. The beſt way to preſerve Peace, is to be ready prepared and well fitted for War.

‘That your Majeſty would be pleaſed to command, that your Grave and Reverend Judges, whoſe obſervations ſhould exceed all other mens, though they be but aſſiſtants in this ſervice, to contribute the beſt and utmoſt they can, to explain, to execute, to advance our good old Laws, and to propound ſuch things for the enacting of wholeſome and plain new Statutes, that every ſubject of this Realm may be enabled to know and underſtand himſelf clearly, both what he hath to do, and what he may poſſeſs, and what not. There are no conſiderable Mines Royal in this Kingdom: Trade and Commerce, the exportation of our Wools in Manufactures and native Commodities, is that which furniſheth us with Gold and Silver, the materials of our Moneys, and hath only power to enable us to ſupply your Majeſty, for the defending of our ſelves, and the offending of others. That Merchants and Tradeſmen therefore, ſhould have all meet encouragement, is a moſt ſpecial Intereſt of this *Iſland*.

‘But were we never ſo Valiant, never ſo Wealthy, if Love and Unity be not amongſt us, what good will our Wealth do to our ſelves, or to your Majeſty? He that commands a heart in Love, he and he only commands aſſuredly the Purſe to pay, and the Hands to fight. I pray God therefore, that we may all endeavour to knit ſuch a knot of true affection, betwixt the Head and Members, that all Jeſuited Foreign States, who look perchance with envious and malignant Eyes upon us, and would be glad to rejoice in our Diviſions, may ſee themſelves loſt and defeated of all their ſubtil Plots and Combinations, and of all their wicked hopes and expectations, to render us (if their Endeavours might prevail) a people inconſiderable at home, and contemptible abroad.

Religion teacheth us, *Si Deus nobiſcum, quis contra nos?* and experience I hope will teach us, *Si ſumus inſeparabiles ſumus inſuperabiles*. It was wont to be, and I hope it ever will be the Tenet and Poſition of your Houſe of Commons, That the good of the King and of the People cannot be ſevered, and curſed be every one that ſhall go about to divide them.

‘I fear I have adventured too far on your Royal patience, though yet I confeſs, I never knew it wearied; nevertheleſs I will here conclude. Only firſt beſeech your gracious Majeſty, in the name and right of the whole Houſe of Commons, that in your Juſtice you would be pleaſed, to grant and confirm to them (for their better Encouragement to proceed in their great buſineſs) theſe their antient and juſt Liberties, which time out of mind they have rightfully enjoyed.

'That they, their Servants and neceſſary Attendants, together with their Goods, may be freed from all Impriſonments, Arreſts and Moleſtations, during Parliament.

'That they may enjoy freedom of Speech, in all their Propoſitions and Debates; which I hope they will be careful to uſe, within the Bounds of Loyalty and Duty.

'That upon all neceſſary occaſions, they may have acceſs to your Majeſty, with ſuch a competent Number, and at ſuch ſeaſonable times and place, as your Majeſty ſhall appoint.

'And laſt of all, that your Majeſty will be pleaſed, graciouſly to make the beſt Conſtruction of all their Words and Actions, and of mine in particular.

Thurſday APRIL the 16th.

AS ſoon as the Houſe of Commons had this day ſetled the Grand Committees for Religion, Priviledges, Courts of Juſtice and Grievances, Mr. Secretary *Windebanke* acquainted the Houſe, that he had been by the Kings Commandment at the *Tower*, to examine the Lord *Lowdon*; who ſaid, he did believe that to be his hand-writing which was ſubſcribed to a Letter, mentioned in his Majeſties Speech, and did conceive the other names ſubſcribed to the ſame Letter, were of the hand-writing of the perſons therein named.

1. THe Speaker received a Command from the King, That his Majeſties Speech ſhould be entred in the Journal of the Commons Houſe of Parliament; whereupon the Houſe paſſed a Declarative Vote, That they did not expect, that this ſhould be performed by other Speakers, but upon the like ſpecial Command, or by the Order of the Houſe.

2. A Faſt was agreed upon by the Houſe of Commons; to which purpoſe, this Meſſage was ſent to the Lords, 'That they had taken into conſideration the great and weighty affairs now in agitation in both Houſes of Parliament, concerning the welfare of his Majeſty and this whole Kingdom: and becauſe the principal way and means to attain to a happy and proſperous concluſion in the ſame, is to beg the Divine Aſſiſtance and Direction of Almighty God, in all their Conſultations by ſolemn humiliation; therefore they deſired the Lords to joyn with them, to move his Majeſty for his gracious Allowance of ſo pious a work: and that he would be pleaſed, to grant and appoint a Faſt throughout the whole Kingdom.

SEveral Petitions were read, preſented by the Knights of the Shires, for the Counties of *Middleſex*, *Hertford*, &c. *Arthur Capell* Eſq; delivered in the firſt Petition given in by the Free-holders of the

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County of *Hertford*, complaining of *Ship-money*, *Projects*, *Monopolies*, *Star-Chamber*, *High Commiſſion Courts*, *&c.* ſetting forth the grievances of the People by the Church and State; which being read, ſeveral of the Members delivered their ſenſe of the preſent ſtate of affairs; and he who ſtood up firſt, was *Harbottle Grimſton* Eſq;, who ſpake to the effect following.

Harbottle Grimſtone Eſq; his Speech.

Mr. Speaker,

‘We are called by his Majeſty, to conſult together of the great and weighty affairs of the State and Kingdom. There hath now a great and weighty buſineſs been preſented to this Houſe, and a Letter hath been read, importing (according to the Interpretation which hath been collected out of it) a Defection of the Kings natural ſubjects. This is a great cauſe, and very worthy of the Conſideration and Adviſement of this great Council: But I am very much miſtaken, if there be not a Caſe here at home of as great danger, as that which is already put. The one ſtands without at the back-door (for ſo dangers from thence in all our Hiſtories have ever been termed) but the Caſe we will put, is a Caſe already upon our backs. And in theſe great caſes of danger, (which ſo much concern the welfare of the Body Politick) we ought to do like skilful Phyſicians, that are not led in their Judgements ſo much by outward expreſſions of a diſeaſe, as by the inward Symptoms and Cauſes of it: For it fares with a Body politick, as it doth with a natural Body. It is impoſſible to cure an ulcerous body, unleſs you firſt cleanſe the veins, and purge the body from the Obſtructions and peſtilent humours that ſurcharge Nature; and that being once done, the Botches, Blanes and Scabbs which grow upon the ſuperficies and outſide of the Body, will dry up, ſhed, and fall away of themſelves. The Danger that hath now been preſented to the Houſe, it ſtandeth at a diſtance; and we heartily wiſh it were further off: yet as it ſtands at a diſtance, it is ſo much the leſs dangerous. But the caſe that I ſhall put, is a Caſe of great danger here at home. And is ſo much the more dangerous, becauſe it is home-bred, and runs in the Veins.

‘If the one ſhall appear to be as great a danger as the other; we hope it will not be thought unreaſonable at this time, to put the one as well as the other.

Mr. Speaker,

‘The Caſe is this, The Charter of our Liberties called *Magna Charta*, was granted unto us by King *John*, which was but a Renovation and Reſtitution of the antient Laws of this Kingdom. This Charter was afterwards in the ſucceſſion of ſeveral Ages, confirmed unto us above thirty ſeveral times, and in the third year of his Majeſties Reign that now is, we had more than a Confirmation of it: for we had an Act declaratory paſt: and then to put it out of all queſtion and diſpute for the future, his Majeſty by his gracious Anſwer, *Soit Droit fait come eſt deſire*, inveſted it with the Title of *Petition of Right*. What expoſitions contrary to that Law of Right, have ſome men given to the undermining the liberty of the ſubjects, with new invented ſubtil diſtinctions, and aſſuming to themſelves a power (I know not where they had it) out of

‘Parliament,

16 Caroli.

'Parliament, to ſuperſede, annihilate and make void the Laws of the Kingdom? The Common-wealth hath been miſerably torn and maſſacred, and all Property and Liberty ſhaken, the Church diſtracted, the Goſpel and profeſſors of it perſecuted, and the whole Nation over-run with ſwarms of projecting Canker-worms and Caterpillars, the worſt of all the *Egyptian* Plagues: Then (as the caſe now ſtands with us) I conceive there are two points very conſiderable in it. The firſt is, What hath been done any way to impeach the liberties of the ſubjects, contrary to the *Petition of Right*? The ſecond is, Who have been the Authors and Cauſes of it?

'The ſerious examination and diſcuſſion of theſe two queſtions, do highly concern his Majeſty in point of honour, and his ſubjects in point of Intereſt. And all that I ſhall ſay to it, are but the words that *Ezra* uſed to King *Artaxerxes* of the ſettlement of that State, which at that time was as much out of frame and order, as ours is at this preſent; that which cured theirs, I hope will cure ours: his words are theſe, *whoſoever*, ſaith he, *hath not done the Laws of God and the King, let Judgement be ſpeedily executed upon him, whether it be unto Baniſhment, or to confiſcation of goods, or to Impriſonment*. It may be ſome do think this a ſtrange Text, and 'tis poſſible ſome may think it as ſtrange a Caſe: As for the Text, every man may read it that will; and for the Caſe, I am afraid there are but few here, that do not experimentally know it, as bad as I have put it, and how to mend a bad Cauſe, I take it is part of the buſineſs we now meet about.

'His Majeſty yeſterday did graciouſly confirm unto us, our great and antient Liberties of Freedom of Speech; and having his Kingly word for it, I ſhall reſt as confidently upon it, as the greateſt ſecurity under Heaven, whileſt I have the honour to have a place here, and I ſhall with all humility be bold to expreſs my ſelf like a *Free-man*.

'The diſeaſes and diſtempers that now are in our Bodies politick, are grown to that height, that they pray for and importune a Cure. And his Majeſty, out of his tender care and affection to his people, like a Nurſing Father, hath now freely offered himſelf to hear our Grievances and Complaints. We cannot complain we want good Laws; the wit of man cannot invent better than are already made: there want only ſome examples, that ſuch as have been the Authors and Cauſes of all our miſeries and diſtractions in Church and Common-wealth contrary to theſe good Laws, might be treacle to expell the poyſon of miſchief out of others.

'But my part is, but *oſtendere partem*; therefore having put the Caſe, I muſt leave it to the Judgement of this Houſe, Whether our dangers here at home, be not as great and conſiderable, as that which was even now preſented?

After him Sr. *Benjamin Rudyard* delivered his ſenſe of the preſent ſtate of affairs, in this manner.

Sr. *Benjamin Rudyard's* Speech.

'THere is a great door opened unto us of doing good, if we take the Advantage thereof: We are here met, by the bleſſing of God and our King: Parliaments have of late dayes become unfortunate;

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'tunate; it is our duty by our good temper and carriage, to reſtore them to their antient Luſtre.

'There be ſome here preſent, who can remember the breaking up of the laſt Parliament; a buſineſs certainly from which the Papiſts are not exempt, who now by the diſcontinuance of Parliaments, are come to that arrogance and boldneſs, that they contend with us, who are the better ſubjects. Their Envy I like, but their preſumption is not to be born. I wiſh them no harm, but good; for I deſire their Conviction: and the way to do that, is to ſet up better Lights, who have warmth in them, and are not luke-warm in Religion. Surely they that quarrel betwixt preaching and prayer, and would have them contend, never meant well to either: But both muſt have their due. And yet I know not how it comes to paſs, but it hapneth to us, which is in no other Religion in the World, that a man may be too religious: and many one by that ſcandal, is frighted into a deep diſſimulation. It is wiſdom in us, to preſerve temper and moderation: for breaking of Parliaments makes dangerous wounds in the body politick; and if the ſplinters be not pulled out with a gentle hand, we may hereafter deſpair of Cure.

In 14 *Ed.* 3. Subſidies were given to the King for his expedition into *France*, but by the ill Management of his Treaſure here, he was ſo low, that he was glad to make Truce with the *French* King.

'In 15 *E.* 3. he returns, and ſummoned a Parliament, wherein there was nothing but Jealouſies and diſtempers.

'In 17 *E.* 3. he called another Parliament, to procure an Atonement with his ſubjects, which took good ſucceſs by their humble carriage to him, and his willingneſs to ratifie their Liberty, whereby all breaches were then made up.

'A Parliament is the bed of Reconciliation between King and People; and therefore it is fit for us, to lay aſide all exaſperations, and carry our ſelves with humility: howbeit the Kings Prerogative may go far, yet if it be ſwayed with Equanimity, it may be the better born.

'Princes are, and will be as jealous of their power, as people of their liberties; though both are then beſt, when kept within their ſeveral Bounds. Levying of Moneys is a great diſturbance to the ſubject; and ſo will be the ſcarcity of the Kings Revenues, until they be ſupplyed. And where the Power of the King and neceſſity meets in one hand, he will not long be diſappointed. But before the ending of this Parliament, (the untimely breaking whereof would be the breaking of us) I doubt not but his Majeſties Revenues may be ſo ſetled, that he may live plentifully at home and abroad: and without taking any thing from his Majeſty, ſave that, which of it ſelf would fall away.

'In former Parliaments, the Carriage of ſome have been ſo haughty, as though Parliaments would laſt alwayes; and the carriage of others, as if there would be never any again. And therefore a moderation (if we love our ſelves) is requiſite.

'The Delayes of remedies are well known, how dangerous they are to the Common-wealth and Religion, ſeeing during this Vacation of Parliaments, ſo many diſorders have been committed, by Innovations in Religion, Violation of Laws, and intruding upon Liberties.

‘To ſet all which aright, is now our task: and if in theſe tempting provocations we bear a temperate moderation, we ſhall not miſs of our end, but ſhall vindicate God in his Religion, the King in his Honour, and the Common-wealth in its gaſping Extremities.

‘If temper and moderation be not reſpected by us, beware of having the Race of Parliaments rooted out.

‘Men and Brethren, What ſhall we do? If it were for my life, I would deſire nothing more, than that we proceed with moderation, that ſo we may have many happy Parliaments, and that no diſmal Events may happen to any: for when Parliaments are gone, we are loſt.

THe Houſe the next day *April* 17. falling again upon the Debate of Grievances in general, occaſioned by Petitions brought in by the Knights of the Shires, for *Eſſex*, *Suffolk*, *&c.* thereupon ſeveral other Members ſpake their ſenſe; but Mr. *Pym* ſpake more fully than the reſt, to this effect.

Mr. *Pym*'s Speech.

‘HE that takes away weights from the Motions, doth as good ſervice, as he that adds wings unto them. Theſe weights are old grievances. He therefore will do a good work for the King, who to expedite his deſigns, will ſet good Rules and Patterns for effecting thereof.

‘When God made the World, he did it by a Pattern which himſelf had conceived: And *Moſes* did according to the Pattern he ſaw in the Mount.

‘I ſhall therefore offer you a Model of the Grievances which afflict the Common-wealth, and which have diſabled us to adminiſter any ſupply, until they be redreſſed, and will ſtill diſable us; which Grievances may be reduced to three Heads.

‘The Firſt, are thoſe Grievances, which during theſe Eleven years interval of Parliaments, are againſt the Liberties and Priviledges of Parliament. 1.

The Second, are Innovations in matters of Religion. 2.

‘The Third, Grievances againſt the Propriety of our goods. 3.

‘Which Grievances I will firſt propound, and Secondly, Shew that the permiſſion of them is as prejudicial to his Majeſty, as to the Common-wealth: and Thirdly, I will ſhew what way they may be remedied.

‘In all theſe, I ſhall take care to maintain, the great Prerogative of the King; which is, that *the King can do no wrong*.

‘And Firſt, I will begin with the Grievances againſt the Priviledges and Liberties of Parliament. We all know, that the intellectual part, which ought to govern all the reſt, ought to be kept from diſtemper; for it is that which purgeth us from all Errors, and prevents other miſchiefs for time to come.

‘If the underſtanding part be hurt, the mind cannot perform her function.

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‘A Parliament is that to the Common-wealth, which the Soul is to the body, which is only able to apprehend and underſtand the ſymptoms of all ſuch diſeaſes, which threaten the Body politick. It behoves us therefore, to keep the faculty of that Soul from diſtempers.

‘I ſhall briefly therefore give you a View of ſuch occurrences, as have altered the happy and healthful conſtitution of it: and in the firſt place, I muſt remember the breaches of our Liberties and Priviledges of Parliament, which are,

1. ‘Firſt, In that the Speaker the laſt Parliament, (the laſt day of it) being commanded to put the queſtion, the Houſe was commanded they ſhould not ſpeak. Theſe are conceived to be the grounds of whatſoever befell thoſe Gentlemen, which ſo lately ſuffered. ’Tis true, the Houſe was commanded to adjourn preſently, yet whilſt the Houſe ſate, God forbid we ſhould be barr’d from offering the laſt ſighs and groans to his Majeſty.

2. ‘Secondly, In that the Parliament was then diſſolved, before our Grievances had redreſs, or before we could make our Wills known, which is the priviledge of Dying men; and to be heard before condemned, is not denyed to private perſons.

3. ‘Thirdly, That the Judges preſume to queſtion the proceedings of this Houſe: it is againſt nature and order, that inferiour Courts ſhould undertake to regulate ſuperiour. The Court of Parliament is a Court of the higheſt Juriſdiction, and cannot be cenſured by any other Law or ſentence, but by its own.

4. ‘Fourthly, The ſeveral Impriſonments of divers Gentlemen, for ſpeaking freely in Parliament.

5. ‘Fifthly, That inferiour Courts ſhould be informed to puniſh Acts done in this Court, whereby divers members of the Houſe were ſo kept in Priſon, till they had put in ſecurity for their good behaviour; and ſome of them dyed in Priſon, others not releaſed, until Writs came for this Parliament.

6. ‘Laſtly, (which I conceive to be the greateſt) That the Parliament was puniſhed, without being ſuffered to make its own defence. I call the Diſſolution of the Parliament a puniſhment, and juſtly: The breaking of the Parliament, is death to a good ſubject.

‘But it is to be obſerved, that in this and the other Grievances, though the King be no party (for his Highneſſes Prerogative is to Do no Wrong) yet moſt of theſe diſtempers of State, ariſe and do invade the ſubjects, by means of miſ-informing him: As the Celeſtial Bodies of themſelves ſend forth nothing but wholeſomeneſs to man; but by the ill diſtemper in inferiour bodies, much hurt ariſeth from them.

‘The next ſort of Grievances I deliver, are thoſe that concern matters of Religion.

'Wherein I will firſt obſerve, the great Encouragement which is given to them of the Popiſh Religion, by an univerſal ſuſpenſion of all Laws that are againſt them, and ſome of them admitted into publick places of truſt and power.

'I deſire not to have any new Laws made againſt them (God be thanked we have enough) nor a ſtrict execution of the old ones, but only ſo far forth, as tends to the ſafety of his Majeſty, and ſuch a practice of them, that the Religion that can brook no Corrival, may not be the deſtruction of ours, by being too concurrent with it.

'There is an Intention of a *Nuncio* from the Pope, who is to be here, to give ſecret intelligence to *Rome*, how we incline here, and what will be thought fit to win us thither.

'I obſerve as a great Grievance, there are divers Innovations in Religion amongſt our ſelves, to make us more capable of a tranſlation; to which purpoſe Popiſh Books have been publiſht in print, and Diſputations of Popiſh Points are, and have been uſed in the Univerſities and elſewhere with priviledge, and preached in the Pulpit, and maintained for ſound Doctrine, whereby Popiſh Tenets are maintained.

'The introducing of Popiſh Ceremonies, as Altars, bowing towards the Eaſt, Pictures, Croſſes, Crucifixes, and the like, which of themſelves conſidered, are as ſo many dry Bones, but being put together, make the man. We are not now contented with the old Ceremonies, I mean ſuch as the conſtitution of the Reformed Religion hath continued unto us: But we muſt introduce again many of thoſe ſuperſtitious and infirm Ceremonies, which accompanyed the moſt decrepit age of Popery, bowing to the Altar and the like.

'I ſhall obſerve the daily diſcouraging of all godly men, who truly profeſs the Proteſtant Religion, as though men could be too Religious.

'Some things are urged by Eccleſiaſtical men, without any ground by any Canon or Article eſtabliſh't, and without any Command from the King, either under his Great Seal, or by Proclamation.

'The Parliament ever ſince Queen *Elizabeth*'s time, deſired the Biſhops to deal moderately; but how they have anſwered thoſe deſires we all know, and theſe good men for the moſt part feel.

'I may not forget, that many of the Miniſters are deprived, for refuſing to read the Book for Sports and Recreation upon the Sabbath, which was a device of their own heads: which Book I may affirm hath many things faulty in it.

'Then the encroaching upon the Kings Authority by Eccleſiaſtical Courts, as namely the *High Commiſſion*, which takes upon it to Fine and impriſon men, enforcing them to take the Oath *Ex Officio*, with many of the like Uſurpations, which are puniſhments belonging only to Temporal Juriſdiction: And it hath been reſolved in the time of King *James*, that the Statute of 1 *Eliz. cap.* 1. gives them no ſuch power: moreover the power which they claim, they derive not from the King, nor from any Law or Statute; but they will immediately have it from Heaven *Jure divino*. Divers particular Ordinaries, Chancellors and Arch-Deacons take upon them to make and ordain Conſtitutions within their particular Limits:

'all theſe things are true to the knowledge of moſt that hear me.

'I now come to the general Head of Grievances, which is the Grievances belonging to our Goods, and are in Civil matters, the heads thereof are too many.

'The taking of *Tonnage* and *Poundage*, and divers other Impoſitions, without any Grant or Law for to do ſo, is a great Grievance.

'There are divers antient Cuſtoms due to the King, but they are certain what they are, and are due by preſcription: Theſe Cuſtoms being too narrow for his ſervice, and the affections of the People growing ſtronger and ſtronger to their Prince, *Tonnage* and *Poundage* were granted for years to the King; and afterwards by this Houſe granted for Lives; but never were taken by the Kings own Act without a Parliament; for doing which, there is no preſident, unleſs in a year or two in the latter end of Queen *Elizabeth*.

'In the next place of theſe Grievances, I rank *Knighthood*, the Original whereof was, that perſons fit for Chivalry might be improved: But this after was ſtretched for another end, for money, and extended not only to Terre tenants, but to Leſſees and Merchants, who were firſt to appear, and then to plead for themſelves at the Council Board; but were delayed from day to day, to their great charge and inconvenience: and notwithſtanding the juſt defence they have made for themſelves, there have been infinite diſtreſſes laid upon them until the Fines were paid, which were impoſed not by Courts, but by Commiſſioners aſſigned for that purpoſe: and this being a continuing offence, they are by the ſame Rule, as lyable now to Fines, as ever.

Monopolies and inundations of them, whereby a burthen is laid not only upon foreign, but upon Native Commodities; as Soap, Salt, Drink, *&c.* the particulars whereof are fit for the Committee of Grievances.

'Fourthly, *Ship-money*; and although there be a Judgement for it, yet I dare be bold to ſay it's againſt all former Preſidents and Laws, and not one Judgement that ever maintained it. This is a Grievance that all are grieved at, having no Limits either for time or proportion: If therefore any ſhall endeavour to defend this, he muſt know, that both his Reputation and Conſcience lye at ſtake in the Defence.

'The Enlarging the bounds of the *Foreſt*. Though our Anceſtors were heretofore queſtioned for the ſame thing, yet upon the ſatisfaction of all the objections that were, or could be made, they then ſaved themſelves; yet now the ſame things are turned upon us.

'The *Sale of publick Nuſances*, for ſo they are pretended to be. Many great *Nuſances* have been complained of: But when there hath been money given, and Compoſitions made, then they are no more *Nuſances*, as Buildings and Depopulations.

Military Charges and Impoſitions upon Counties, by Letters only from the Council Table, whereby Soldiers Conduct-money and Coats are to be provided at the Countreys charge; and Horſes alſo provided without ground or Law; many things in this kind being done by Deputy Lieutenants of their own accord.

‘*Extrajudicial Judgements* and Impoſitions of the Judges without any cauſe before them, whereby they have anticipated the Judgement which is legal and publick, and circumvented one of the parties of juſt remedies, in that no Writ of Error lyes, but only upon the Judicial proceedings.

‘The next ſort of Grievances is, that the great Courts do countenance the oppreſſions, as I may inſtance in the Court of *Star-Chamber* advancing and countenancing of *Monopolies*, which ſhould be inſtead of this great Council of the Kingdom; and the *Star-Chamber* now is become a Court of Revenue; Informations there being put in againſt Sheriffs, for not making returns of Money upon the Writs of *Ship-money*: It was not uſed, that *meum & tuum* ſhould be diſputed there.

‘The Privy Councellors ſhould be Lights of the Realm: Sure in them is the greateſt truſt, and they by *Magna Charta*, are to do Juſtice (as was urged by one in this Houſe the laſt Parliament) but now if theſe Councellors ſhould ſo far deſcend below themſelves, as to countenance, nay to plot projects and Monopolies, what ſhall we think of this? Surely it is much beneath their dignity: this is a great Grievance, but I muſt go higher.

‘I know the King hath a tranſcendent power in many Caſes, whereby by Proclamation he may prevent and guard againſt ſudden accidents: But that this power ſhould be applyed to countenance Monopolies (the projectors being not content with their private Grants without a Proclamation) is without preſident. But yet I muſt go higher than this; It hath been in the Pulpit applyed, and alſo publiſhed in Books and Diſputations, aſſerting a power unlimited in the King, that he may do what he pleaſeth.

‘This Grievance was complained of in the laſt Parliament, in the caſe of Dr. *Mainwaring*, who for maintaining that opinion in a Sermon, *That a Subject had no Propriety in his goods, but that all was at the Kings pleaſure*, made his ſubmiſſion upon his knees in this place; and was then brought ſo low, that I thought he would not have leapt ſo ſoon into a Biſhoprick.

‘I have by this time wearied you as well as my ſelf; but I am come to the laſt Grievance, which is the fountain of all theſe, and that is the *Intermiſſions of Parliaments*, whereas by two Statutes not repealed nor expired, a Parliament ought to be once in a year.

‘Theſe Grievances are as prejudicial to his Majeſty, as to the Common-wealth.

‘The Breach of Parliaments is much prejudicial; for by this means the great Union and Love, which ſhould be kept and communicated betwixt the King and his ſubjects, is interrupted: They cannot make known their Petitions, nor the King his Wants, to have ſupplies. Where the intercourſe of the ſpirits betwixt the head and the members is hindred, the Body proſpers not.

‘If Parliaments had been more frequent, the King had had more ſupplies.

‘By our Grievance in Religion, the Kings party abroad is much weakned; and that great part of his Aids abroad do forſake us, is for that they think we are forſaking our Religion.

16 Caroli.

'Many of the Kings ſubjects for that they cannot be quiet in things indifferent, and know not where they ſhall have an end of them, have departed this Land with their Goods, Eſtates and Poſterities.

'The Preferments of men ill deſerving, and neglecting others of great Integrity and Merit, hath much weakned and diſcouraged us.

'There are but a few now, that apply themſelves either to do well or to deſerve well; finding Flattery and Complyance to be the eaſier way to attain their ends and expectations.

'The not obſerving of Laws, but countenancing of Monopolies and ſuch like, breed Jealouſies in the minds of many, and may prepare a way for diſtempers, though (thanks be to God) as yet there have been none; our Religion having preſerved us. But if any thing but well ſhould happen, one Summers diſtempers would breed great change, and more than all unlawful Courſes would recompence.

'We know how unfortunate *Henry* III. and other Princes have been, by the occaſion of ſuch breaking of their Laws. I pray God that we never ſee ſuch times.

'We are not content to multiply Impoſitions upon Merchants Goods, which are exported and imported into the Kingdom: But now there is a growing miſchief in plotting for an Impoſition upon ſuch Goods as never ſee *England*, but are conveyed from *France* to *Spain*, or the like, by *Engliſh* Merchants. A courſe before this time never heard of: and ſuch illegal things are badly accounted for to the King; whereas Legal things will ſoon be diſcovered, if not accounted for.

'Beſides, in Monopolies and ſuch like, the third part comes not to his Majeſties Coffers, as to inſtance in that of Wines.

'The King hath *Thirty Thouſand Pounds per Annum* upon them, where the Wines in the gains by the Patent come to *Eighty Thouſand Pounds* at the firſt, from the time of their Arrival: and being drawn come to *Two Hundred and Thirty Thouſand Pounds per Annum*; and the ſame proportion holds in all other Monopolies, whereby it appears, how much the ſubject is damnified, and how little the King gains.

'I come now to the laſt thing, the remedy of theſe Grievances.

'Firſt, I adviſe to preſent them to the Houſe of Peers, that they may joyn with us to go to the King, and pray that theſe Grievances being clear in fact, may be Voted; if any thing in the Vote be ſtuck upon, that it may be debated and drawn according to the courſe of the Houſe, into a Remonſtrance, with an humble Petition of both Houſes for redreſs. And I hope the Wiſdom of this Houſe will prepare ſuch a Remedy, as will make the King a great King, and the people happy.

Saturday, April 18.

S*aturday, April* 18. ſpake divers other Members, and thereupon the Houſe Voted, That the proceedings remaining upon Record in the Upper Bench and Court of *Star-Chamber* againſt Sr. *John Elliot*, Mr. *Hollis*, and the impriſoned Members of the Parliament (3 & 4 *Caroli*) ſhould be ſent for; and that it be alſo referred to a Committee to conſider of the Breach of the Priviledge of Parliament; and more particularly, what was done by the Speaker of Parliament, when he refuſed to put the queſtion by the command of the Houſe; the

Committee was ordered to ſtate matter of fact, and to report.

They alſo appointed another Committee to collect and diſpoſe the material points of the Grievances mentioned in the ſeveral Petitions, and other grievances of the like nature; And ordered that the Records in the caſe of *Ship Money* which concerned Mr. *Hampden*, ſhould be brought into the Houſe.

Munday April 20.

M*Unday April* the 20. The buſineſs concerning Sr. *John Finch* in the Parliament 3 *Car.* was preſently examined, and it was Reported by Mr. *Treaſurer* upon Examination, that he did not ſay, *he would not put the Queſtion*, but that he ſaid, *he durſt not put it*. That he left the Chair not to diſobey the Parliament, but to obey his Majeſty.

The Houſe thereupon *reſolved*, that it was a breach of priviledge of the Houſe, for the Speaker not to obey the Commands of the Houſe; and that it appeared the Speaker did adjourn the Houſe by the command of the King, without conſent of the Houſe, which is alſo a breach of the priviledge, it was therefore ordered that this ſhould be preſented to his Majeſty.

It was alſo reported unto the Houſe by Mr. *Glyn* from the grand Committee for Grievances, that *Ship Money* by the Vote of the Committee was preſented to the conſideration of the Houſe as a grievance.

Tueſday April 21.

T*Ueſday April* 21. The King ſent a Meſſage to both Houſes, to attend his Majeſty in the *Banquetting-Houſe* at two of the clock this afternoon, and they went accordingly, to whom the *Lord Keeper* ſpake to this purpoſe, the King being preſent.

My Lords and Gentlemen,

'YOU may well remember, upon the beginning of this Parliament his Majeſty commanded me, to deliver unto you the cauſes of calling of it, which was, for the Aſſiſtance and ſupply of his Majeſty in ſo great, weighty, and important affairs, as ever King of *England* had to require at his Subjects hands.

'I am now to put you in mind what I then ſaid unto you, and withal to let you know, that ſuch and ſo great are his Majeſties occaſions at this time, that if the ſupply be not ſpeedy, it will be of no uſe at all: for the Army is now Marching, and doth ſtand his Majeſty in at leaſt *one hundred thouſand pounds a month*, and if there be not means uſed to go on with this as is fitting, his Majeſties deſign will be loſt, and the charge all caſt away. It is not a great and ample ſupply for the perfecting of the work, that his Majeſty doth now expect, but it is ſuch a ſupply (as without which) the charge will be loſt, and the deſign fruſtrated, being built upon thoſe weighty reaſons which tend to the infinite good of the Kingdom, and preſervation of you all.

This done, his Majeſty will give you ſcope and liberty to preſent your juſt grievances unto him, and he will hear them with a gracious ear, and give them ſuch an anſwer, as you and all the Kingdom ſhall have reaſon to joy therein.

An. 1640. ‘His Majeſty taketh notice of one particular, and that is concerning *Ship-money*; wherein his Majeſty hath commanded me to declare thus much unto you: Firſt, His Majeſty never had it in his Royal heart, to make an annual Revenue of it, nor ever had a thought to make the leaſt benefit or profit of it: But whatſoever he did or intended in it, it was for the Common good of you all; for the honour, glory and ſplendor of this Nation, and that every one of us are made ſharers and partakers in the benefits, fruits, and ſucceſſes of it, which otherwiſe you would have felt the woes of it. He hath been ſo far from making the leaſt benefit of it, that he hath expended great Summs of Money out of his own Coffers to work with, to thoſe neceſſary ends I have named unto you.

‘The Accompts of ſuch Moneys ſo received, have been brought to the Council Table, the Moneys delivered to Sir *William Ruſſel* the Treaſurer of the *Navy*, and by them all it may appear whether there hath been a fulneſs and clearneſs of truth in the disburſements thereof, for the good and ſafety of the Kingdom.

‘It is true, his Majeſty had once intended this year not to have taken that courſe, but an *Army* which his Majeſty ſo juſt a King for the preſervation of the Kingdom hath now taken into Conſideration; And I muſt tell you, that his Majeſty prizeth nothing more than his honour, and he will not loſe for any earthly thing, his honour in the leaſt; They cannot make thoſe expreſſions of love, duty and affection to him, which the graciouſneſs of his nature will not exceed in.

‘Of all his Kingdoms, this ought to be the neareſt and deareſt unto him, yet for his Kingdom of *Ireland* the laſt Parliament before this, the very ſecond day of the Parliament they gave him ſix Subſidies, they relyed upon his gracious words, the ſucceſs was that before the end of the Parliament, they had all that they did deſire granted, and had it with an advantage. This laſt Parliament there, it is well known unto you all, what a cheerful ſupply they have given unto his Majeſty, for their hearts went with it; and let it not be apprehended, that Subſidies there are of ſmall Value; there is not a Subſidy that is granted, but it is worth *fifty or ſixty thouſand pounds* at the leaſt: Conſider that Kingdom, what proportion it holdeth with this of *England*, and you will find, that it is a conſiderable Gift, as hath been given in many years. It hath wrought this effect, That certainly his Majeſty will make it apparent to all the world, what a good conſtruction, and how graciouſly he doth eſteem and interpret this Act of theirs. I have directed hitherto my Speech to you that are of the Houſe of Commons; Now I ſhall addreſs my ſelf to your Lordſhips.

‘It is true, the proper and natural Supply proceeds from the Houſe of Commons, yet in aide at this time, his Majeſty hath called you hither; and hopeth he ſhall not find the Houſe of Commons backward to his deſires, nor your Lordſhips to concur with them.

‘To you of the Houſe of Commons, I did forget one thing, of an Objection that might perhaps be made; That *Tonnage and Poundage* is given towards the maintenance of a *Fleet* at Sea, let me tell you, that *Tonnage* and *Poundage* was never intended but for ordinary preſervation of the Sea, not that that ſhould be to defend the Dominion of the Narrow Seas, when the Navies of all the Princes of

‘Chriſtendom are ſo increaſed as they are. It is fit for his Majeſty (as things now ſtand) to have ſuch a ſtrength at Sea, as may be a terror to others abroad.

‘His Majeſty was once reſolved that no *Shipping Writs* ſhould have iſſued out this year, but he was enforced for your good, and the good of the Kingdom, and for his Honour, upon neceſſary and weighty reaſons to ſend forth *Writs*, and thoſe reaſons were theſe.

‘It was of neceſſity for his Majeſty to prepare an Army to reduce his diſaffected Subjects of *Scotland* to their due Obedience. This very year all the Neighbouring Princes are preparing with great *Fleets* of ſhips, ſo as it is time for his Majeſty to put himſelf into a ſtrength that he may be able to preſerve the Dominion of the Narrow Seas, without which this Kingdom will be loſt, he not able to maintain his right of being the Moderator of the Sea, whereby there may be Freedom and Commerce of Trade, which adds exceedingly to the flouriſhing of this Kingdom. Another reaſon for *Shipping-Writs* this year is, That thoſe of *Argier* are grown to that inſolency, that they are provided of a *Fleet* of ſixty ſail of ſhips, and have taken divers ſhips, and one called the *Rebetta* of *London* (well known to the Merchants upon the *Exchange*) taken upon the Coaſts of *Spain*, worth at the leaſt *two hundred and ſixty thouſand pounds*. And therefore the *Writ* having gone out upon thoſe weighty reaſons, before it was poſſible the Parliament could give any ſupply to provide for thoſe things, his Majeſty cannot this year forbear it, but he doth expect your Concurrence in the Levying of it for the future. I ſhall ſpeak that unto you by his Majeſties Command, which may comfort any Engliſh heart; His Majeſty hath no thoughts of inriching himſelf by the monies coming in upon theſe *Writs*; he doth deſire but to live as it behoves a King of *England*, able to defend you and this Nation in honour and in luſtre, which is famous abroad, and glorious at home, and to live but like ſuch a King, as every true Engliſh heart deſireth their King ſhould be.

‘Be maſters of your own way, ſettle it ſo ſecure and ſo ſafe, that it may never come to the leaſt benefit and advantage to himſelf, but for the common good, and thoſe neceſſary ends wherein you ſhall all ſhare in your plenty, peace, honour, and whatſoever any Engliſh man can glory in.

‘His Majeſty commands me to tell you, You ſhall propound nothing wherein you may receive all ſecurity for the property of your goods, and nothing for ſecuring your own Liberties, wherein he will not moſt readily liſten unto you; and be as willing to grant, as you to ask. His Majeſty doth now offer unto you the reaſons, occaſions, and the way to make this the moſt bleſſed and moſt happy Parliament that ever was, and that may produce ſuch effects, that the King may delight in his people, and the people in their King. And he layeth before you not only the Counſel to do ſo; but he will tell you the way, and that is by putting an obligation of truſt and confidence upon him, which ſhall more ſecure you, than all that you can invent; of Fears, or Jealouſies can imagine to be provided for; It is a courſe that good manners, Duty, and reaſon ſhould require of you, to take into Conſideration.

16 *Caroli.*

Wedneſday April 22.

WEdneſday *April* 22. Upon the Report made to the Houſe of the Kings Speech in the Banquetting-houſe yeſterday *Edm. Waller* Eſq; then a member of the Houſe (and of every Parliament ſince that time to the Diſſolution of the Parliament in the year 1678.) ſpake as followeth;

Mr. *Waller*'s Speech.

Mr. Speaker,

‘I Will uſe no preface as they do who prepare men for ſomething in which they have a particular intereſt. I will only propoſe what I conceive fit for the Houſe to conſider, and ſhall be no more concerned in the Event, than they that ſhall hear me.

‘Two things I obſerve in his Majeſties demands, Firſt the Supply. Secondly, your ſpeedy diſpatch thereof. Touching the firſt, his Majeſties occaſions for money are but too evident; for to ſay nothing how we are neglected abroad and diſtracted at home, the calling of this Parliament and our ſitting here (an effect, which no light cauſe in theſe times hath produced) is enough to make any reaſonable man believe, that the Exchequer abounds not ſo much in money, as the State doth in occaſions to uſe it, and I hope we ſhall appear willing to diſprove thoſe, who have thought to diſſwade his Majeſty from this way of Parliaments, as uncertain; and to let him ſee it is as ready, and more ſafe for the advancement of his affairs, than any new or pretended old way whatſoever. For the ſpeedy diſpatch required, which was the ſecond thing; not only his Majeſty, but *res ipſa loquitur*, the occaſion ſeems to importune no leſs; neceſſity is come upon us like an Armed man.

‘The uſe of Parliaments heretofore (as appears by the *Writs* that call us hither) was to adviſe with his Majeſty, of things concerning the Church and Common-Wealth.

‘And it hath ever been the Cuſtome of Parliaments, by good and wholeſome Laws to refreſh the Common-Wealth in general; yea and to deſcend into the Remedies of particular grievances, before any mention made of a Supply. Look back upon the beſt Parliaments, and ſtill you ſhall find, that the laſt Acts are for the free gifts of Subſidies on the peoples part, and General Pardons on the Kings part: even the wiſeſt Kings have firſt acquainted their Parliaments with their deſigns, and the reaſons thereof; and then demanded the aſſiſtance both of their Counſel and purſes. But Phyſicians though they be called of the lateſt, muſt not ſtomach it, or talk what might have been, but apply themſelves roundly to the Cure; let us not ſtand too nicely upon Circumſtances, nor too rigidly poſtpone the matter of Supply to the healing of our lighter wounds, let's do what poſſibly may be done with reaſon and honeſty on our part, to comply with his Majeſties deſires, and to prevent the imminent Evils that threaten us. But conſider, that they who think themſelves already undone, can never apprehend themſelves in danger, and they that have nothing left can never give freely; nor ſhall we ever diſcharge the truſt of thoſe that ſent us hither, or make them believe that they contribute to their own defence and ſafety, unleſs his Majeſty be pleaſed firſt to reſtore them to the propriety of their goods and lawful liberties, whereof they ‘eſteem themſelves now out of poſſeſſion. One need not tell you the propriety of goods is the mother of Courage and the Nurſe of Induſtry; it makes us Valiant in War, and induſtrious in peace; the Experience I have of former Parliaments, and my preſent obſervation of the care the Countrey has had, to chuſe perſons of worth and Courage, make me think this Houſe like the *Spartans*, whoſe forward Valour required ſome ſofter Muſick to allay and quiet their ſpirits, too much moved with the ſound of Martial Inſtruments. ‘’Tis not the fear of Impriſonment, or (if need be) of Death it ſelf, can keep a true-hearted Engliſh man from the care to leave this part of his Inheritance as entire to poſterity, as he received it from his Anceſtors.

‘This therefore let us firſt do, and the more ſpeedily, that we may come to the matter of Supply. Let us give new force to the old Laws, which have been heretofore for the maintaining of our Rights and Priviledges, and endeavour to reſtore this Nation to the fundamental and vital Liberties, the propriety of our goods and the freedom of our perſons, no way doubting but that we ſhall find his Majeſty as gracious and ready as any of his Royal Progenitors have been to grant our juſt deſires therein; for not only the people do think, but the wiſeſt do know, that what we have ſuffered in this long Vacancy of Parliaments, we have ſuffered from his Miniſters; that the perſon of no King was ever better beloved of his people, and yet that no people were ever leſs ſatisfied with the preſent wayes of levying moneys. Theſe are two truths which may ſerve, the one to demonſtrate the other; for ſuch is the oppoſition to the preſent courſes, that neither the admiration they have of his Majeſties natural inclination to Juſtice and Clemency, nor the pretended conſent of the Judges, could make them willingly ſubmit themſelves to this late Tax of *Ship-money*, and ſuch is their natural Love and juſt eſteem of his Majeſties goodneſs, that no late preſſure could provoke them, nor any example invite them to diſloyalty or diſobedience; but what is it then, that hath bred this miſunderſtanding betwixt the King and his People? how is it that having ſo good a King, we have ſo much to complain of? Why *Mr. Speaker*; We are told of the Son of *Solomon*, that he was a Prince of a tender heart, and yet by the advice of violent Counſellors, how rough an anſwer he gave to his people, *that his finger ſhould be as heavy as his Fathers loyns*: this was not his own, but the voice of ſome perſons about him that wanted the gravity and moderation requiſite for the Counſellors of a young King. I love not to preſs Allegories too far, but the Reſemblance of *Jobs* ſtory with ours holds ſo well that I cannot but obſerve it unto you. It pleaſed God to give his Enemy leave to afflict him more than once or twice, and to take all that he had from him, and yet he was not provoked ſo much as to Rebel with his tongue (*although he had no very good example of one that lay very near him*) and felt not half that he ſuffered; I hope his Majeſty will imitate God in the benigner part too; he was ſevere to *Job* only while he diſcourſed with another concerning him; but when he vouchſafed to ſpeak himſelf to him, he began to rebuke thoſe who had miſtaken and miſjudged his caſe; and to reſtore the patient man to his former proſperity: ſo now that his Majeſty hath admitted us to his preſence, and ſpoken face to face with ‘us, I doubt not but that we we ſhall ſee fairer dayes, be reſtored again to the poſſeſſion of our property and liberty, and that his Majeſty will frown upon thoſe who have given the ill Counſel.

‘I wonder at thoſe that ſeem to doubt the ſucceſs of this Parliament, or that the miſunderſtanding between the King and his People ſhould laſt any longer when now they are ſo happily met.

‘His Majeſties wants are not ſo great, but that we may find means to ſupply him, nor our deſires ſo unreaſonable or incompatible with Government, but that his Majeſty might well ſatisfie them: for our late Experience I hope will teach us what Rocks to ſhun, and how neceſſary the uſe of moderation is; and for his Majeſty, he has had experience enough how that proſpers that is gotten without the concurrent good will of his People; never more money taken from the Subject, never more want in the Exchequer; if we look upon what has been paid, it's more than uſually the People of *England* were wont to pay in ſuch a time; if we look upon what has been effected therewith, it ſhews as if never King had been worſe ſupplyed, ſo that we ſeem to have endeavoured the filling of a ſive with water; whoſoever gave advice for theſe Courſes, has made good the ſaying of the wiſe man, *Qui conturbat domum ſuam poſſidebit ventum*; by new wayes they think to accompliſh wonders, but in truth they graſp the wind, and are at the ſame time cruel to us and to the King too: for let the Common-wealth flouriſh, and then he that hath the Soveraignty can never want, nor do amiſs; ſo as he govern not according to the intereſt of others, but go the ſhorteſt and eaſieſt wayes to his own and the common good.

‘The Kings of this Nation have alwayes governed by Parliament, and if we look upon the ſucceſs of things ſince Parliaments were laid by, it reſembles that of the *Grecians*, *Ex illo fluere & retro ſublapſa referri Res Danaum*; eſpecially on the Subjects parts; for though the King hath gotten little, they have loſt all; but his Majeſty ſhall now hear the truth from us, and we ſhall make appear the Errours of Divines, who would perſwade us that a Monarch muſt be abſolute, and that he may do all things *ad Libitum*; receding not only from their text, (though that be a wandering too) but from the way their own profeſſion might teach them, *Stare ſuper vias antiquas*; and remove not the antient bounds and Land-marks, which our Fathers have ſet: if to be abſolute were to be reſtrained by no Laws, then can no King in Chriſtendom be ſo; for they all ſtand obliged to the Laws Chriſtian, and we ask no more; for to this Pillar is our Government fixt; Our Kings at their Coronation taking a Sacred Oath to ſecure us.

‘I am ſorry theſe men take no more care to gain our belief of thoſe things which they tell us for our ſouls health, while we know them ſo manifeſtly in the wrong in that which concerns the liberties and priviledges of the Subjects of *England*: but they gain preferment, and then 'tis no matter though they neither believe themſelves, nor are believed by others: but ſince they are ſo ready to let looſe the Conſciences of their Kings, we are the more carefully to provide for our protection againſt this Pulpit-Law, by declaring and reinforcing the municipal Laws of this Kingdom. It is worthy the obſerving how new this opinion, or rather this way 'of riſing is, even amongſt themſelves; for Mr. *Hooker*, who was 'no refractory man (as they term it) thinks, *that the firſt Government was arbitrary, until it was found that to live by one mans will, becomes all mens miſeries.* Theſe are his words, concluding that '*this was the original of inventing Laws.* And if we look further back, 'our Hiſtories will tell us that the Prelates of this Kingdom have often been the mediators between the King and his Subjects, to preſent and pray redreſs of their grievances, and had reciprocally then 'as much love and reverence from the People, but theſe Preachers '(more active than their Predeceſſors and wiſer than the Laws) 'have found out a better form of Government.

'The King muſt be a more abſolute Monarch than any of his Predeceſſors, and to them he muſt owe it, though in the mean time 'they hazard the hearts of his People, and involve him into a thouſand difficulties: for ſuppoſe this form of Government were inconvenient, (and yet this is but a ſuppoſition, for theſe five hundred 'years it hath not only maintained us in ſafety, but made us Victorious over other Nations:) But ſuppoſe they have another Idea of 'one more convenient; We all know how dangerous Innovations 'are, though to the better; and what hazard thoſe Princes muſt 'run, that enterprize the change of a long eſtabliſht Government? 'Now of all our Kings that have gone before, and of all that are to 'ſucceed in this happy race, why ſhould ſo pious and ſo good a King 'be expoſed to this trouble and hazard? beſides that Kings ſo diverted, can never do any great matter abroad.

'But whileſt theſe men have thus bent their wits againſt the Law 'of their Countrey, whether they have neglected their own Province, and what tares are grown up in the field which they ſhould 'have tilled, I leave it to a ſecond conſideration; not but that Religion ought to be the firſt thing in our purpoſes and deſires, but that 'which is firſt in dignity is not alwayes to precede in order of time: 'For well-being ſuppoſes a being, and the firſt impediment which 'men naturally endeavour to remove, is the want of thoſe things 'without which they cannot ſubſiſt.

'God firſt aſſigned to *Adam* maintenance of life, and gave him a 'title to the reſt of the Creatures, before he appointed him a Law to 'obſerve. And let me tell you, that if our Adverſaries have any 'ſuch deſign, as there is nothing more eaſie than to impoſe Religion 'on a people deprived of their liberties, ſo there is nothing more 'hard than to do the ſame upon Free-men.

'And therefore *Mr. Speaker*, I conclude with this motion, that 'there may be an Order preſently made, that the firſt thing this 'Houſe will conſider of, ſhall be the reſtoring of this Nation in general to the fundamental and vital Liberties, the property of our 'goods, and freedom of our perſons; and that then we will forthwith conſider of the Supply deſired.

'And thus ſhall we diſcharge the truſt repoſed in us by thoſe that 'ſent us hither. His Majeſty will ſee that we make more than ordinary haſte to ſatisfie his demands; and we ſhall let all thoſe know 'that ſeek to haſten the matter of Supply, that they will ſo far delay 'it, as they give interruption to the former.

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AFterwards the Houſe proceeded to conſider of Grievances, and a Committee being appointed to conſider of Mr. *Smarts* petition (who was ſentenced in the High Commiſſion at *York*) complaining of Dr. *Couſins* and others, the report was ordered to be made with all expedition.

The Lords deſired a conference with the Commons to meet this afternoon at three of the clock.

A Report was made from the Committee appointed to conſider of the Commiſſion to the Convocation that it was not enrolled nor went forth by order from the Signet or Privy Seal but by an immediate command of his Majeſty, that they found the Dockets of it remaining with the Clerk of the Crown, by which it appears that by this Commiſſion power is given to alter or amend the old conſtitutions and Canons, *&c.*

Thurſday, April 23.

THurſday *April* 23. and *Friday April* 24. was ſpent in the Debate about Grievances and hearing Reports from Committees, whereupon ſeveral votes paſſed which are hereafter particularly mentioned.

Saturday, April 25.

SAturday *April* 25. The Lords deſired a Conference with the Commons, the Subject-matter whereof the Commons conceived to be of a high nature, and ſo adjourned the debate thereof until *Munday* following.

Munday, April 27.

MUnday April 27. *Mr.* Herbert *the Queens Solicitor General Reports the matter of the Conference.*

‘That it pleaſed his Majeſty to honour the Lords Houſe ſo much as to come thither in perſon, and to make many Gracious expreſſions; and that he put them in mind, of what had been by my *Lord Keeper* in his Majeſties Name delivered, firſt in the Lords Houſe, and after to both Houſes in the *Banquetting-houſe* in *White-Hall*, and then he gave us his Royal Word and aſſurance, that he would not depart from one tittle of that, which in his Majeſties name had been delivered to the Houſe of Commons, but perform it really to the utmoſt.

‘He gave us to underſtand, that the neceſſity of his affairs was ſuch as would bear no delay, and a delay would be as good as a denyal, both in regard of the affairs themſelves, and of the dangers that did attend them, as well as of his honour in Foreign States which ſo much concerned him to uphold, as he held it as dear as his life, and of as great importance to maintain.

‘His Majeſty did think, that in Civility and good Manners, as well as neceſſity, it was fit for him to be truſted firſt.

‘There muſt be a Truſt, and whether it begin with him or you, in the execution the total truſt muſt be in him; the difference is but in point of time; though we truſt him in the beginning, yet it is but in part, he muſt truſt us in all before the end of this Parliament.

‘It is but a preſent ſupply that he expects at this time, to go on with the things in hand, or elſe all the things which hath been told ‘us will be loſt, and that a very little time delayed will make it impoſſible for my Lords and us, to recover the ſame.

‘That the Lords commanded him to tell us of the neceſſity of the affairs, and the urgency of the danger of ſomewhat that is lately come to their knowledge. The War is begun, and the men in *Scotland* have pitched their Tents at *Dunce*, and threaten an Invaſion in *Northumberland*, and have taken ſome of the Troopers of Sr. *William Brounkards*, ſo as their intention is plain; beſides the letter which may ſhew their purpoſe, to put themſelves into the protection and Defence of Foreign States.

‘The neceſſity is ſuch, that his Majeſty could not transfer the Truſt to us, to begin with us, or otherwiſe he would moſt willingly let you go on in your own courſe, to begin with redreſs of your grievances; but his Majeſties neceſſity requires a preſent ſupply for this purpoſe, after which he will let us go on with our Grievances, and doth promiſe a Princely and Gracious care, and will relieve you therein, as far as in Juſtice and Reaſon you can ask.

‘His Majeſty did expreſs that he holds nothing ſo glorious, as that he is King of a rich and free people, and if he do not ſecure you in your Liberties and property of Eſtate, he cannot account you a rich and free people, and conſequently himſelf not Glorious: And therefore his Majeſty declared, that for thoſe three things Religion, Property of Eſtate, and Priviledges of Parliament, he would graciouſly liſten unto you.

‘For Religion, his heart and his Conſcience doth ſtand with the Religion of the Church of *England*, and as he hath lived in it, ſo he would dye in it; and no man can be more careful to keep out Innovations than his Majeſty will be; and for that purpoſe he would lay a great charge upon his Archbiſhops and Biſhops, that they ſhould take order accordingly.

‘For *Ship-money*, his Majeſty declared, it was never in his thoughts, to make the leaſt profit or benefit of it, and that he never did make advantage of it. But contrarily had laid out many *thouſand pounds* out of his own Treaſury towards that Defence, for which that was intended, as many of the Lords can witneſs.

‘All his Majeſties care and aim was for the preſervation of your ſafety, peace and plenty, and his own honour abroad: That he may Reign among you a great and glorious King, as you ought to deſire he ſhould: Therefore think you of any other way for the guard and preſervation of the Seas, which (conſidering the great Naval preparations abroad) doth ſo much import, that he may be able to maintain a Navy, whereby he may be Moderator and keep Dominion of all the Narrow Seas, without which it is impoſſible for us to ſubſiſt. Keep the Sea which is the way by which God hath enabled his Majeſty to protect and defend us; put it into what way you will, his Majeſty will joyn with us in it.

‘The Lords have taken into conſideration his Majeſties gracious expreſſion; we have the Word of a King, and as ſome of the Lords were pleaſed to ſay, *not only of a King but a Gentleman*, and they would no more be guilty of diſtruſting him, than they would be of the higheſt undutifulneſs towards him.

‘And upon all theſe conſiderations, though my Lords would not meddle with matters of Subſidy, which belong properly and na-

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'turally to you, no not to give advice therein, but have utterly declined it; yet being members of one body, Subjects of the ſame King, and all concerned in the common ſafety, their duty to his Majeſty, and in their zeal and natural love to their Countrey, themſelves and their Poſterity, they have declared by Vote, that they hold it moſt neceſſary and fit that the matter of ſupply ſhould have the precedence before any other matter or conſideration whatſoever, and therefore deſired a Conference with you, to let you know their reaſons for the ſame.

'This taken into conſideration, and done by you, truſting in his Majeſties promiſe, (which they hold the greateſt obligation upon him and the greateſt ſecurity to your ſelves) they will freely joyn with you in all that concerns matter of Religion, property of Eſtate, and Priviledge of Parliament. This courſe being followed, their Lordſhips are of opinion we ſhall have a moſt happy and bleſſed Parliament.

'1. Upon this Report, after long debate, It was *Reſolved* upon the Queſtion, That the Priviledges of the Houſe of Commons are violated by the matters propounded by the Lords at the laſt Conference.

'2. Reſolved that the Lords propounding a ſupply, is a breach of Priviledge. And it being referred to a Committee, to prepare heads for a Conference to be had with the Lords concerning that matter, they were agreed on to this effect:

'That a meſſage be ſent to the Lords, wherein the Houſe deſires a Conference with their Lordſhips upon the ſubject matter of the Conference on *Saturday* laſt, which they conceive doth intrench upon the Priviledges of the Commons Houſe.

'That at the Conference it being admitted by their Lordſhips, that matters of ſubſidy naturally and properly belong to this Houſe, and that their Lordſhips would not meddle therewith, or give advice therein, but had declined it; the Committee therefore conceives, that this Houſe ſhall not need to labour therein, or to think of Preſidents or reaſons, for the maintaining of this Priviledge.

'That notwithſtanding this Declaration, their Lordſhips meddled with, and adviſed concerning both the matter of ſupply and the time when, and that before ſuch time as the ſame was moved to them by the Commons. It appears by their Lordſhips Declaration (*viz.*) that they had Voted, That they held it moſt neceſſary and fit the matter of ſupply ſhould have the Precedence before any other matter or conſideration whatſoever; and therefore deſired that Conference with the Commons to let them know their Lordſhips reaſons; and that being taken into conſideration and done by the Commons, their Lordſhips would freely joyn with them in all that concerns matter of Religion, property of Eſtate, and priviledge of Parliament.

'The courſe the Committee doth offer, for repair of this breach of Priviledge is, That their Lordſhips be deſired in their wiſdom to find out ſome way of Reparation of their Priviledges for the preſent, and of prevention of the like infringement for the future.

'And whereas the Committee was induced to conceive, that their Lordſhips had been informed that the Commons upon debate thereof had taken into conſideration the matter of Religion, property of Eſtate, and Priviledges of Parliament, and that they mean to let the ſame have the precedency before the ſupply, they humbly offer that the ſame may be preſented to their Lordſhips in words to this effect.

'That in caſe their Lordſhips have taken notice of any Orders, or proceedings of the Commons concerning matters of Religion, property of Eſtate and Priviledge of Parliament, that they were to have precedency before the ſupply, which they ſeem to conceive by theſe words, *That this being done, then their Lordſhips will freely joyn to the avoiding of all miſ-underſtanding between their Lordſhips and the Commons for time to come:* They deſire their Lordſhips to take no notice of any things which ſhall be debated by the Commons, until they ſhall themſelves declare the ſame to their Lordſhips, which the Commons will alwayes obſerve towards the proceedings of their Lordſhips.

After long debate upon this Report, the Houſe did agree with the Committee, and Reſolved,

'That the Lords Voting the propounding and declaring matter of ſupply in ſuch ſort, as was contained in this Report, before it was moved from the Houſe of Commons, was a breach of the Priviledge of the ſaid Houſe. And the Commons at a Conference with the Lords (which enſued upon this occaſion) deſired their Lordſhips in their wiſdom, to find out ſome way for the reparation of their Priviledges broken by the matter delivered at the laſt Conference, and to prevent the like Infringement for the future, and that the Lords would not take notice of any thing which ſhall be debated by the Commons, until they ſhall themſelves declare the ſame to their Lordſhips, which the Commons ſhall alwayes obſerve to their Lordſhips proceedings.

And the manager of the Conference much enlarged himſelf upon the ſubject matter contained in the ſaid Report from the Committee, which we here omit, being repeated and anſwered by the Lords at another Conference which was afterwards had upon this occaſion at the deſire of the Lords.

Tueſday,
April 28.

T*Veſday* the 28th. of *April.* The Commons upon further Debate reſolved on theſe particulars following, as heads for a Conference to be had with the Lords.

'Firſt, concerning Innovation in matters of Religion. Secondly, Liberty and Property. Thirdly, Priviledge of Parliament.

'Firſt, As to Innovation in matters of Religion: that in this Conference with the Lords, there ſhall be a Proteſtation and ſaving made to preſerve and keep entire the Right of the Commons not to be bound by any Canons that are or ſhould be made upon any Commiſſion granted to the Convocation without their conſent in Parliament; and that there be alſo repreſented to the Lords, the Com-

'plaints ariſing from the ſeveral Petitions brought in by the ſeveral Members of the Houſe from divers Counties, againſt Innovations in matters of Religion.

'The Complaints which have been made to this houſe for publiſhing of Popiſh Tenets contrary to the Doctrine of the Church of *England* in Licenced Books, Arguments and Diſputations.

'The removing of Communion Tables in Pariſh Churches and Chapels in the Univerſities, and placing them Altar-wiſe at the Eaſt end of the ſame Churches and Chapels cloſe to the Wall.

'The ſetting up of Croſſes, Images, and Crucifixes in Cathedrals and Parochial Churches and Chapels in both the *Univerſities*, and in divers other places in this Kingdom.

'The refuſing to adminiſter the Sacrament to ſuch, as will not come up to the Rails before the Communion Table being ſet Altar wiſe, and Excommunicating ſome for not doing it.

'The making and enjoyning of Articles at Viſitations without any other Authority, than that of the Biſhop's of the Dioceſs.

'The moleſting, ſuſpending and depriving of many Godly and Conformable Miniſters for not yielding to matters enjoyned without Warrant of Law. And to inſtance in ſuch contained in the ſeveral Petitions, as have been deprived for not reading the Book of Recreations on the Lords Day.

'The enjoyning to bow to the Altar, and the enquiry of the doing and not doing of it.

'Secondly, As to Property of Goods. Reſolved, That one head of this Conference ſhall be the Complaints which have been made by the Petitions from the ſeveral Counties touching the multitude of *Monopolies* and reſtraint of Trade. Alſo the Complaints which have been made by ſeveral Petitions from the Counties, touching the grievances of *Ship-Money*.

'The Complaints which have been made by ſeveral Petitions from the Counties, of enlarging the *Bounds of Foreſts* beyond what they have been for ſome hundreds of years laſt paſt.

'The Complaints which have been made concerning *Military Charges, viz.* Coat and Conduct-money, Wages, and Armes taken from the owners, forcing the Countrey to buy and provide at their charges, Horſes and Carts by way of Tax.

'The Complaints which have been made concerning the *Denial of Juſtice* in the Courts of *Weſtminſter* to the Subjects prejudice in point of the property of their Goods.

The frequent *Impriſonments* and Vexations, for non-payment of unwarrantable Taxes, and for not ſubmitting to unlawful Monopolies.

'Thirdly, As to the *Liberty* and *Priviledge* of *Parliament*, Reſolved, That one head ſhall be the Complaints that have been made touching the puniſhing of men out of Parliament for things done in Parliament, in breach of the Priviledges of Parliament.

In Purſuance of theſe Votes, a Conference was accordingly had with the Lords on *Wedneſday April* 29.

THe firſt part of which Conference concerning Innovations in matters of Religion, was managed by Mr. *Pym*; the ſecond part as to Property of Goods and againſt Monopolies and Projects, was managed by Mr. *St. John*; and the third part of the Conference as to the Liberty and Priviledge of Parliament, was managed by Mr. *Holborn*, which held the Lords a long time in hearing.

AFterwards was read in the Houſe,
An Act concerning the Hearing of the Word of God.
An Act for Reformation of Abuſes in Elections.
An Act concerning Diſpoſing of Money for Commutation of Penance.
An Act concerning the granting of Letters of Adminiſtration, &c.

Thurſday, April 30.

T*Hurſday, April* 30. the Houſe was turned into Grand Committee concerning *Ship-money*, upon a Report made of that buſineſs by Mr. *Maynard*: and the Records where the Judges opinions were entered, were ordered to be ſent for.

In the midſt of this Debate, the Lords ſent to the Commons for a Conference, concerning the ſubject of the former Conference; The Houſe was divided, whether to yield to a preſent Conference or no: The greater part ſeeming to be unwilling to be diverted from the Debate of the Grand Buſineſs of *Ship-money* then under conſideration.

405. Members then preſent in the Houſe.

It was a full Houſe; for upon the Diviſion, there were for a preſent Conference 148. and againſt it 257. the Number in all being 405 Members.

This Diviſion of the Houſe fully diſcovered the temper thereof; for they that were againſt the preſent Conference were for Redreſs of Grievances forthwith, and to poſtpone ſupply. But this Dayes Debate produced no Reſolution.

Friday, May 1.

F*Riday, May* 1. the Commons gave the Lords a meeting at a Conference, as was deſired the day before: the matter of the Conference was thus delivered by the *Lord Keeper*.

The Lord Keeper's Speech.

‘MY Lords have commanded me to let you know, that the deſire and care on your part at the laſt Conference, repreſented unto them for preſerving a good Union and Correſpondence between their Lordſhips and you, is by them entertained with all reſpect, and requited with all good affection; as that which is the beſt way to bring our Conſultations and Reſolutions to an happy iſſue, to give his Majeſty a dutiful account of our zeal and forwardneſs in thoſe great and weighty affairs, for which we were aſſembled; and to further thoſe United Proceedings that may tend to the happineſs of this Kingdom, and the contentment of both Houſes.

‘Their Lordſhips well know the great priviledges belonging to both Houſes of Parliament, of which they and you alike participate: and they are not ignorant of thoſe that are diſtinctly proper ‘to each Houſe; what belongs to you of the Houſe of Commons they never had thought to impeach or diminiſh in the leaſt kind; and what they may juſtly challenge to themſelves, they preſume you will not attempt upon, ſince you cannot doubt but they will be as tender of their Honour in the preſervation and upholding of their own, as they are and ſhall be careful not to invade or violate any of yours.

‘This (their Lordſhips commanded me to tell you) will beſt and moſt clearly appear, by the Courſe hath been held in their own Houſe, and by their proceedings with you.

‘Their Lordſhips (as in Duty and affection to his Majeſties Crown and Government they are bound) took into ſerious Conſideration, the great and weighty motives of his Majeſties calling us together at this time, the great Evils and Calamities that hang over our Heads, and the apparent danger this Kingdom is like to run into, if by ſpeedy and fitting ſupply his Majeſty be not enabled to prevent it.

‘Theſe with Reaſons inforcing, how unſupportable Delay and Protraction was, and how impoſſible it is for both Houſes to recover the loſs of time, in a matter of ſo urging and preſſing Conſequence, whereby his Majeſties Command delivered to their Lordſhips and you both in the Lords Houſe and in the *Banquetting Houſe* at *White-Hall*, his Majeſty being preſent;

‘His Majeſty I ſay at both thoſe times, expreſſed his gracious and Princely deſire to do all that from a juſt and a gracious King might be expected, whereby this Parliament might have an happy and bleſſed concluſion, to bring Joy and Conſolation to his Majeſty and all his ſubjects. He told you, that all your juſt Grievances ſhould be graciouſly heard and relieved; that he would therein let you be at no loſs of time.

‘Their Lordſhips were Witneſſes, that his Majeſty gave *his Royal Word* herein, and for their parts lodge it in their hearts with as much truſt and confidence of his Majeſties Royal performance, as ever ſubjects did.

‘Not long after, his Majeſty was pleaſed to honour the Lords Houſe with his preſence again, to renew their Remembrance of all that before had been delivered to both Houſes, both for the neceſſity of the Supply deſired, with an impoſſibility of admitting delay, and the clearneſs of his Majeſties intention and reſolutions to give all juſt ſatisfaction, to what with reaſon could be deſired of him.

‘His Majeſty then took notice to their Lordſhips of ſomewhat that had been Voted in your Houſe concerning Religion, Property of Goods, and Liberty of Parliament, whereby his Majeſty conceived the matter of his Supplies ſet aſide, which he had ſo often and with ſuch weight of Reaſon deſired might have precedence, after very gracious aſſurances to their Lordſhips of his Majeſties conſtant affection and zeal for the true Religion, for preventing all Innovation therein, of his ſo often iterated promiſe to give a gracious Ear and juſt Relief to all your juſt Grievances, expreſſing his Royal Intentions in that of *Ship-money*, which he found ſo much ſtood upon. He was pleaſed to deſire their Lordſhips, (as perſons in their Ranks and Degrees neareſt to him in Honour, as much and more concerned than others, and in the ſafety and proſperity of his Kingdom, at leaſt equally intereſſed with the reſt of his ſubjects) in a caſe of this great and important weight.

‘They would by their counſel and perſwaſion, incline you of the Houſe of Commons to give his Majeſty a ſpeedy anſwer and reſolution in the matter of ſupply.

‘Their Lordſhips took his Majeſties Deſire into ſerious and dutiful conſideration, and after a great and ſolemn Debate, they reſolved, that their opinion was, *That the matter of his Majeſties ſupply ſhould have precedency, and be reſolved of before any other matter whatſoever*; and did think fit, there ſhould be a conference deſired with you of the Houſe of Commons, to diſpoſe you thereunto. And this was all they then Voted or concluded, with which other Conference their Lordſhips acquainted you: This as it was juſt and honourable for them to do, ſo it neither extended the Bounds and Limits of their own priviledge, nor narrowed or ſtraitned any of yours. And yet at the laſt Conference which their Lordſhips are apt and willing to believe, proceeded rather from ſome miſtaking than any intenſion to leſſen their, or enlarge your own priviledges.

‘It was urged in your name, that the Voting of this was a breach of your priviledge, and that therein their Lordſhips had been tranſported beyond their grounds, which they had ſet to themſelves: becauſe in their former Conference their Lordſhips had admitted, that matter of ſupply ought to be given in the Houſe of Commons, as naturally belonging to that Houſe, and wherein their Lordſhips would not meddle, no not ſo much as to give advice: And yet by Voting what they did, had not only medled in matter of ſupply, but as far as in their Lordſhips lay, had concluded both of matter and order of proceeding, for which you demanded Reparation from their Lordſhips: Wherein I'm commanded by their Lordſhips to let you know, that they have neither varied nor been tranſported from their own grounds, nor Voted any thing contrary to your rights and priviledges, or to that admitting of them at that Conference, which is pretended. For their Lordſhips did and I do admit, that the Bill of Subſidies ought to have its Inception and beginning in your Houſe, that when it comes up to their Lordſhips, and is by them agreed unto, it muſt be returned back to you, and be by your Speaker preſented.

‘And therefore as they do diſclaim any thought or Intention of ſuch beginning in their Houſe, ſo they did at their Debate and Conference with you, diſclaim to meddle with the matter of Subſidies or Supplies; that is by naming the Time or Number, or any ſuch Circumſtances incident to the Bill, which ought to begin with you, or therein to give you any the leaſt advice, but to confer and talk with you about Supplies in general.

‘Their advice therein they do not, nor ever did hold derogatory to yours, or exceeding the priviledges of their own Houſe: for as you frequently impart your Grievances to them, ſo it's all the reaſon in the world they ſhould communicate their fears and foreſights of Dangers to you, their Lordſhips being a Body that moveth in an Orb nearer unto the Royal Throne than you do, and thereby the likelier to communicate in the Counſels and Secrets of

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‘State, and for their Perſons and Fortunes, at leaſt as conſiderable in point of Danger.

‘Their Lordſhips are not unacquainted with that Eſtabliſhment in Parliament, which was by you at the Conference ſtyled, *The Indempnity of the Commons:* but it is indeed the *Indempnity* of the Lords and Commons, and ſo ſtyled in the Record it ſelf, by that Record made at *Gloceſter* 9 *H.* 4.

‘It appears there was a Conference between the Lords and Commons, about the State of the Realm and Defence of it, after which the King demanded of the Lords, What Aid was fit to be granted? they ſaid a Tenth and an half in Cities and Boroughs, and one Fifth and a half of others, and a Subſidy of *Tonnage* and *Poundage* for two years.

‘Upon which, the King ſent to the Commons to ſend up to him and the Lords, twelve of their company; when they came, it was by the Kings Command declared, what had been of the King demanded of the Lords, and what the Lords anſwer thereunto was (which the King willed them to report to their Companions, that they might with better ſpeed conform themſelves to the intention of the Lords.)

‘This indeed the Commons were troubled at, as being a great Derogation to their Liberties; whereupon to prevent for the future any thing that might turn to the prejudice of their Liberty, or againſt the Liberty of the Lords, It was eſtabliſhed, *That it ſhould alwayes be lawful for the Lords to commune among themſelves in the Kings abſence of the State of the Realm, and the Remedies needful; and ſo for the Commons among themſelves. Provided alwayes, that neither the Lords or Commons report to the King any things granted by the Commons and aſſented to by the Lords, nor the Communication of it, before the Lords and Commons be agreed,* and then be repreſented (as the manner is) by the Speaker of the Houſe of Commons.

‘This is the ſubſtance of that Eſtabliſhment, which only hath relation to the manner of preſenting Subſidies and Aids to the King, and giving him knowledge of them. And as it hath not one word that barrs the Lords and Commons from conferring about them; ſo it plainly declares, that Lords and Commons in their ſeveral houſes, may equally treat amongſt themſelves of the Dangers the Kingdom is in, and of the way to remedy them: and this my Lords have well weighed, and are ſatisfied verifies their proceedings to have been according to antient uſage and cuſtome, as they are grounded upon juſt and weighty reaſons.

‘Many other Reaſons their Lordſhips have, to juſtifie their proceedings in this particular: but they conceive this Record alone mentioned by your ſelf, will give you herein abundant ſatisfaction, and plainly ſhew, that the Houſe of Commons had no cauſe to demand Reparation herein from their Lordſhips.

‘A ſecond thing objected, wherein their Lordſhips have been ſaid to have broke another great priviledge of the Houſe of Commons eſtabliſhed by that Ordinance which I have mentioned before, is, that their Lordſhips have taken notice of ſome proceedings in the Houſe of Commons, concerning three particulars, *viz.* Religion, Propriety of Goods, and Priviledge of Parliament. To which their Lordſhips have commanded me to give you this juſt and honourable anſwer.

'His Majeſty told their Lordſhips you had reſolved ſomething 'concerning theſe three heads, and by that way of proceeding pre-'ferred the grievances before the matter of ſupply. How his Majeſty 'knew that you had ſo reſolved, belongs not to their Lordſhips to en-'quire into, *their Lordſhips not meddling* with any thing that others 'ſaid to the King. But withal his Majeſty ſaid to their Lordſhips, 'and for their Lordſhips to hear what *his Majeſty declared to them*, and 'for them thereupon to report the ſame to the Houſe of Commons, 'their Lordſhips are ſo far from holding it any diminution, or vi-'olation of your priviledges, that on the contrary in Duty to his Ma-'jeſty they could do no other, and the communicating it to you in 'that manner, they think rather merits your opinion and belief of 'their affections to you, and deſire of Correſpondence with you, 'than any other miſconſtruction whatſoever.

'And that which you called the *Indempnity of the Commons*, hath 'no word in it that can be conſtrued to make that any breach of your 'priviledge; and therefore their Lordſhips having thus cleared and 'juſtified their own proceedings, and freed themſelves from any Im-'putation of invading your Liberties, they cannot but return to their 'firſt grounds and reſolution, which were in all fair and affectionate 'manner, to ſtir up in you the juſt conſideration of thoſe great and 'eminent dangers that threaten this Kingdom at this time, and how 'dangerous and irrecoverable delay is. And withal to diſpoſe you 'to take into your firſt and beſt thoughts the matter of his Majeſties 'Supply, and give him a ſpeedy anſwer therein.

'This their Lordſhips are confident, will be the means to preſerve 'and continue a good union and underſtanding between their Lord-'ſhips and you, to make this a happy Parliament, and to avert the 'publick calamities, that menace the ruine and overthrow of this fa-'mous and renowned Monarchy.

Saturday May 2. Sir *Henry Vane* Treaſurer of the Kings Houſhold delivered this meſſage from the King.

Saturday, May 2.

That his Majeſty hath by divers and ſundry wayes acquainted the Houſe with the urgent danger, inevitably to fall upon the whole State, upon his own honour, and the honour of the Nation if more time ſhall be loſt.

That neverthelеſs his Majeſty hath received no anſwer at all, though heretofore his Majeſty had told the Houſe that a Delay in this caſe is as deſtructive as a Denyal; *and doth again deſire them to give him a preſent anſwer concerning his ſupply, his Majeſty being ſtill reſolved on his part, to make good his promiſe made by himſelf and the Lord Keeper.*

Upon the delivery of this Meſſage, the Houſe of Commons immediately turned themſelves into a Grand Committee to take the ſame into conſideration, which held debate till almoſt ſix at night, but came to no reſolution, *William Lenthall* Eſq; being in the Chair.

Likewiſe the Houſe of Commons continued the Debate in a Grand Committee, Whether Supply or Grievances ſhould have precedency? but after the whole day was ſpent in Debate, came to no reſolution.

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May 4. Sir *Henry Vane* delivered a ſecond Meſſage to the Houſe of Commons in theſe words.

Monday, May 4.

Whereas, upon Saturday *laſt his Majeſty was pleaſed to ſend a Meſſage to this Houſe, deſiring you to give a preſent anſwer concerning his Supply, to which as yet his Majeſty hath had no other anſwer, but that upon this day you will again take it into further conſideration: Therefore his Majeſty (the better to facilitate your* Reſolutions*) this day hath thought fit to let you know, that of his* Grace *and* favour *he is pleaſed, upon your granting twelve Subſidies to be preſently paſſed and to be paid in three years, with a proviſo, that it ſhall not determine the Seſſions, his Majeſty will not only for the preſent forbear the levying of any* Ship Money, *but will give way to the utter aboliſhing of it, by any courſe that your ſelves ſhall like beſt.*

And for your Grievances, *his Majeſty will (according to his Royal promiſe) give you as much time as may be now, and the next* Michaelmas; *and he expects a preſent and poſitive anſwer upon which he may rely, his affairs being in ſuch a condition as can endure no longer delay.*

The Houſe was turned again into a Grand Committee, and ſpent the whole day till ſix at night in debate of this meſſage, but came to no reſolution, and deſired Sir *Henry Vane* to acquaint his Majeſty that they intended the next day to proceed in the further conſideration thereof.

Tueſday, May 5.

T*ueſday* the fifth of *May*, Secretary *Windebanke* went early to Mr. *Speaker* at his houſe in *Chancery* Lane, and had a command to bring the *Speaker* to *White-Hall*. The Commons met at the uſual hour, and the *Speaker* not coming according to his wonted cuſtom, the members concluded the Houſe ſhould be diſſolved, and while they were diſcourſing with one another, about eleven of the Clock *James Maxwel* Gentleman Uſher came with the black rod, to let the Commons know his Majeſty was in the Houſe of Lords, and expected their coming thither. When they were come his Majeſty thus ſpake.

The Kings Speech.

My Lords,

There can no occaſion of my coming to this Houſe be ſo unpleaſing unto me as this at this time. The fear of doing that which I am to do this day, made me not long ſince come into this Houſe, where I expreſt as well my fears as the remedy which I thought neceſſary for the eſchewing of what is to follow.

I muſt confeſs and acknowledge that you my Lords of the higher houſe did give me ſo willing an ear, and with ſuch an affection did ſhew your ſelves, that certainly I may ſay, that if there had been any means to have given an happy end to this Parliament, you took it, ſo that it was neither your Lordſhips fault nor mine, that it is not ſo. Therefore in the firſt place I muſt thank you my Lords for your good endeavours.

My Lords, *I hope you remember what the firſt day of the Parliament my* Lord Keeper *ſaid to you in my name, and what likewiſe he ſaid in the*

Banquetting Houſe *in* White-Hall, *and what lately I ſaid unto you in this place my ſelf. I name all this unto you, not doubting that you do not well remember it, but to ſhew you that I never ſaid any thing in way of Favour to my people, but (by the* Grace *of* God*) I will punctually and really perform it.*

I know that they have inſiſted very much on Grievances; I will not ſay but there may be ſome, though I will confidently affirm, that there are not by many degrees ſo many as the publick voice doth make them. Wherefore I deſire you to take notice, now eſpecially at this time, that out of Parliament I ſhall be as ready (if not more willing) to hear and redreſs any juſt Grievances, as in Parliament.

There is one thing much ſpoken of, I mean as to matters of Religion. Concerning which, albeit I expreſſed my ſelf fully the laſt day in this place, yet I think it fit again on this occaſion to tell you, that as I am concerned, ſo I ſhall be moſt careful to preſerve that purity of Religion which I thank God is ſo well eſtabliſhed in the Church of England, *and that as well out of, as in Parliament.*

My Lords, *I ſhall not trouble you long with words, it being not my faſhion; wherefore to conclude, what I offered the laſt day to the Houſe of Commons, I think it is very well known to you all; as likewiſe how they accepted it, which I deſire not to remember, but wiſh they had remembred, how at firſt they were told by my* Lord Keeper, *that delay was the worſt kind of denyal; yet I will not lay this fault on the whole Houſe of Commons; I will not judge ſo uncharitably of thoſe whom for the moſt part I take to be Loyal and well-affected Subjects, but it hath been the malicious cunning of ſome few ſeditiouſly affected men that hath been the cauſe of this miſunderſtanding.*

I ſhall now end as I have begun, in giving you thanks for your affections ſhewn to me at this time, deſiring you to go on and aſſiſt me in the maintaining of that Regal power that is truly mine. As for the liberty of the people, that they now ſo much ſtartle at; know my Lords, that no King in the world ſhall be more careful in the propriety of their Goods, liberty of their Perſons, and true Religion, than I ſhall.

And now my Lord Keeper *do as I have commanded you.*

The Lord Keeper *then added,*

'MY Lords, and you the Gentlemen of the Houſe of Commons,
'The Kings Majeſty doth diſſolve this Parliament.

Soon after his Majeſty cauſed the aforeſaid proceedings to be comprized in a Treatiſe, and publiſhed in his name by way of Declaration.

16 *Caroli.*

A Catalogue of the Lords Spiritual and Temporal ſummoned by the King's Writ to appear in Parliament appointed to meet at Weſtminſter *the thirteenth of* April 1640.

KING *Charles.*
Prince *Charles.*
James Duke of *York.*

Dukes.

George Villiers, Duke, Marqueſſe, and Earl of *Buckingham*, and *Coventry*, Viſcount *Villiers*, Baron of *Whodden*, *infra atatem.*

Marqueſſes.

John Pawlet Marqueſs of *Wincheſter*, Earl of *Wiltſhire*, and Lord St. *John* of *Baſing.*

Earles.

Thomas Howard Earl of *Arundel* and *Surrey*, Earl Marſhal of *England* and Knight of the Garter.

Awbery Vere, Earl of *Oxford*, *&c.*

Algernon Percy, Earl of *Northumberland*, Lord *Poynings*, *Fitzpayn*, and *Brian*, Knight of the Garter, Lord High Admiral.

George *Talbot*, Earl of *Shrewſbury*, Lord *Talbot*, *Furnival*, *Verdon*, and *Strange* of *Blackmere.*

Anthony Gray Earl of *Kent*, Lord *Ruthin.*

William Stanley Earl of *Derby*, Lord *Stanley*, *Strange* of *Knocking*, and of the Iſle of *Man*, Knight of the Garter.

Henry Somerſet Earl of *Worceſter*, Lord *Herbert Ragland* and *Gower.*

George Manners Earl of *Rutland*, Lord *Roſs* of *Hamelake*, *Belvoir* and *Trusbut.*

Francis Clifford Earl of *Cumberland*, Lord *Clifford*, *Weſtmerland* and *Veſey.*

Edward Ratcliffe Earl of *Suſſex*, Viſcount *Fitz-walter*, Lord *Egremont* and *Burnel.*

Henry Haſtings Earl of *Huntington*, Lord *Haſtings*, *Hungerford*, *Botreaux Moeles*, and *Molyns.*

Henry Bourchier Earl of *Bath*, and Lord *Fitz-Warin.*

Tho. Wriothſley Earl of *Southampton*, and Baron *Wriothſley* of *Tichfield.*

Francis Ruſſel Earl of *Bedford* and Lord *Ruſſel.*

Philip Herbert Earl of *Pembroke* and *Montgomery*, Baron *Herbert* of *Cardiffe* and *Shirland*, Lord *Parre* and *Roſs* of *Kendal*, *Marmion*, and St. *Quinton*, Lord Chamberlain of his Majeſties houſhold and Knight of the Garter.

William Seymour Earl of *Hartford*, and Baron *Beauchamp.*

Robert Devereux Earl of *Eſſex*, Viſcount *Hereford* and *Bourchier*, Lord *Ferrers* of *Chartley*, *Bourchier* and *Lovain.*

Theophilus Fyne Earl of *Lincoln* and Lord *Clinton.*

Charles Howard Earl of *Nottingham*, and Lord *Howard* of *Effingham.*

Earles made ſince the firſt of King James.

Theophilus Howard Earl of *Suffolk*, Lord *Howard* of *Walden*, and Knight of the Garter.

Edward Sackvile Earl of *Dorſet* and Baron *Buckhurſt*, Knight of the Garter, and Lord Chamberlain to the Queens Majeſty.

William Cecil Earl of *Salisbury*, Viſcount *Gramborne* and Baron

Cecil

16 *Carol.*

Cecil of *Eſſinden*, Knight of the Garter.

William Cecil Earl of *Exeter*, Baron *Burgeley*, Knight of the Garter.

Robert Carre Earl of *Somerſet*, Viſcount *Rocheſter* and Baron of *Branſpath*, Knight of the Garter.

John Egerton Earl of *Bridgwater*, Viſcount *Brackley*, and Baron *Elleſmere*, Lord Preſident of *Wales*.

Robert Sidney Earl of *Leiceſter*, Viſcount *Liſle*, Baron *Sidney* of *Fenhurſt*.

Spencer Compton Earl of *Northampton*, Baron *Compton* of *Compton*.

Robert Rich Earl of *Warwick*, and Lord *Rich* of *Leeze*.

William Cavendiſh Earl of *Devonſhire* and Baron *Cavendiſh* of *Hardwicke infra ætatem*.

James Hamilton Earl of *Cambridge*, Marqueſs of *Hamilton*, Earl of *Arran*, Baron of *Even* and *Aberbroth*, Maſter of the Horſe to his Majeſty, Knight of the Garter.

James Stuart Earl of *March*, Duke of *Lenox*, Lord *Aubigny*, Baron of *Leighton Bromeſwold*, Lord *Darnley*, *Mertiven*, and St. *Andrews*, Knight of the Garter.

James Hay Earl of *Carliſle*, Viſcount *Doncaſter*, Lord *Hay* of *Sauley*.

William Fielding Earl of *Denbigh*, Viſcount *Fielding*, and Baron of *Newnhampadox*.

John Digby Earl of *Briſtol*, and Baron *Digby* of *Shirborne*.

Lionell Cranfield Earl of *Middleſex*, and Baron *Cranfield* of *Cranfield*.

Charles Villiers Earl of *Angleſey*, Lord *Daventry*, *infra ætatem*.

Henry Rich Earl of *Holland*, Baron *Kenſington* of *Kenſington*, and Knight of the Garter.

John Hollis Earl of *Clare*, Lord *Houghton* of *Houghton*.

Oliver St. *John* Earl of *Bellingbrook*, Lord *St. John* of *Bletſo*.

Mildmay Fane Earl of *Weſtmerland*, Lord *le Deſpencer* and *Burghwaſh*.

Earles made ſince the firſt of King Charles.

Henry Montague Earl *of Mancheſter*, Viſcount *Mandevile*, and Lord *Kimbolton*, Lord Privy Seal.

Thomas Howard Earl of *Barkſhire*, Viſcount *Andover*, and Lord *Charleton*, Knight of the Garter.

Thomas Wentworth Earl of *Cleeveland*, Lord *Wentworth* of *Nettleſted*.

Edmond Sheffield Earl of *Mulgrave*, Lord *Sheffield* of *Butterwike*, and Knight of the Garter.

Henry Danvers Earl of *Danby*, Lord *Danvers* of *Dantſey*, Knight of the Garter.

Robert Cary Earl of *Monmouth*, Lord *Cary* of *Lepington*.

James Ley Earl of *Marleburgh*, and Lord *Ley* of *Ley*.

John Savage Earl *Rivers*, Viſcount *Colcheſter*, and *Rock Savage*, and Lord *Darcy* of *Chich*.

Robert Bartue Earl of *Lindſey*, and Lord *Willoughby* of *Ereſby*, Lord great Chamberlain, Knight of the Garter.

William Cavendiſh Earl of *Newcaſtle*, Viſcount *Manſfield*, Lord *Boulſover* and *Ogle*.

Henry Cary Earl of *Dover*, Viſcount *Rochford* and Lord *Hunſdon*.

John Mordant Earl of *Peterborough*, Lord *Mordant* of *Turvey*.

Henry Gray Earl of *Standford*, Lord *Gray* of *Groby*, *Bonvile* and *Harrington*.

Thomas Finch Earl of *Winchelſey* and Viſcount *Maidſtone*.

Robert Perpoint Earl of *Kingſton* upon *Hull*, Viſcount *Newark*

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upon *Trent*, and Lord *Perpoint* of *Holmes Perpoint*.

Robert Dormere Earl of *Carnarvan*, Viſcount *Aſcot*, and Lord *Dormere* of *Wing*.

Mount-joy Blunt Earl of *Newport*, Lord *Mount-joy* of *Thurveſton*.

Philip Stanhop Earl of *Cheſterfield*, and Lord *Stanhop* of *Shelford*.

Nicholas Tuffton Earl of the Iſle of *Thanet*, and Lord *Tuffton* of *Tuffton*.

Ulicke de Burgh Earl of St. *Albans*, and *Clanrickard*, Viſcount *Tunbridge* and *Galloway*, Baron of *Somerhil*, and *Imanney*.

Jerome weſton Earl of *Portland*, Lord *Weſton of* Neyland.

Thomas Wentworth Earl of *Strafford*, Viſcount *Wentworth*, Baron *Wentworth* of *Wentworth Woodhouſe*, *New-march* and *Overſley*, *Raby*, Lord Lieutenant of the Realm of *Ireland*.

Viſcounts.

Francis Brown Viſcount *Mountague* of *Cowdrey*.

Viſcounts made by King James.

John Villiers Viſcount *Purbeck*, Lord of *Stoke*.

William Fines Viſcount *Sey* and *Seal*, Lord *Sey* and *Seal*.

Viſcounts made by King Charles.

Edward Conway, Viſcount *Conway* and *Killultagh*, and Baron *Conway* of *Ragley*.

Edward Noel Viſcount *Camden* and *Baron Noel* of *Ridlington*.

Biſhops.

William Laud Archbiſhop of *Canterbury* his Grace.

Richard Neile Archbiſhop of *Tork* his Grace.

William Juxton Biſhop of *London* and Lord high Treaſurer of *England*.

Thomas Morton Biſhop of *Durham*.

Walter Curle Biſhop of *Wincheſter*.

John Thornburgh B. of *Worceſter*.

John Bridgeman B. of *Cheſter*.

John Williams B. of *Lincoln*.

John Davenant B. of *Salisbury*.

Robert Wright B. of *Coventry* and *Lichfield*.

Godfrey Goodman B. of *Glouceſter*.

Joſeph Hall B. of *Exceter*.

Richard Mountague B. of *Norwich*.

Barnabas Potter B. of *Carliſle*.

John Owen B. of St. *Aſaph*.

William Pierce Biſhop of *Bath* and *Wells*.

John Bancroft B. of *Oxford*.

George Coke B. of *Hereford*.

Matthew Wren B. of *Ely* Dean of his Majeſties Chapel Royal.

Roger Manwaring B. of St. *Davids*.

Robert Skinner B. of *Briſtol*.

William Roberts B. of *Bangor*.

John Warner B. of *Rocheſter*.

Brian Duppa B. of *Chicheſter*.

John Towers B. of *Peterburgh*.

Morgan Owen B. of *Landaffe*.

Barons.

Henry Howard Lord *Moubray* and *Maltravers*.

Henry Clifford Lord *Clifford*, only Son of *Francis* Earl of *Cumberland*.

Henry Nevil Lord *Abergavenny*.

James Tenchet Lord *Awdeley* of Highleigh.

James Stanley Lord *Strange*, eldeſt Son of *William* Earl of *Derby*.

Charles Weſt Lord *Delaware*, *infra ætatem*.

George *Berkley* Lord *Berkley* of *Berkley* Caſtle.

Henry Parker Lord *Morley* and *Monteagle*.

Richard Lemcard Lord *Dacres* of *Hurſtmoſeux*.

Edward Sutton Lord *Dudley* of *Dudley* Caſtle.

Edward Stourton Lord *Stourton* of *Stourton.*

Edward Vaux Lord *Vaux* of *Harrowden.*

Thomas Windſor Lord *Windſor* of *Bradenham.*

Thomas Cromwel Lord *Cromwel* of *Ockham.*

william Eure Lord *Eure* of *whitton.*

Philip wharton Lord *wharton* of *wharton.*

William Willoughby Lord *Willoughby* of *Parham.*

William Paget Lord *Paget* of *Beaudefert.*

Dudley North Lord *North* of *Carthlage.*

George Brudges Lord *Shandos* of *Sudley.*

Barons made by King James.

william Peter Lord *Peter* of *Writtel.*

Dutton Gerrard Lord *Gerrard* of *Gerrards Bromley.*

William Spencer Lord *Spencer* of *Wormleighton.*

Charles Stanhope Lord *Stanhope* of *Harrington.*

Tho. Arundel Lord *Arundel* of *wardour.*

Chriſtopher Roper Lord *Tenham* of *Tenham, infra ætatem.*

Edward Mountague Lord *Mountague* of *Kimbolton*, eldeſt Son of *Henry* Earl of *Mancheſter.*

Baſil Fielding Lord of *Newnham Paddochs*, Eldeſt Son of *William* Earl of *Denbigh.*

Robert Grevil Lord *Brook* of *Beaucham* Court.

Edward Mountague Lord *Mountague* of *Boughton.*

William Gray Lord *Gray* of *wark.*

Francis Leake Lord *Danecourt* of *Sutton.*

John Roberts Lord *Roberts* of *Truro.*

Barons made by King Charles.

William Craven Lord *Craven* of *Hamſteed Marſhal.*

Thomas Belaſis Lord *Fauconberge* of *Sarom.*

John Lovelace Lord *Lovelace* of *Hurley.*

John Pawlet Lord *Pawlet* of *Hinton St. George.*

William Harvey Lord *Harvey* of *Kidbrooke.*

Thomas Brudenel Lord *Brudenel* of *Stouton.*

William Maynard Lord *Maynard* of *Eſtaynes.*

Thomas Coventry Lord *Coventry* of *Alesborough.*

Edward Howard Lord *Howard* of *Eſtricke.*

George Goring Lord *Goring* of *Huſtperpoint.*

John Mohun Lord *Mohun* of *Okehampton.*

Thomas Savil Lord *Savil* of *Pontefract.*

John Butler Lord *Butler* of *Bramfield.*

Francis Leigh Lord *Dunſmore.*

William Herbert Lord *Powis* of *Powis.*

Edward Herbert Lord *Herbert* of *Chierbury.*

Francis Cottington Lord *Cottington* of *Hanworth*, Maſter of the Court of Wards, and Chancellour of the Exchequer.

John Finch Lord *Finch*, Baron of *Fordwich*, Lord Keeper of the Great Seal of *England.*

Some Lords (as Privy Councellours) though not Peers of the Kingdom of *England*, ſuch as the King ſhall be pleaſed to call thither for their aſſiſtance, and ſit on the Wool-ſacks.

Judges.

Sr. *John Bramſton* Lord Chief Juſtice of the Kings Bench.

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Sir *Edward Littleton* Lord Chief Juſtice of the Common Pleas.
Sir *Humphrey Davenport* Lord Chief Baron.
The Judges of the Kings Bench.
The Judges of the Common Pleas.
The Barons of the Exchequer.

The four Maſters of the Chancery there attending, according to the direction of the Lord Keeper of the Great Seal of *England*.

The Kings learned Council.
The Serjeants.
Sir *John Bankes* the King's Attorney General.

The Officers of the higher Houſe of Parliament.

The Clerk of the Crown.
The Clerk of the Parliament.
The Uſher.
The Yeoman Uſher.

His Majeſties Declaration to all his loving Subjects, of the Cauſes which moved him to diſſolve the laſt Parliament.

THE King's moſt Excellent Majeſty well knoweth, that the calling, adjourning, proroguing and diſſolving of Parliaments, are undoubted prerogatives inſeparably annexed to his Imperial Crown; of which he is not bound to render any account, but to God alone, no more than of his other Regal Actions,

Nevertheleſs his Majeſty (whoſe Piety and Goodneſs have made him ever ſo order and govern all things) that the clearneſs and candor of his Royal Heart may appear to all his Subjects, eſpecially in thoſe great and publick matters of State, that have relation to the Weale and Safety of his People, and the Honour of his Royal Perſon and Government, hath thought fit (for avoiding and preventing all ſiniſter constructions and miſ-interpretation, which the malice of ſome ill-affected perſons to his Crown and Soveraignty, hath or may practiſe to infuſe into the minds and Ears of his good and faithful Subjects,) to ſet down by way of Declaration, the true cauſes as well of his aſſembling as of his diſſolving the late Parliament.

It is not unknown to moſt of his Majeſties loving Subjects, what Diſcouragements he hath formerly had, by the undutiful and ſeditious carriage of divers of the lower Houſe in preceding Aſſemblies of Parliaments, enough to have made him averſe to thoſe ancient and accuſtomed wayes of calling his People together; when inſtead of dutiful expreſſions towards his Perſon and Government, they vented their own malice and diſaffections to the State, and by their ſubtil and malignant courſes endeavoured nothing more than to bring into contempt and diſorder all Government and Magiſtracy.

Yet his Majeſty well conſidering that but few were guilty of that ſeditious and undutiful behaviour, and hoping that time and Experience had made his loving Subjects ſenſible of the diſtemper the whole Kingdom was like to be put into by the ill-governed actions of thoſe men; And his Majeſty being over-deſirous to tread in the ſteps of his moſt noble progenitors, was pleaſed to iſſue forth his *Writs* under the Great Seal of *England* for a Parliament, to be holden the

13th *day of April* laſt. At which day his Majeſty by the *Lord Keeper* of his Great Seal, was graciouſly pleaſed to let both Houſes of Parliament know how deſirous he was, That all his People would unite their hearts and affections in the execution of thoſe Counſels that might tend to the Honour of his Majeſty, the ſafety of his Kingdoms, and the good and preſervation of all his People. And withal how confident he was that they would not be failing in their Duties and Affections to him and to the publick.

He laid open to them the manifeſt and apparent miſchiefs threatned to this and all his other Kingdoms, by the mutinous and rebellious behaviour of divers of the *Scottiſh* Nation, who had by their Examples drawn many of his Subjects there into a courſe of Diſloyalty and Diſobedience, not fit for his Majeſty in Honour, ſafety, or Wiſdom to endure.

How (to ſtrengthen themſelves in their diſloyal Courſes) they had addreſt themſelves to Foraign States, and treated with them to deliver themſelves up to their protection and Defence, as was made apparent under the hands of the Prime Ringleaders of that Rebellious faction.

Theſe courſes of theirs tending ſo much to the ruine and overthrow of this Famous Monarchy, united by the deſcent of the Crown of *England* upon his Majeſty and his Father of bleſſed memory: His Majeſty (in his great wiſdom, and in diſcharge of the Truſt repoſed in him by God, and by the Fundamental Laws of both Kingdoms, for the Protection and Government of them) reſolved to ſuppreſs, and thereby to vindicate that Soveraign power intruſted to him.

He had by the laſt Summers tryal found that his Grace and Goodneſs was abuſed, and that contrary to his expectation, and their faithful promiſes they had (ſince his being at *Berwick*, and the pacification there made) purſued their former rebellious deſigns: And therefore it was neceſſary now for his Majeſty by power to reduce them, to the juſt and modeſt condition of their obedience and ſubjection, which when ever they ſhould be brought unto, or ſeeing their own Errours ſhould put themſelves into a way of humility and obedience becoming them, his Majeſty ſhould need no other Mediator for Clemency and mercy to them, than his own piety and goodneſs, and the tender affection he hath ever born to that his native Kingdom.

This being of ſo great weight and conſequence to the whole Kingdom, and the charge of an Army fit to maſter ſuch a buſineſs amounting to ſuch a ſumm as his Majeſty hath no means to raiſe, having not only emptied his own Coffers, but iſſued between three and four thouſand pounds which he borrowed of his Servants upon ſecurity out of his own Eſtate, to provide ſuch things as were neceſſary to begin ſuch an Action with; his Majeſty after the example of his Predeceſſors, reſorted to his People in their repreſentative Body the Parliament, whom he deſired (with all the Expreſſions of grace and goodneſs which could poſſibly come from him) that taking into ſerious and dutiful conſideration the nature of theſe bleeding Evils, and how dangerous it was to loſe the leaſt minute of time, leſt thereby thoſe of *Scotland* ſhould gain the opportunity to frame their parties with Foraign States; that they would for a while lay aſide all other Debates, and paſs an Act for the ſpeedy payment of ſo many

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For further Supply neceſſary for ſo great an undertaking his Majeſty Declared, that he expected it not till there might be a happy concluſion of that Seſſion, and till their juſt grievances might be firſt graciouſly heard and relieved.

Wherein as his Majeſty would moſt willingly have given them the precedence before matter of Supply, if the great neceſſity of his occaſions could have permitted; ſo he was graciouſly pleaſed for their full aſſurance and ſatisfaction therein to give them his Royal Word, that without determining the Seſſion (upon granting of the Subſidies) he would give them before they parted as much time as the ſeaſon of the year and the great affairs in hand would permit, for conſidering all ſuch Petitions as they conceived to be good for the Common-Wealth, and what they would not now finiſh, they ſhould have full time to perfect towards Winter: His Majeſty graciouſly aſſuring them, that He would go along with them for their Advantage, through all the expreſſions of a gracious and pious King, to the end there might be ſuch a happy concluſion of that as might be the cauſe of many more meetings with them in Parliament.

From their firſt Aſſembling until the 21*th* of *April*, the Houſe of Commons did nothing that could give his Majeſty any content or confidence in their ſpeedy ſupplying of him: Whereupon he commanded both the Houſes to attend him in the *Banquetting Houſe* at *White-Hall* in the afternoon of that 21*th* of *April*, where (by the *Lord Keeper*) his Majeſty put them in mind of the end for which they were Aſſembled, which was for his Majeſties Supplies; That if it were not ſpeedy it would be of no uſe unto him, part of the Army then marching at the Charge of above a *hundred thouſand pounds* a moneth; which would all be loſt if his Majeſty were not preſently ſupplyed, ſo as it was not poſſible to be longer forborn.

Yet his Majeſty then expreſt that the ſupply he for the preſent deſired was only to enable him to go on with his Deſigns for three or four months, and that he expected no further ſupply till all their juſt grievances were relieved.

And becauſe his Majeſty had taken notice of ſome miſ-apprehenſions about the leavying of *Ship-Money*, his Majeſty commanded the *Lord Keeper* to let them know that he never had any intention to make any Revenue of it, nor had ever made any, but that all the money collected had been paid to the Treaſurer of the Navy and by him expended, beſides great ſumms of money every year out of his Majeſties own purſe.

That his Majeſty had once reſolved this year to have leavyed none, but that he was forced to alter his Reſolution, in regard he was of neceſſity to ſend an Army for reducing thoſe of *Scotland*, during which time it was requiſite the Seas ſhould be well guarded.

And beſides, his Majeſty had knowledge of the great *Fleets* prepared by all neighbouring Princes this year, and of the inſolencies committed by thoſe of *Algiers*, with the ſtore of ſhips they had in readineſs.

And therefore though his Majeſty for this preſent year could not forbear it, but expected their concurrence in the leavying of it, yet for the future to give all his Subjects aſſurance, how juſt and Royal his Intentions were, and that all his Aim was, but to live like their King, able to defend himſelf and them; to be uſeful to his Friends, and conſiderable to his Enemies, to maintain the Soveraignty of the Seas, and ſo make the Kingdom flouriſh in Trade and Commerce: he was graciouſly pleaſed to let them know, that the ordinary Revenue now taken by the Crown, could not ſerve the turn: and therefore that it muſt be by *Ship-money*, or ſome other way, wherein he was willing to leave it to their conſiderations, what better courſe to find out, and to ſettle it how they would (ſo the thing were done) which ſo much imported the honour and ſafety of the Kingdom.

And his Majeſty for his part, would moſt readily and cheerfully grant any thing they could deſire, for ſecuring them in the propriety of their Goods and Eſtates, and in the Liberty of their Perſons. His Majeſty telling them, it was in their power to make this as happy a Parliament as ever was, and to be the cauſe of the Kings delighting to meet with his people, and his people with him.

That there was no ſuch way to effect this, as by putting Obligations of truſt and confidence upon him, which as it was the way of good manners with a King, ſo it was a ſurer and ſafer courſe for themſelves, than any that their own Jealouſies and fears could invent; his Majeſty being a Prince that deſerved their truſt, and could not loſe the honour of it; and a Prince of ſuch a gracious nature, that diſdained his people ſhould overcome him by kindneſs.

He had made this good to ſome other ſubjects of his; and if they followed his Counſel, they ſhould be ſure not to repent it, being the people that were neareſt and deareſt unto him, and ſubjects whom he did and had reaſon to value more, than the ſubjects of any his other Kingdoms.

His Majeſty having thus graciouſly expreſſed himſelf unto them, he expected the Houſe of Commons would have the next day taken into conſideration the matter of ſupply, and laid aſide all other Debates, till that was reſolved of, according to his deſire.

But inſtead of giving an Anſwer therein, ſuch as the preſſing and urgent occaſions required, they fell into Diſcourſes and Debates about their pretended Grievances, and raiſed up ſo many and of ſo ſeveral natures, that in a Parliamentary way they could not but ſpend more time, than his Majeſties great and weighty affairs could poſſibly afford.

His Majeſty foreſeeing in his great Wiſdom, that they were not in the way to make this a happy Parliament (which he ſo much deſired and hoped) that nothing might be wanting on his part, to bring them into the right way, for his honour, the ſafety of the Kingdom, and their own good, he reſolved to deſire the Aſſiſtance of the Lords of the Higher Houſe, as perſons in Rank and Degree neareſt to the Royal Throne, and who having received Honour from him and his Royal Progenitors, he doubted not would for thoſe and many other reaſons, be moved in Honour and Dutiful Affection to his Perſon and Crown, to diſpoſe the Houſe of Commons to expreſs their Duties to his Majeſty, in expediting the matter of Supply for which they were called together, and which required ſo preſent a Diſpatch.

For this purpoſe, his Majeſty in his Royal Perſon came again to the Lords Houſe on *Wedneſday* the twenty fourth day of *April*, where himſelf declared to the Lords the cauſe of his coming, which was to put them in mind of what had been by the Lord Keeper in his Name delivered to both the Houſes the firſt day of the Parliament, and after at *White-Hall*: how contrary to his Expectation, the Houſe of Commons having held conſultation of matter of Religion, Property of Goods, and Liberty of Parliament, and Voted ſome things concerning thoſe three Heads, had thereby given them the precedence before the matter of his Supply. That his neceſſities were ſuch, they could not bear delay; That whatever he had by by the Lord Keeper promiſed, he would perform, if the Houſe of Commons would truſt him.

For Religion, that his Heart and Conſcience went together with the Religion eſtabliſhed in the Church of *England*: and he would give order to his Arch-Biſhops and Biſhops, that no Innovation in matter of Religion ſhould creep in.

For the *Ship-money*, that he never made, nor intended to make any profit to himſelf of it, but only to preſerve the Dominion of the Seas; which was ſo neceſſary, that without it the Kingdom could not ſubſiſt. But for the way and means by *Ship-money* or otherwiſe, he left it to them.

For *property of Goods*, and *Liberty of Parliament*, he ever intended his people ſhould enjoy them; holding no King ſo great, as he that was King of a Rich and free people; and if they had not property of Goods and Liberty of Perſons, they would be neither rich, nor free.

That, if the Houſe of Commons would not firſt truſt him, all his affairs would be diſordered and his buſineſs loſt. That though they truſted him in part at firſt, yet before the Parliament ended, he muſt totally truſt them; and in concluſion, they muſt for Execution of all things, wholly truſt him.

Therefore ſince the matter was no more, than who ſhould be firſt truſted; and that the truſt of him firſt, was but a truſt in part, his Majeſty deſired the Lords to take into their conſiderations, his and their own Honour, the Safety and Welfare of this Kingdom, with the great danger it was in, and that they would by their Advice diſpoſe the Houſe of Commons, to give his Supply the precedence before the Grievances.

His Majeſty being departed, the Lords took into ſerious conſideration what his Majeſty had commended to their care, and forthwith laying aſide all other Debates (ſuch was their Lordſhips Dutiful and Affectionate Carriage, they well remembring what had been formerly declared in his Majeſties Name to both Houſes, his Majeſties gracious promiſes and expreſſions then and at this time, with the preſſing and urgent occaſions which ſo much imported the honour of his Majeſty, and the good of this Kingdom) their Lordſhips delivered their Votes in theſe words;

We are of opinion, that the matter of his Majeſties Supply ſhould have precedence and be reſolved of, before any other matter whatſoever. And we think fit, there ſhall be a Conference deſired with the Houſe of Commons, to diſpoſe them thereunto.

16 *Caroli.*

Accordingly the next day being *Saturday* the twenty fifth day of *April*, a Conference was had in the *Painted Chamber* by a Committee of both Houſes, where the Lord Keeper (by the Lords Command) told the Houſe of Commons of his Majeſties being the day before in perſon in the Higher Houſe, how graciouſly he had expreſt himſelf in matter of Religion, Property of Goods, and Liberty of Parliament; and that he would therein graciouſly hear and relieve them, and give them what in reaſon could be deſired, with the effect of what elſe had been graciouſly delivered unto them by his Majeſty, as well touching his conſtant zeal and affection to the Religion eſtabliſht in the Church of *England*, as touching the *Ship-money*.

Memorand. The Declaration proceeds further on to a great length in repeating the Kings Speech in the Houſe of Peers, and the Votes which the Lords did paſs thereupon in their Houſe, to diſpoſe the Commons to give Supply precedence, and how the Commons did Vote, the proceedings of the Lords to be a breach of their Priviledge, and to demand reparation, and how the Lords meant by their Votes, that it is no breach of Priviledge of the Commons. This Declaration alſo repeateth the two Meſſages which the King ſent by Sr. *Henry Vane* to the Houſe of Commons, and how they had no effect at all with them.

All which ſaid Paſſages are omitted here, becauſe they are fully ſet down in the Narrative of the Proceedings of this Parliament, which Omiſſion in this place is done to ſave the Reader a double trouble. That which follows in this Declaration after the ſaid Paſſages ſo omitted is in theſe words:

By all the proceedings herein declared, it is evident to all men, how willing and deſirous his Majeſty hath been, to make uſe of the antient and Noble way of Parliaments uſed and inſtituted by his Royal Predeceſſors, for the preſervation and honour of this famous Monarchy: And that on his Majeſties part nothing was wanting, that could be expected from a King whereby this Parliament might have had a happy Concluſion, for the comfort and content of his Majeſties ſubjects, and for the good and ſafety of this Kingdom.

On the contrary it is apparent, how thoſe of the Houſe of Commons, (whoſe ſiniſter and malitious courſes enforced his Majeſty to diſſolve this Parliament) have vitiated and abuſed that antient and noble way of Parliament, perverting the ſame to their own unworthy Ends, and forgetting the true Uſe and Inſtitution of Parliaments.

For whereas, theſe Meetings and Aſſemblies of his Majeſty with the Peers and Commons of this Realm, were in their firſt original, and in the practice of all ſucceeding Ages, ordained and held as pledges and teſtimonies of affection between the King and his people; the King for his part graciouſly hearing and redreſſing ſuch Grievances, as his people in humble and dutiful manner ſhould repreſent unto him; and the ſubjects on their part, (as teſtimonies of their Duty) ſupplying his Majeſty upon all extraordinary occaſions for ſupport of his Honour and Soveraignty, and for preſerving the Kingdom in Glory and Safety:

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Thoſe ill affected Members of the Houſe of Commons, inſtead of an humble and dutiful way of preſenting their Grievances to his Majeſty, have taken upon them to be the Guiders and Directors in all matters that concern his Majeſties Government, both Temporal and Eccleſiaſtical; and (as if Kings were bound to give an account of their Regal Actions, and of their manner of Government to their Subjects aſſembled in Parliament) they have in a very audacious and inſolent way, entred into examination and cenſuring of the preſent Government, traduced his Majeſties Adminiſtration of Juſtice, rendred as much as in them lay, odious to the reſt of his Majeſties Subjects, not only the Officers and Miniſters of State, but even his Majeſties very Government, which hath been ſo juſt and gracious, that never did this, or any other Nation enjoy more bleſſings and happineſs, than hath been by all his Majeſties Subjects enjoyed ever ſince his Majeſties Acceſs to the Crown: nor did this Kingdom ever ſo flouriſh in Trade and Commerce, as at this preſent, or partake of more peace and plenty in all kinds whatſoever.

And whereas, the Ordinary Revenues of the Crown not ſufficing to defray extraordinary charges, it hath ever been the uſage in all Parliaments, to aid and aſſiſt the Kings of this Realm with free and fitting Supply, towards the maintenance of their Wars, and for making good their Royal undertakings; whereby the Kingdom intruſted to their protection, might be held up in Splendour and Greatneſs:

Theſe ill affected perſons of the Houſe of Commons, have been ſo far from treading in the ſteps of their Anceſtors by their Dutiful expreſſions in this kind, that contrarily they have introduced a way of bargaining and contracting with the King; as if nothing ought to be given him by them, but what he ſhould buy and purchaſe of them, either by quitting ſomewhat of his Royal Prerogative, or by diminiſhing and leſſening his Revenues; which courſes of theirs, how repugnant they are to the Duty of ſubjects, how unfit for his Majeſty in honour to permit and ſuffer, and what hazard and diſhonour they ſubject this Kingdom to, all men may eaſily judge, that will but equally and impartially weigh them.

His Majeſty hath been by this means reduced to ſuch ſtraits and extremities, that were not his Care of the Publick Good and Safety the greater, theſe men (as much as in them lyes) would quickly bring ruine and confuſion to the State, and render contemptible this glorious Monarchy.

But this frowardneſs and undutiful behaviour of theirs, cannot leſſen his Majeſties Care of preſerving the Kingdoms entruſted to his Protection and Government, nor his gracious and tender affection to his People, for whoſe good and comfort his Majeſty by Gods gracious aſſiſtance will ſo provide, that all his loving Subjects may ſtill enjoy the happineſs of living under the bleſſed ſhade and protection of his Royal Scepter.

In the mean time, to the end all his Majeſties loving Subjects may know, how graciouſly his Majeſty is inclined to hear and redreſs all the juſt Grievances of his people as well out of Parliament as in Parliament, his Majeſty doth hereby further declare his Royal Will and Pleaſure, that all his loving Subjects who have any juſt cauſe to preſent, or complain of any Grievances or oppreſſions, may freely addreſs themſelves by their humble Petitions to his Sacred Majeſty, who will graciouſly hear their Complaints, and give ſuch fitting Redreſs therein, that all his people ſhall have juſt cauſe to acknowledge his Grace and Goodneſs towards them; and to be fully ſatisfied, that no Perſons or Aſſemblies can more prevail with his Majeſty, than the Piety and Juſtice of his own Royal Nature, and the tender affection he doth and ſhall ever bear to all his people and loving ſubjects.

Lord *Brooke*, Sr. *John Hotham*, &c. committed.

THe day following the Diſſolution of the Parliament, ſome Members were impriſoned; the Lord *Brooks* his Study, Cabinets and Pockets were ſearched for Papers, *Henry Bellaſis* Knight of the Shire for the County of *York* and Sr. *John Hotham* were convented before the Council, and there examined concerning ſome particulars importing the Kings ſervice, whereunto they making (as the Board conceived) no ſatisfactory anſwers, (for they were interrogated concerning paſſages in Parliament, his Majeſty being preſent in Council) were ordered to be Committed to the *Fleet*: the Order for their Commitment doth follow.

Warrant for the Commitment of Mr. *Bellaſis* and Sr. *John Hotham* after the Parliament was diſſolved.

W*Hereas* Henry Bellaſis Eſq;, *and Sir* John Hotham *Knight Baronet, were this day Convented before the Board, and Interrogated concerning ſome particulars importing his Majeſties ſervice: whereunto they did make very undutiful Anſwers (his Majeſty being then preſent in Council) for which it was thought fit and reſolved, that they ſhould ſtand Committed to the Priſon of the* Fleet: *Theſe are therefore to will and require you to take into your Cuſtody the ſaid* Henry Bellaſis *and Sr.* John Hotham, *and keep them ſafe Priſoners till further order from his Majeſty or this Board. For which this ſhall be your Warrant. Dated the* 8th *of* May 1640. *Signed*

Lord Arch-biſhop of Canterbury.
Lord Keeper.
Lord Treaſurer.
Lord Privy Seal.
Lord Marqueſs Hamilton.
Lord Great Chamberlain.
Lord High Admiral.
Lord Chamberlain.
Earl of Dorſet.
Earl of Saliſbury.
Earl of Holland.
Earl of Berks.
Earl of Strafford.
Lord Viſcount Wilmot.
Lord Goring.
Lord Cottington.
Lord Newburgh.
Mr. Treaſurer.
Mr. Comptroller.
Mr. Secretary Windebanke.
Lord Chief Juſtice of the Common Pleas.

Mr. *Crew* alſo committed.

JOhn *Crew* Eſq; [now Lord *Crew*] was alſo convented before the Board, his Majeſty being preſent in Council, and was there deſired ſeveral times by his Majeſty to deliver to the Clerk of the Houſe of Commons all Petitions, Papers and Complaints that he received, being in the Chair at the Committee for Religion. The Council urged, that it was agreeable to the practice and courſe of all others who had ſerved in the like imployment as Chair-men to Committees appointed by that Houſe, and therefore required the ſaid Mr. *Crew* to deliver ſuch Petitions and Papers as he had ſo received, to the Clerk of the Houſe of Commons, to have them forth-coming when required by a Parliament; and being unwilling to diſcover the Names of Subſcribers to Petitions which complained of Innovations in Religion, and againſt proceedings in the High Commiſſion Court, *&c.* leaſt they ſhould (the Parliament being now diſſolved) fall into the hands of thoſe who would bring them into trouble about the ſame; whereupon he deſired to be excuſed as to the delivery of them: thereupon it was commanded, that he ſhould be committed Cloſe Priſoner to the *Tower*, where he continued till near the time of the meeting of another Parliament *Novemb.* 3. 1640. The Warrant for his Commitment doth follow.

A Letter directed to the Lieutenant of the Tower of *London.*

A Warrant for his Commitment.

T*Heſe are to will and require you, to receive into your Cuſtody, the perſon of* John Crew *Eſq;, and to keep him ſafe, and Cloſe Priſoner in the* Tower *till you ſhall receive further order from this Board: And for ſo doing, this ſhall be your Warrant. And ſo,* &c. *Dated the* 10th *of* May. 1640. *Signed*

Lord Arch-biſhop of Canterbury.	*Lord Lieutenant of* Ireland.
Lord Keeper.	*Lord* Goring.
Lord Treaſurer.	*Lord* Newburgh.
Lord Privy Seal.	*Mr. Treaſurer.*
Earl of Holland.	*Mr. Secretary* Windebanke.

THe Parliament being now diſſolved, and the Kings Declaration of the Cauſes which moved him thereunto being publiſhed, we return to the Month of *April* where we broke off, leſt Interruption ſhould be given to the proceedings *De die in diem* of that Parliament: and that which offereth it ſelf unto us in order of time, is

A Letter directed to Sr. *Michael Earnely* Knight, Lieutenant Governour of his Majeſties Town and Garriſon of *Berwick.*

Scotch-men lately Inhabitants within the Town of *Berwick* to depart.

W*Hereas his Majeſty hath been advertiſed that divers perſons of ſundry qualities have for their relief and ſafety in this troubleſome time, been enforced to remove themſelves and their Families out of* Scotland, *and have taken up their reſidence within the Town of* Berwick; *which becauſe it imports his Majeſties ſervice, that Town ſhould be kept as free and empty of people as conveniently may be, now that his Majeſties Army is to approach thoſe parts; It was his Royal Pleaſure conſideration ſhould be taken thereof at this Board, and ſuch order given therein as might be requiſite, both for his Majeſties ſervice, and alſo for the fit accommodation of thoſe refugiat perſons: We after mature deliberation have thought fit hereby to require you, to cauſe all ſuch perſons to* *remove with their Families out of the ſaid Town, to the full diſtance of miles hitherwards. At which diſtance from the Borders his Majeſty will be pleaſed they may reſide and continue, but not come nearer the City of* London, *than the County of* York. *And for their remove from thence, they are to have ſeven dayes warning; and are to be diſmiſſed with all fair reſpect and ſuch aſſiſtance from you, as may moſt conveniently be afforded unto them according to their ſeveral qualities and conditions. But for ſuch perſons of quality as repair thither, having but little company with them, and ſhall have occaſion to make only a ſhort ſtay there, being to paſs forward, either to attend or to ſerve his Majeſty, you are not to underſtand them to be included in this our Order; wherein not doubting of your care, and requiring an account from you of your proceedings, we bid you,* &c. *Dated the* 18th *of* April 1640.

At this time it was thought fit by the Lords of the Privy Council to prevent inconvenience that might happen upon *May-day*, to write theſe two following Letters.

A Letter directed to the Earl of *Dorſet*, and to the Earl of *Holland*, as followeth.

To ſuppreſs the Inſolencies uſually practiſed on *May-day*.

AFter &c. *to your Lordſhips. Although it is well known unto you, what have been the inſolencies and diſorders committed on* May-dayes, *and how expreſs and frequent the directions of this Board have been for preventing the ſame; nevertheleſs we have thought good hereby to renew our directions to your Lordſhips, praying and requiring you to give order to the Juſtices of the Peace of the County of* Middleſex, *to cauſe ſtrong and* ſufficient Watches *to be kept in all fit places within their ſeveral Juriſdictions on* May-day *next; and (if need be) to cauſe ſome of the Trained Bands to be Muſtered and Trained on that day in ſuch places as ſhall be thought fitteſt to prevent the diſorders aforeſaid, and to hinder the confluence of people together: ſo praying your Lordſhips to uſe eſpecial care and diligence herein, we bid your Lordſhips,* &c. *From* White-Hall *the* 24th *of* April 1640.

Lord Keeper.
Lord Privy Seal.
Lord Great Chamberlain.
Lord Viſcount Wilmot.
Lord Cottington.
Mr. Secretary Windebanke.

Alſo another Letter to the ſame purpoſe was directed to the Lord Mayor of the City of *London*, as followeth.

To ſuppreſs the Inſolencies uſually committed on *May-day*.

AFter &c. *to your Lordſhip. Although it is well known unto you, what have been the* Inſolencies *and diſorders* committed *heretofore on* May-dayes, *and how expreſs and frequent the directions of this Board have been to your predeceſſors for preventing the ſame; nevertheleſs we have thought good to renew our like directions to your Lordſhip, hereby requiring you, that beſides the keeping of ſtrong and ſufficient Watches in all fit places within that City and Liberties thereof, you do likewiſe appoint to be in readineſs with Powder and Shot, ſome of the*

Trained Bands to the number of eight hundred, to be Inſtructed and Trained (as need ſhall require) on May-day *next in ſuch convenient places, as may beſt ſerve for the preventing of any Riots or Tumults, which by the number of Apprentices joyned with looſe and diſſolute perſons, (which abound in theſe parts) might otherwiſe happen, or be attempted: and ſo requiring you to uſe eſpecial care and diligence herein, We bid your Lordſhip,* &c. *From* White-Hall *the twenty fourth of* April 1640. *Signed*

Lord Keeper.
Lord Privy Seal, &c.

A Letter directed to the Lords Lieutenants of the ſeveral Counties mentioned in the Liſt immediately following: which Letter was dated *May* 5.

Concerning the Souldiers that are to march by Land.

W*Hereas by our Inſtructions dated the* 26th *of* March *laſt ſent together with his Majeſties Letters for preſſing of   Foot, within that County of your Lordſhips Lieutenancy for defence of the Realm, your Lordſhip was (amongſt other things) prayed to take order that the ſaid   men to be raiſed, ſhould be appointed to meet in Companies of one hundred a piece at particular Rendezvouz in that County moſt convenient for every hundred men till the* 10th *of this Inſtant* May, *to be weekly exerciſed by ſuch Officers as the Lord General ſhould ſend down; and to be brought the* 10th *of* May *to the General Rendezvouz, which your Lordſhip was by our ſaid Inſtructions to appoint on the Confines of that Shire moſt convenient for the ſaid Souldiers march towards* Newcaſtle *upon* Tine; *at which General Rendezvouz in that County the ſaid men were to remain till the* 20th *of this Inſtant* May, *to be there exerciſed and put in order for their march towards* Newcaſtle: *we are now by his Majeſties expreſs directions and Command, hereby to pray and require your Lordſhip to take preſent and effectual order, that the ſaid men be not brought to the General Rendezvouz of that County till the firſt of* June *next; but that they be continued to be exerciſed once every week at their particular Rendezvouz until that day, and then repair to the General Rendezvouz of that County, and remain there till the tenth of the ſame* June, *to be exerciſed and put in order for their march towards* Newcaſtle, *according to our former Inſtructions of the* 26th *of* March *laſt: which ſaid Inſtructions your Lordſhip is to cauſe to be carefully purſued and obſerved in all other particulars without delay. And ſo we bid your Lordſhip,* &c. *Dated* May 5. 1640. *Signed by the*

Lord Arch-biſhop of Canterbury.
Lord Privy Seal, &c.

A Liſt of the Souldiers that are to march by Land.

The Reader is deſired to excuſe any miſtake as to the number of men, the Copy by which it was printed being imperfect.

	Men.		Men.
Berks	600.	Merioneth.	100.
Brecknocke.	200.	Monmouth	250.
Briſtoll.	200.	Montgomery.	200.
Cardigan.	150.	Northampton.	550.
Carmarthen	250.	Dorſett.	600.
Carnarvon.	160.	Oxford.	600.
Cheſter.	500.	Pembroke.	300.
Cornwall.	600.	Radnor	100.
Denbigh.	200.	Rutland.	60.
Devon.	2000.	Salop.	500.
Flint	080.	Somerſett.	2000.
Glamorgan.	200.	Southampton.	1300.
Glouceſter.	1500.	Stafford.	300.
Hereford.	300.	Warwick.	500.
Leiceſter.	400.	Wilts.	1300.

Letters were directed to the Lords Lieutenants of the ſeveral Counties particularly expreſſed in the Liſt mentioned in the former Letter.

Touching the Souldiers that are to be ſent by Sea.

W*Hereas by our Letters of Inſtructions dated the* 26th *of* March *laſt, ſent together with his Majeſties Letters for* preſſing *of Foot within that* County *of your Lordſhips Lieutenancy, for defence of the Realm, your Lordſhip was (amongſt other things) prayed to take order, that the ſaid   men to be raiſed, ſhould be appointed to meet in Companies of one hundred a piece at particular Rendezvouz in that County, moſt convenient for each hundred men till the   of this inſtant May, to be weekly exerciſed by ſuch Officers as the Lord General ſhould ſend down, and to be brought the ſaid   of* May *to the General Rendezvouz, which your Lordſhip was by our ſaid Inſtructions to appoint on the Confines of that Shire, moſt convenient for the ſaid ſouldiers march to* Graveſend, *at which General Rendezvouz in that County, the ſaid men were to remain till the   of* June *next, to be there exerciſed and put in order for their march towards* Graveſend: *We are now by his Majeſties expreſs directions and command, hereby to pray and require your Lordſhip, to take preſent and effectual order, that the ſaid men be not brought to the General Rendezvouz of that County till the firſt of* June *next; but that they be continued to be exerciſed once every Week at their particular Rendezvouz until that day; and then repair to the General Rendezvouz of that County, and remain there at the charge of that County, till the tenth of the ſame* June, *to be exerciſed and put in order by ſuch Officers as are or ſhall be ſent thither for that purpoſe, by the Lord General, till ſcuh time as his Lordſhip ſhall give order for their marching to* Graveſend *to be there ſhipped; but all the ſaid men are to enter into the Kings pay the tenth of* June *next, albeit they ſhall not march thence ſo ſoon; and are to deliver up the Arms borrowed*

borrowed of the Trained Bands, when they ſhall march out of that County: and for all other particulars concerning this ſervice, your Lordſhip is to cauſe our former Inſtructions to be carefully purſued and obſerved. And ſo, &c. *Dated the ſixth of* May 1640. *Signed by*

Lord Arch-Biſhop of Canterbury.
Lord Keeper.
Lord Treaſurer.
Lord Privy Seal.
Lord Marqueſs Hamilton.
Lord Admiral.
Earl of Dorſet.
Lord Goring.
Lord Cottington.
Lord Newburgh.
Mr. Treaſurer.
Mr. Secretary Windebanke.

A Liſt of the Souldiers that are to be ſent by Sea.

Graveſend.	
Suſſex.	600.
Surrey.	800.
Kent.	700.
Cinque-ports.	300.

Yarmouth.	
Huntington.	400.
Suffolk.	600.
Northfolk.	750.
Cambridge.	300.
Bedford.	400.

Harwich.	
Middleſex	1200.
Hertford.	650.
Eſſex.	700.
Buckingham.	500.

Grimsby.	
Lincoln.	200.
Nottingham.	300.
Darby.	400.

A Memorial of his *Majeſties Declaration* to continue the *ſitting of the Convocation for the quiet of the Church.*

‘ON the ſeventh of *May*, two dayes after the firſt Diſſolution, his Majeſty ſitting in Council was pleaſed to declare, that he intended according to his gracious Speech delivered at the diſſolution of the late Aſſembly in Parliament, to take into his Princely conſideration all the juſt Grievances there complained, and to remedy ſo many of them, as he ſhould find to be real: and more particularly and in the firſt place, thoſe concerning Religion. And that to this purpoſe, his Majeſty was minded to continue the ſitting of the Convocation Houſe for ſome time, for the better diſcovery and reformation of ſuch abuſes in that kind, as ſhall be found to be juſtly complained of; which his Majeſties pious and gracious Declaration and reſolution their Lordſhips having by his Majeſties command taken into due conſideration, after a ſerious debate they did all of them with one unanimous conſent humbly approve thereof, and commanded that a Memorial of his Majeſties care in continuing of the Convocation for the quiet of the Church, ſhould be entred in the Regiſter of the Acts of Council.

After this time the Convocation ſate till the 29th of *May*, and then ended.

At the Court at WHITE-HALL, on *May* 7.

Preſent

The Kings Moſt Excellent Majeſty.

Lord Arch-Biſhop of Canterbury.
Lord Treaſurer.
Lord Privy Seal.
Lord Marqueſs Hamilton.
Lord Great Chamberlain.
Lord High Admiral.
Lord Chamberlain.
Earl of Saliſbury.
Earl of Holland.
Earl of Berks.
Lord Lieutenant of Ireland.
Lord Goring.
Lord Cottington.
Lord Viſcount Wilmot.
Lord Newburgh.
Mr. Treaſurer.
Mr. Comptroller.
Secretary Windebanke.
Lord Chief Juſtice of the Common Pleas.

‘HIs Majeſty and their Lordſhips taking into conſideration the great and ſupine negligence of the High Sheriffs of divers Counties, in the execution of his Majeſties Writs for *Ship-money* iſſued in *November* laſt, and reſolving that a round courſe ſhall be forthwith taken for puniſhing of them according to their demerits; it was this day ordered, that Mr. Attorney General ſhall be hereby prayed and required to ſend for the preſent High Sheriffs of the Counties of *London*, *Middleſex*, * *York*, *Berks*, *Surrey*, *Lieceſter*, *Eſſex* and *Northampton*, and to examine them concerning their proceedings and performance of that ſervice, and to proceed againſt them for their contempt and neglect in ſo important a ſervice, in the *Star-Chamber* or otherwiſe with all convenient expedition, as his Majeſties ſaid Attorney ſhall ſee cauſe.

Touching proceedings to be had againſt Sheriffs for their contempts and neglects in Ship-ſervice.

* Sir *Marmaduke Langdale* then Sheriff.

MAy 9. *Saturday*, a Paper was paſted on the *Old Exchange London*, animating Apprentices to ſack the Arch-Biſhop of *Canterbury's* houſe, whereupon the Privy Council directed a Letter to the effect following to the Lord Lieutenant of *Surrey*.

HIs Majeſties pleaſure is, that your Lordſhip take preſent and effectual order, that all the Trained Bands belonging to the Borough of Southwark, *be drawn forth and put in arms and readineſs, with powder and ſhot in St.* Georges Fields, *on* Munday *next in the morning, and that they continue and remain ſo till the Evening, unleſs your Lordſhip ſhall ſee cauſe to give order for their diſcharge ſooner. And thus not doubting your Lordſhips care herein, we bid,* &c. *Dated* May 10.1640. *Signed by*

Trained Bands of *Southwarke* to be in readineſs in S. *George's* Fields.

Lord Privy Seal.
Lord Admiral.
Lord Marqueſs Hamilton.
Lord Great Chamberlain.
Lord Chamberlain.
Earl of Berks.
Lord Newburgh.
Mr. Treaſurer.
Mr. Secretary Windebanke.

An. 1640.

M*Unday May* 11. at Midnight, ſaith my Lord Biſhop, my houſe at *Lambeth* was beſet with five hundred perſons of the Raſcal Riotous multitude; I had notice, ſaith the Archbiſhop, and ſtrengthened the houſe as well as I could, and God be bleſſed I had no harm; ſince I have got Cannons, and fortified my houſe as well as I can, and I hope all may be ſafe: But yet Libels are continually ſet up in all places of note in the City.

UPon the occaſion of this Tumult and the beſetting of *Lambeth Houſe* theſe following Orders were made by the Lords of the Privy Council for the ſecuring of his Grace the Archbiſhop of *Canterbury* from the Inſurrection of the People.

May 12. 1640.

For keeping Watches and ſtrict courſes in the City.

A Letter to the Lord Mayor of the City of *London*.

U*Pon Occaſion of the late tumultuous Aſſembly in and about* Lambeth, *his Majeſty hath commanded us to ſignifie his pleaſure to your Lordſhip to take preſent and effectual order that there be double Watches kept within the City and Liberties of* London, *and that the ſaid Watches do continue in their charge till five a Clock in the morning. Your Lordſhip is further to cauſe every Houſholder within the ſaid City and Liberties, to be anſwerable for the quiet and peaceable behaviour of all his Apprentices and Servants. And laſtly your Lordſhip is to take eſpecial care that there be a good and ſufficient watch kept every night at the Bridge Foot, to intercept all vagrant perſons, and to prevent any concourſe of people, to paſs in or out of the ſaid City. Which ſtrict courſe and double watch is to be continued by your Lordſhips vigilant care till your Lordſhip ſhall receive further order. And for your Lordſhips ſo doing this ſhall be your Warrant. And ſo* &c. *Dated* May 12. 1640.

Lord Archbiſhop of *Canterbury.*
Lord Treaſurer.
Lord Privy Seal.
Lord Marqueſs *Hamilton.*
Lord Great Chamberlain.
Lord High Admiral.
Lord Chamberlain.
Earl of *Saliſbury.*
Earl of *Holland.*
Earl of *Berks.*
Lord Lieutenant of *Ireland.*
Lord *Goring.*
Lord *Cottington.*
Lord Viſcount *Wilmot.*
Lord *Newburgh.*
Mr. *Treaſurer.*
Mr. *Comptroller.*
Secretary *Windebanke.*
Lord Chief Juſtice of the Common Pleas.

A Letter to the Juſtices of Peace of *Weſtminſter* and Liberties.

May 12. 1640.

U*Pon occaſion of the late tumultuous Aſſembly in and about* Lambeth, *we are by his Majeſties eſpecial Command to require you preſently to take effectual order that double Watches be kept every night in and about the Cities and Liberties of* Weſtminſter *to prevent diſorders and tumultuous Aſſemblies, and to intercept and apprehend all vagrant and wandring perſons and bring them to Juſtice. And you are further by his Majeſties expreſs Command to take ſome courſe that every Houſholder within the ſaid City and Liberties may be anſwerable for the peaceable and quiet behaviour of all his Apprentices and Servants; which double Watch and ſtrict courſe is to be continued by your care and vigilancy until further order. For which this ſhall be your ſufficient warrant. And ſo* &c. *Dated* May 12. 1640. *Signed,*

That double Watches and ſtrict Courſes be kept to prevent Tumults.

Lord Privy Seal.
Lord Lieutenant of *Ireland*, *&c.*

A Letter to the Earl of *Dorſet* and the Earl of *Holland* his Majeſties Lieutenants for the County of *Middleſex*.

May 12. 1640.

U*Pon occaſion of the late tumultuous aſſembly at* Lambeth, *we are by his Majeſties expreſs command hereby to require your Lordſhip preſently to take effectual order that there be double Watches kept in and about St.* Giles, *and* Tuttle Fields, *and all other paſſages and places near* London *and* Weſtminſter *within the County of* Middleſex *to prevent tumultuous aſſemblies, and to intercept and apprehend all idle and vagrant perſons and to bring them to Juſtice; and your Lordſhips are to give order that there be* Boats *provided to be ready to tranſport Horſe and Men at* Lambeth Ferry *and elſewhere upon any occaſion for the better ſuppreſſing of ſuch diſorders and tumults as may happen. And thus not doubting of your Lordſhips care herein, We bid* &c. *Dated and Signed* ut ante.

Strict courſes to be uſed for ſuppreſſing of Tumults.

A Letter to the Earl of *Arundel* and *Surry*, the Earl of *Nottingham*, and the Lord *Maltravers*, his Majeſties Lieutenants of the County of *Surry*.

May 12. 1640.

U*Pon occaſion of the tumultuous aſſembly the laſt Night, We are by his Majeſties ſpecial command to require your Lordſhips preſently to take order that there be appointed forthwith an able and well affected Provoſt Marſhal together with a conſiderable and competent number of ſufficient Horſe and Foot, well armed and provided to Watch and Ward this night, and ſo by turns from time to time in and about* Lambeth, Newington, *St.* Georges Fields, *and the places and paſſages thereabouts to prevent any Concourſe or Aſſembly of people: and to intercept and ap-*

To appoint a Provoſt Marſhal and Watch and Ward of Horſe and Foot.

prehend all wandring and vagrant perſons and to bring them to Juſtice. Which watch and ward is to be continued till your Lordſhip ſhall underſtand his Majeſties further pleaſure. For which this ſhall be your Warrant. And ſo &c. *Dated* May 12. 1640. *Signed by*

Lord Privy Seal.
Lord Duke of *Lenox*, *&c.*

May 14. 1640.

After two dayes reſpite, Informations came every hour of more Libels poſted up, whereupon a Letter was ſent to the Lord Mayor of *London* to this effect.

That the Trained Bands be in readineſs for ſuppreſſing tumults.

W*Hereas by the late tumultuous aſſembly in and about* Lambeth, *we find that it may be neceſſary upon the like occaſion to have the Trained Bands of the City of* London *and Liberties in a readineſs to ſuppreſs any diſorderly, riotous, and like tumultuous meetings, which may happen now or at any other time hereafter, we have therefore thought good hereby to authoriſe and require your Lordſhip for the prevention and ſuppreſſing of any danger that may happen by the gathering together of vagrant or any other idle perſons, from time to time, and ſo often as you ſhall find it requiſite to cauſe the trained Bands of that City,* &c. *or ſuch part thereof as your Lordſhip ſhall think neceſſary to be drawn forth in their Armes and put in readineſs for the ſervice aforeſaid. For which this ſhall be your Lordſhips Warrant. And ſo* &c. *Dated the* 14th *of* May, 1640. *Signed by*

Lord Archbiſhop of *Canterbury.*	Lord *Cottington.*
Lord Treaſurer.	Lord *Newburgh.*
Lord Privy Seal.	Mr. Treaſurer.
Earl of *Dorſet.*	Mr. Secretary *Windebanke.*
Earl of *Berks.*	Mr. Comptroller.
Lord *Goring.*	

May 15. 1640.

Another Letter was directed to the Earl of *Dorſet*, and the Earl of *Holland* his Majeſties Lieutenants for the County of *Middleſex.*

Trained Bands of *Middleſex* to be ſent for eaſe to thoſe of *Surry.*

W*Hereas by reaſon of the late tumultuous diſorders in* Southwark *and the parts thereabouts, the trained Bands of thoſe parts have been by order from his Majeſty and this Board commanded to watch ſeveral nights together, whereby they are ſo wearied as they are not well able longer to undergo that duty; we are therefore by his Majeſties Command, hereby to require your Lordſhips to take preſent and effectual order that ſome of the Trained Bands of the County of* Middleſex *neareſt adjoyning be ſent this evening into* Southwark, *and the parts adjacent, and ſo from time to time imployed by turns to relieve and eaſe the Trained Bands of* Surry, *as ſhall be by your Lordſhips Deputy Lieutenants and the Deputy Lieutenants of* Surry *agreed unto and ordered. We have alſo by his Majeſties Command, written to the Lord Mayor to cauſe ſome of the Trained Bands of the City to be ſent to morrow in the Evening into* Southwark,

wark, *in like manner for eaſe of the Trained Bands of* Surrey. *whereof we have thought good alſo to advertiſe your Lordſhips, that your Deputy Lieutenants may likewiſe agree with them at what times to ſend the Bands of* Middleſex *for the ſervice aforeſaid. For which* &c. *Dated the* 15th *of* May. *Signed by*

Lord Arch-Biſhop of *Canterbury.*
Lord Treaſurer.
Lord Privy Seal.
Lord Marqueſs *Hamilton.*
Earl of *Suffolk.*
Earl of *Newcaſtle.*
Mr. Treaſurer.
Mr. Secretary *Windebank.*
Lord *Goring.*

At WHITE-HALL, May 15. 1640.

Preſent,

The King's Moſt Excellent Majeſty.

Lord Arch-Biſhop of Canterbury.
Lord Keeper.
Lord Treaſurer.
Lord Privy Seal.
Lord Great Chamberlain.
Earl of Suffolk.
Lord Chamberlain.
Earl of Holland.
Earl of Berks.
Earl of New-Caſtle.
Lord Goring.
Lord Cottington.
Lord Newburgh.
Mr. Treaſurer.
Mr. Comptroller.
Mr. Secretary Windebank.
Lord Chief Juſtice of the Common Pleas.

Order for publiſhing a Proclamation for the puniſhing and repreſſing Traiterous and Rebellious Aſſemblies.

‘WHereas there is a Proclamation drawn immediately to be publiſhed, for the puniſhing and repreſſing of the late Traiterous and Rebellious Aſſemblies in *Lambeth*, *Southwark* and other places adjoyning, it was this day ordered by his Majeſty with the Advice of the Board; that the Lord Mayor and the Sheriffs of *London*, ſhall preſently aſſoon as the ſaid Proclamation ſhall come unto their hands, cauſe the ſame to be proclaimed in the Market places and chief ſtreets of the ſaid City and Liberties thereof, and the Sheriffs of *Middleſex* ſhall cauſe the ſame in like manner to be proclaimed in the chief ſtreets and places of the Suburbs, and places adjacent thereunto, and the Sheriff of *Surrey* in like manner ſhall cauſe the ſame to be proclaimed in the chief ſtreets and places adjacent in the Borough of *Southwark*, and the Bayliff of *weſtminſter* within the Liberties of *Weſtminſter*, whereof they are not to fail reſpectively in their ſeveral Juriſdictions.

At the Court at White-Hall,

May 16. 1640.

Preſent,

The Kings moſt Excellent Majeſty.

May 16. 1640.

Lord Arch-Biſhop of *Canterbury, &c.*

Concerning *Beament, Sprat* and *Wilſon*.

'It was this day ordered (his Majeſty preſent in Council) that the examinations of *Richard Beamount*, *George Sprat*, and *Edmond Wilſon* ſhall be forthwith ſent to Mr. *Sergeant Heath* and *Sergeant Whitfield*. Who together with the Recorder of the City of *London*, are hereby prayed and required to conſider of the ſame, and to take ſuch further examinations of the ſaid perſons, and of *Gervaſe Oglethorpe* mentioned in *Richard Beamount*'s examination, and of ſuch others as they ſhall diſcover, or as the ſaid *Sergeants* and Mr. *Recorder* or any two of them ſhall conceive fit and beſt for diſcovering of the truth of the buſineſs expreſſed in the examinations already taken and ſent herewith. And in the mean time the ſaid *Beamount* is to ſtand Committed to the Priſon of the *Fleet*.

At the Court at White-Hall,

May 16. 1640.

Preſent,

The King's Moſt Excellent Majeſty.

Lord Arch-Biſhop of Canterbury.
Lord Keeper.
Lord Privy Seal.
Lord Duke of Lenox.
Lord Marqueſs Hamilton.
Lord Great Chamberlain.
Lord Admiral.
Lord Chamberlain.
Earl of Dorſet.
Earl of Saliſbury.
Lord Goring.
Lord Newburgh.
Mr. Treaſurer.
Mr. Comptroller.
Mr. Secretary Windebanke.
Earl of Holland.
Earl of Berks.
Earl of Morton.

To reſtrain Boats from carrying idle perſons after nine a clock at night.

'His Majeſty and their Lordſhips underſtanding that when the late Tumults were in and about *Southwark* and *Lambeth*, there were divers idle and lewd perſons tranſported to and from *Ratcliff*, *Blackwall*, *Rodorith*, *Wapping* and other parts thereabouts, whereby the ſaid diſorderly and rebellious aſſemblies were much increaſed; It was therefore this day ordered, his Majeſty preſent in Council, That as well the Maſter and Wardens of the Trinity houſe, as the Maſter and Governours of the *Watermans* Hall, ſhould be hereby required to 'take preſent and effectual order that there be no Boats of any ſort 'ſuffered to tranſport after Nine a Clock at Night, any idle or 'ſuſpected perſons for whom they will not anſwer or give ac'compt.

Another Letter to the Lord Mayor of *London*.

May 16. 1640.

Newgate to be ſecurely guarded till *Benſteed* be delivered to the Sheriff.

W*Hereas* Thomas Benſteed *now priſoner in* Newgate *is not to be Executed till to morrow morning, We have therefore thought good hereby to will and Command your Lordſhip to give effectual order that the ſaid Priſon be this night, (and ſo till he ſhall be delivered to the Cuſtody of the Sheriff) ſafely and ſecurely guarded, whereof your Lordſhip may not fail. And ſo* &c. *Dated as before.*

A Letter to the Lieutenant of the Tower of *London*.

May 16. 1640.

To have the Trained Bands of the Tower in readineſs for defence of the ſame.

W*Hereas by the late Tumults about the City, we find it may be neceſſary upon occaſion to have the Trained Bands within the Precincts and Liberties of the Tower in a readineſs not only to ſuppreſs any diſorderly, riotous and like tumultuous meetings, which may at any time happen, but for the defence and ſafety of his Majeſties* Tower, *whereof you have charge; We have therefore thought good hereby to authoriſe and require you for the ſervice aforeſaid, forthwith and ſo long as you ſhall find it requiſite from time to time to cauſe the Trained Bands within the ſaid precinct,* &c. *or ſuch part thereof as you ſhall find neceſſary, to be drawn forth in their Armes, and put in readineſs with Powder and Shot, and to take ſo many of them for your aſſiſtance into the* Tower, *as you ſhall think fit for the ſafety and defence of the ſaid* Tower. *For which* &c. *And ſo* &c. *Dated the* 15th *of* May. *Signed by the*

Earl of Dorſet.
Earl of Holland *&c.*

At this time a Letter was ſent to the Lords Lieutenants of the County of *Norfolk*.

Touching refuſers to pay *Coat* and *Conduct* money.

W*Hereas we underſtand by a Paper preſented to this Board by ſome of your Lordſhips Deputy Lieutenants of the County of* Norfolk, *that there are divers perſons within that County, who refuſe to pay Coat and Conduct Money for the ſeven hundred and fifty men ordered to be raiſed there for the preſent expedition for his Majeſties Service; And whereas your Lordſhips ſaid Deputy Lieutenants deſire to know how to proceed with ſuch men as refuſe to receive preſt-money for the ſaid expedition; We have thought good hereby to pray and require your Lordſhips to give ſpeedy directions to your Deputy Lieutenants of that County to ſend to your Lordſhips to be preſented to this Board the names of thoſe of the principal and ableſt men of that County who ſhall refuſe to pay Coat or Conduct Money for the ſaid men to be Levyed there. And that they Commit to Priſon ſuch perſons as being lyable to the ſaid Preſs, ſhall refuſe to receive preſt-money for the ſaid preſent expedition for his Majeſties*

jeſties Service. And thus knowing very well your Lordſhips care to give expedition to Service of this nature and importance, We bid &c. *Dated the* 7th *of* May. *Signed by*

Lord Archbiſhop of *Canterbury, &c.*

May 17. 1640.

On the 17th *of* May, 1640. *it was alſo thus ordered by the Privy Council.*

Order for the burning of Popiſh Books.

‘Whereas there was lately found in the houſe of one *Alexander Lea* a Taylor dwelling in *Blomesbury* a Trunk belonging to one *Mary Silveſter*, wherein was locked up to the number of 200 Popiſh Books or thereabouts all in *Engliſh*, viz. *Jeſus Pſalters*, Invectives and Rhimes againſt *Luther* and *Calvin*, *Rhemes* Teſtaments, Preparative Prayers to the Maſs, *Manuels*, and other ſuperſtitious Prayer Books and Catechiſms, ſuch as by the Law of this Kingdom ought to be burnt; It was this day ordered, his Majeſty preſent in Council, that all the ſaid Popiſh Books, ſhall be forthwith delivered to the Sheriffs of the City of *London* who are hereby authoriſed and required to cauſe all the ſaid Books to be brought into *Smithfield*, and there in the Market place, between ten and eleven of the Clock in the Morning on a Market day laid upon a heap and all publickly burned by the Hangman.

Gentlemen of *Lincolns*-Inn queſtioned for Drinking a health to the confuſion of the Arch-Biſhop of *Canterbury*.

After the Diſſolution of this Parliament, and the apprehenſion which the people had, that his Grace of *Canterbury* was the principal cauſe thereof, occaſioned people of better ſort alſo to be diſſatisfied with his Grace; and it ſo fell out that at a meeting in a Tavern in *Chancery* Lane, certain Gentlemen of *Lincolns*-Inne were drinking a health of which a Drawer informed the Archbiſhop that it was a health to his Confuſion, whereupon his Grace procured a Warrant to *Keym* a Meſſenger to bring before the Board Mr. *C.* Mr. *G.* Mr. *O.* Mr. *M.* and Mr. *T.* young Gentlemen of *Licolns* Inn. And when the ſaid Gentlemen a little before their appearance made their application to the Earl of *Dorſet* to ſtand their Friend, and to pardon their unadviſedneſs in drinking a raſh health; the Earl askt them, who doth bear witneſs againſt you? they anſwered one of the Drawers; where did he ſtand, ſaid the Earl, when he heard you drink the health? they replyred, he was at the door going out of the Room; Tuſh, ſaid the Earl, the Drawer was miſtaken, you drank a health to the Confuſion of the Archbiſhop of *Canterbury*'s foes, and he heard the firſt part of your words, and was gone before he heard the latter words. This Hint put the Gentlemen upon a new way of excuſe which they thought not of before, but the Earl adviſed them to carry themſelves with all humility and reſpect to the Arch-biſhop when they were called in before the King and his Council; they improved this Advice with as good language as they could; and by the favour of the ſaid Earl and others they only received a reproof and admonition, and ſo were diſmiſt.

AFter the Lords of the Council had Committed ſome Members of Parliament, and ſecured the Archbiſhop of *Canterbury* his Houſe at *Lambeth* from Tumults, they then took into Conſideration how to procure moneys for the Kings preſent ſupply; whereupon divers Aldermen were ſent for to the Council Table to give in the Names of ſuch Citizens in *London* as were able to lend the King money, which they refuſing to do were committed to Priſon, as by the following Orders and Warrants do appear.

Names of perſons in *London* able to lend money to the King, to be preſented to the Board.

'IT was the   day of *May* ordered (his Majeſty preſent in Council) That as well the Lord Mayor and all the Aldermen of the City of *London*, who this day attended his Majeſty (excepting Sir *Nicholas Rainton*, Alderman *Somes*, Alderman *Geere*, and Alderman *Atkins*) as alſo all the reſt of the Aldermen who were this day abſent, together with the Deputies of the Wards belonging to the ſaid Sir *Nicholas Rainton*, Alderman *Somes*, Alderman *Geere*, and Alderman *Atkins*, ſhall forthwith meet and ſet down in Writing the names of all ſuch perſons Inhabitants within their ſeveral and reſpective Wards, as they conceive are able to lend his Majeſty (upon ſecurity) in the whole amongſt them all) the ſumm of two hundred thouſand pounds. And that they ſhall every of them reſpectively ſet down particularly, how much every perſon in their Wards is able in their opinions to lend towards the ſaid ſumm of two hundred thouſand pound, and preſent the ſame in Writing to the Council Board, on *Friday* next at two a Clock in the Afternoon. And the ſaid Lord Mayor and Aldermen may (if they pleaſe) call to them the Deputies of their ſeveral and reſpective Wards to aſſiſt and inform them for their better diſpatch of this buſineſs. And if any of the Aldermen who were abſent or their Deputies of any of the ſaid Wards ſhall refuſe or delay to joyn herein, according to this order: his Majeſties expreſs command is, That the Lord Mayor do forthwith return his or their Names to the Board.

The ſame day this Order following was made.

Sir *Nicholas Rainton* and other Aldermen of *London* to be examined and proceeded againſt.

'WHereas Sir *Nicholas Raynton* Alderman of the City of *London*, Alderman *Geere* and Alderman *Atkins* were heretofore with the reſt of the Aldermen of the ſaid City made acquainted with his Majeſties urgent and preſent occaſions to uſe and imploy the ſumm of two hundred thouſand pounds for the ſafeguard and defence of the Realm, and were required in his Majeſties name to ſet down the names of ſuch perſons within their ſeveral and reſpective Wards, who are in their opinions able to lend his Majeſty moneys towards the ſaid defence, and to ſet down how much they conceive every ſuch perſon is able to lend: And whereas the ſaid Sir *Nicholas Rainton*, Alderman *Geere*, and Alderman *Atkins* being this day convented before the Board, his Majeſty preſent in Council, refuſed to ſet down the names of ſuch perſons within their ſeveral and reſpective Wards, which in their opinions were able to lend his Majeſty money for the ſervice aforeſaid, and how much

An. 1640.

‘they conceive every ſuch perſon is able to lend, (although other Aldermen have therein given his Majeſty ſatisfaction,) for which their contempt they now ſtand Committed by Warrant from this Board: It is ordered that Mr. *Attorney General* ſhall be hereby prayed and required forthwith to examine all the ſaid Aldermen apart, and having taken all their examinations, to take preſent order for proceeding againſt them for their ſaid contempts, by Information in the *Star Chamber* or otherwiſe, as he with the advice of others of his Majeſties Learned Council ſhall conceive to conduce moſt to his Majeſties ſervice.

After theſe Orders, theſe Warrants following were alſo made.

‘A Warrant to commit Alderman *Somes* to the Priſon of the *Fleet*, Dated *May* 10. *Signed by*

Lord Arch-Biſhop of Canterbury.
Lord Keeper.
Lord Treaſurer.
Lord Privy Seal.
Lord Duke of Lenox.
Lord Marqueſs Hamilton.
Lord Great Chamberlain.
Lord Lieutenant of Ireland.
Lord Cottington.
Lord Newburgh.
Mr. Treaſurer.
Mr. Comptroller.
Mr. Secretary Windebanke.
Lord Chief Juſtice of the Common Pleas.

‘A Warrant to Commit Alderman *Atkins* to the *Kings Bench*, Dated *May* 10. Signed by

Lord Arch-Biſhop of Canterbury. *Lord Keeper. Ut ſupra.*

‘A Warrant to Commit Sir *Nicholas Rainton* to the *Marſhalſeas*, Signed, *Ut ſupra.*

‘ANother Warrant for the Commitment of Mr. Alderman Geere to the Priſon of the *Gate-houſe*, Dated and Signed, *Ut ante.*

At this time a Letter was directed to the Sheriffs of the ſeveral Counties expreſſed in the liſt after the Letter.

Round Letters to require the people to pay in Ship-money betimes.

IT ſo much importeth the defence and ſafety of the Kingdom that the Ship Money *payable by that County, ſhould be forthwith (without further delay,) Levyed and paid in to the Treaſurer of the Navy, and you have already to that purpoſe received from this Board ſo many Letters to quicken you in the performance of your duty in that behalf, as we ſhall not only let you know that his Majeſties Occaſions for the defence of the Kingdom are rather more (than leſs) preſſing, and that if through your continual neglect all the* Ship Money *be not timely paid, both this and the former admonitions given you will add weight to your default and contempt. And if you pay not in at leaſt one half of the Money payable by that County for the ſaid ſervice by the laſt of this Month, and the other half by the* 24th *of* June *next; you muſt expect* *to feel the ſmart and puniſhment due to ſo wilful a remiſsneſs in a buſineſs of ſo great Import and Conſequence. And ſo,* &c. *Dated* May 11. 1640. *Signed by*

Lord Arch-biſhop of Canterbury.
Lord Keeper.
Lord Treaſurer.
Lord Privy Seal.
Lord Marqueſs Hamilton.
Lord Admiral.
Lord Lieutenant of Ireland.
Lord Viſcount Wilmot.
Lord Goring.
Lord Cottington.
Lord Newburgh.
Mr. Treaſurer.
Mr. Comptroller.
Mr. Secretary Windebanke.
Lord Chief Juſtice of the Common Pleas.

A Liſt of the COUNTIES.

Buckingham.
Bedford.
Briſtoll.
Cornwall.
Cambridge.
Cumberland.
Cheſter.
Devon.
Derby.
Dorſet.
Dureſme.
Glouceſter.
Southampton.
Hertford.
Huntingdon.
Kent.
Lancaſter.
Lincolne.
Monmouth.
Nottingham.
Northumberland.
Northfolke.
Oxford.
Rutland.
Somerſet.
Suſſex.
Suffolke.
Stafford.
Salop.
Warwick.
Worceſter.
Wilts.
Weſtmerland.
Carnarvon.
Denbigh.
Flint.
Montgomery.
Brecknocke.
Cardigan.
Carmarthen.
Pembroke.
Radnor.

In this Month of May *this enſuing Order was made by the Lords of the Privy Council.*

Order for a Proclamation to require Deputy Lieutenants, *&c.* to repair to their dwellings.

‘THeir Lordſhips taking notice, that there are now in and about this Town, divers Deputy Lieutenants and Juſtices of Peace, whereby the preſent ſervices of his Majeſty and the Government of the Countrey are very much neglected; It was therefore this day ordered, that Mr. Attorney General ſhall be hereby prayed and required forthwith to prepare a Bill fit for his Majeſties ſignature, containing a Proclamation requiring and commanding all Deputy Lieutenants, and Juſtices of Peace of Counties, forthwith to repair to their ſeveral and reſpective dwellings in the Countrey, and to reſide and attend there the ſervices of his Majeſty, and af-

'fairs of their Countrey. Which draught of a Proclamation is forthwith to be drawn up and preſented to be read at the Board.

At the Court at WHITE-HALL, *May* 20. 1640. His Majeſty preſent,

Order appointing a Committee for the Shipping buſineſs.

'UPon conſideration this day had, how much it importeth the ſafety and defence of the Kingdom (in regard of the great preparations that are made of Sea Forces by Neighbouring Princes and States) that all the *Ship-money* which is in Arrear, ſhould be preſſed to be paid with all poſſible expedition; His Majeſty preſent in Council, did hold fit, that a ſelect Committee of the Board ſhould be appointed for the ſhipping buſineſs; and thereupon was pleaſed to nominate the *Lord Keeper*, *Lord Privy Seal*, *Lord Chamberlain*, *Earl of* Dorſet, *Earl of* Salisbury, and the *Lord Chief Juſtice* Littleton, or any three or more of them, who are by his Majeſties ſpecial command required to meet every *Thurſday* morning out of Term, and every *Thurſday* in the afternoon in the Term time, and oftner, as there ſhall be occaſion, to hear and conſider of ſuch Letters, Petitions, Accompts and Papers as ſhall be ſent or preſented concerning that weighty buſineſs, and to give anſwers and diſpatches to ſuch ordinary matters concerning that ſervice as they ſhall think good, and to acquaint his Majeſty and the Board with ſuch others as they ſhall hold to be of more importance and conſideration: and Mr. *Nicholas* Clerk of the Council is required to attend their Lordſhips at their ſaid meetings, and oftner as their Lordſhips ſhall appoint for diſpatch of ſuch buſineſſes concerning that ſervice, as their Lordſhips ſhall direct.

The ſame day His Majeſty preſent, this Order was made.

For a *Provoſt Marſhall*, and to be furniſhed with Arms, Saddles, *&c.*

'UPon conſideration of the many Inſolencies and diſorders lately committed by lewd and baſe people tumultuouſly aſſembled in divers parts in and about the City of *London* and Liberties, It was this day ordered, his Majeſty preſent in Council, that Captain *William Davis* (who hath formerly diſcharged with good ſatisfaction the Office of *Provoſt Marſhall* for the ſaid City and Liberties of *London*) ſhall be forthwith employed *Provoſt Marſhall* for the ſaid City and twenty miles compaſs thereabouts. And for his better performance of that Charge, he is to have twelve Horſe Carabins and twelve Foot; of which Foot, ſix are to be armed with half Pikes or Halberds, and ſix with Harquebuſſes. And that for his Sallary, the ſaid Captain ſhall be allowed five ſhillings *per diem* (being the like pay as is allowed to the *Provoſt Marſhall* of the Horſe employed in his Majeſties Army) and the twelve Horſe are to have two ſhillings a piece *per diem*, being the pay of Carabins; and the twelve Foot are to be allowed eight pence *per diem*; which entertainments or pay are to be made Monthly to the ſaid Captain for himſelf and his ſaid Company by the Treaſurer at War for the 'time being, or his Deputy. And there is further to be forthwith 'paid to the ſaid Captain, by the ſaid Treaſurer, the ſumm of one 'hundred forty and four pounds for preſent Levying of all the ſaid 'twelve Horſe, after the rate of twelve pounds an Horſe. Which 'Horſe are to be furniſhed with Arms, Saddles and Furniture out of 'his Majeſties Magazin of the *Tower:* And the ſaid Captain is to 'take care, that the ſaid Arms, *&c.* after the Service ſhall be ended, 'be carefully and entirely reſtored and delivered back into his Maje'ſties ſaid Magazin.

THurſday, *May* 21. one of the chief of the Tumult being taken, was brought to his Tryal, and Condemned at *Southwark;* Hanged and Quartered on *Saturday* Morning following.

The Burgeſſes of *Weſtminſter* to reſide in Town, and not to depart without leave from his Majeſty or the Board.

'IT was about this time thought fit and ordered, (his Majeſty 'being preſent in Council) that the twelve Burgeſſes and their 'Aſſiſtants of the City of *Weſtminſter* and Liberties thereof, ſhall for 'the more orderly Government of the ſaid City and Liberties, re'ſide and continue in Town, and none of them to depart without 'leave from his Majeſty or the Board. And they are to be vigilant 'in the Execution of their Offices in their ſeveral Wards, and be 'aiding and aſſiſting to all ſubordinate Officers within their Juriſ'diction upon all occaſions that ſhall ariſe; and eſpecially for the 'preventing and ſuppreſſing of all tumultuous Aſſemblies and Riots 'or other diſorders any way tending to the Breach of the Peace; as 'alſo to take care and provide for the Viſited in this time of Infe'ction. And for ſuch of the particulars aforeſaid, as are contained 'and provided for in the particular Act of Parliament of 27 *Eliz.* 'made for the better Government of the ſaid City and Liberties. 'Whereof all and every the perſons whom it may concern, are to 'take knowledge, and to govern themſelves accordingly.

May 27. 1640.

A Copy of Letters to the Lords Lieutenants of the ſeveral Counties, expreſſed in the Liſt following the Letter.

Horſe and Carters to be provided according to the Liſt.

W*Hereas by our Letters of the* 26th *of* March *laſt, you were required to cauſe Horſes and Carters to be provided in that County of your Lordſhips Lieutenancy for the Train of Artillery, and the Carriage of Ammunition,* &c. *Which Horſe and Carters were to be ready at* Newcaſtle *upon* Tine *by the* 15th *of* June *next; We are now by his Majeſties ſpecial Command, to require your Lordſhip to give preſent and effectual order, that the ſaid Horſe and Carters be not brought to the ſaid Rendezvouz at* Newcaſtle *aforeſaid, until the* 5th *of* Auguſt *next, when they are not to fail to be there: And for all other particulars mentioned in our ſaid Letters, concerning the ſaid Horſe and Carters, the ſame are punctually to be performed and kept. And ſo,* &c. *Dated* May 27. 1640.

Bedford.

	Horſes.	*Carters.*		*Horſes.*	*Carters.*
Bedford.	50	17	Lincoln.	60	20
Berks.	30	10	Middleſex.	30	10
Buckingham.	50	17	Northfolke.	60	20
Cambridge.	50	17	Northampton.	70	23
Cheſter.	50	17	Nottingham.	50	17
Derby.	60	20	Oxford.	40	13
Dorſett.	20	7	Rutland.	20	7
Eſſex.	60	20	Salop.	40	13
Glouceſter.	50	17	Somerſett.	20	7
Hertford.	50	17	Southampton.	50	17
Hereford.	30	10	Stafford.	50	17
Huntington.	50	17	Suffolke.	60	20
Kent.	20	7	Warwick.	60	20
Leiceſter.	70	23	Worceſter.	50	17
Lancaſter.	50	17	Wilts.	50	17

M*Ay* 29. the *Convocation* having ſat from the Diſſolution of the Parliament on the fifth of *May* laſt till this day, they made in that time ſeventeen Canons: and the Oath therein contained, was as followeth:

The Oath.

'I *A. B.* do ſwear, That I do approve the Doctrine and Diſcipline or *Government* eſtabliſhed in the Church of *England*, as containing all things neceſſary to ſalvation: And that I will not endeavour by my ſelf or any other, directly or indirectly, to bring in any Popiſh Doctrine, contrary to that which is ſo eſtabliſhed: nor will I ever give my conſent to alter the Government of this Church, by Arch-Biſhops, Biſhops, Deans, and Arch-Deacons, *&c.* as it ſtands now eſtabliſhed, and as by right it ought to ſtand; nor yet ever to ſubject it to the Uſurpations and Superſtitions of the Sea of *Rome.* And all theſe things I do plainly and ſincerely acknowledge and ſwear, according to the plain and common ſenſe and underſtanding of the ſame words, without any equivocation, or mental evaſion, or ſecret reſervation whatſoever. And this I do heartily, willingly, and truly, upon the Faith of a Chriſtian. *So help me God in Jeſus Chriſt.*

The Table of the Canons then made, do follow.

1. COncerning Regal Power.
2. For the better keeping the day of his Majeſties moſt happy Inauguration.
3. For ſuppreſſing the Growth of Popery.
4. Againſt Socinianiſm.

5. Againſt Sectaries.
6. An Oath enjoyned for the preventing of all Innovations in Doctrine and Government.
7. A Declaration concerning ſome Rites and Ceremonies.
8. Of Preaching for Conformity.
9. One Book of Articles of Enquiry to be uſed at all Parochial Viſitations.
10. Concerning the Conſervation of the Clergy.
11. Chancellors Patents.
12. Chancellors alone not to cenſure any of the Clergy in ſundry caſes.
13. Excommunication and Abſolution not to be pronounced, but by a Prieſt.
14. Concerning Commutations, and the diſpoſing of them.
15. Touching concurrent Juriſdictions.
16. Concerning Licences to marry.
17. Againſt Vexatious Citations.

Dr. *Goodman* Biſhop of *Gloceſter* refuſeth the Oath, *&c.*

Which Canons were all Voted *Nemine diſſentiente*, except *Godfrey Goodman* Biſhop of *Glouceſter*, who did not relliſh the ſaid Oath, (notwithſtanding the main vertue and operation thereof was intended for the eſtabliſhing of the Hierarchy); wherefore, for refuſing to ſubſcribe the ſaid Oath, *&c.* he was ſuſpended: but afterwards he ſubmitted, took the Oath, and was releaſed by the Kings Command; and writ a Letter to the Arch-Biſhop of *Canterbury*: of which this which followeth is a Clauſe:

Moſt Reverend, &c. *Biſhop* Mountague *of* Norwich *did privately encourage me to diſſent (though I confeſs I was little moved with his words; for I never had an opinion of that man) yet in publick to pleaſe your* Grace, *he preſſed my deprivation, falſly quoting ſome Councils (God forgive him as I do) At that inſtant I could have proved, how that in his perſon he did viſit and held correſpondency with the Popes Agent, and received his Letters in behalf of his Son, who was then travelling to* Rome, *and by his Letters he had extraordinary entertainment there.* This, Biſhop *Mountague* would aſcribe the credit which he had gotten was by his Writings, which in truth I think are not worth the reading.

His Majeſty confirmed the Canons before mentioned under the Great Seal in manner following.

'WE of our Princely inclination and Royal care for the 'maintenance of the preſent Eſtate and Government of the 'Church of *England* by the Laws of this our Realm now ſetled and 'eſtabliſhed; having diligently with great contentment and comfort 'read and conſidered of all theſe their ſaid Canons, Orders, Ordi'nances and Conſtitutions agreed upon, as is before expreſſed: and 'finding the ſame ſuch as we are perſwaded will be very profitable,

'not

An. 1640.

‘not only to our Clergy, but to the whole Church of this our Kingdom, and to all the true members of it (if they be well obſerved) have therefore for us, our heirs and lawful ſucceſſors, of our eſpecial grace, certain knowledge, and meer motion, given, and by theſe preſents do give our Royal aſſent, according to the form of the ſaid Statute or Act of Parliament aforeſaid, to all and every of the ſaid Canons, Orders, Ordinances and Conſtitutions, and to all and every thing in them contained, as they are before written. And furthermore, we do not only by our ſaid Prerogative Royal, and ſupream Authority in Cauſes Eccleſiaſtical, ratifie, confirm and eſtabliſh, by theſe our Letters Patents, the ſaid Canons, Orders, Ordinances and Conſtitutions, and all and every thing in them contained, as is aforeſaid; but do likewiſe propound, publiſh and straitly enjoin and command by our ſaid Authority, and by theſe our Letters Patents, the ſame to be diligently obſerved, executed and equally kept by all our loving ſubjects of this our Kingdom, both within the Povinces of *Canterbury* and *York*, in all points wherein they do or may concern every or any of them according to this our will and pleaſure hereby ſignified and expreſſed. And that likewiſe for the better obſervation of them, every Miniſter, by what Name or Title ſoever he be called, ſhall in the Pariſh Church or Chappel where he hath charge, read all the ſaid Canons, Orders, Ordinances and Conſtitutions at all ſuch times, and in ſuch manner as is preſcribed in the ſaid Canons, or any of them: The Book of the ſaid Canons to be provided at the charge of the Pariſh, betwixt this and the Feaſt of St. *Michael* the Arch-angel next enſuing: Straitly charging and commanding all Arch-Biſhops, Biſhops, and all other that exerciſe any Eccleſiaſtical Juriſdiction within this Realm, every man in his place to ſee and procure (ſo much as in them lyeth) all and every of the ſame Canons, Orders, Ordinances and Conſtitutions, to be in all points duly obſerved, not ſparing to execute the penalties in them ſeverally mentioned, upon any that ſhall wittingly or wilfully break or neglect to obſerve the ſame, as they tender the honour of God, the peace of the Church, the tranquillity of the Kingdom, and their duties and ſervice to us their King and Soveraign. In witneſs whereof we have cauſed theſe our Letters to be made Patents: Witneſs our Self at *Weſtminſter*, the 30th day of *June*, in the 16th year of our Reign.

A Letter directed to the Lord Mayor of *London*.

May 31. 1640. For levying 4000. Foot for the preſent Expedition into the North.

B*Y his Majeſties Letters dated in* March *laſt ſent herewith, you ſhall underſtand his Majeſties pleaſure and intention for the levying of* 4000. *Foot within the City of* London *and Liberties, to go in this preſent expedition into the North parts; By which Letters your Lordſhip is referred to us for ſuch inſtructions and directions as ſhall be requiſite for that ſervice; We have therefore thought good hereby to pray and require your Lordſhip to take order in the firſt place, that Coat and Conduct money be levyed for them, ſo as it may not fail to be ready by that time the ſaid* *men ſhall be raiſed; and that there be an eſpecial care had in the choice of the men, that they be of able bodies, and of years meet for this imployment, and well clothed; but none of the ſaid men are to be taken out of the Trained Bands, which you are ſtill to keep entire: Care is likewiſe to be had, and expreſs order to be given, that the men to be levyed, be all in a readineſs to march away by land by the firſt of* July *next; and that they be brought by their Conductors to ſuch Rendezvouz as our very good Lord the Earl of* Northumberland, *Lord General of his Majeſties Army, ſhall direct, there to be delivered to ſuch Captains or Officers, as ſhall be appointed by his Lordſhip to receive them. And for that it will be uncertain, what Conduct money will ſuffice for them, We think fit, that they be allowed eight pence a piece* per diem *ſterling for fourteen dayes from the time they ſhall be delivered to their Conductors, under whoſe leading they are to march by reaſonable journeys to the place of their ſaid Rendezvouz, which we expect ſhall not be under fifteen miles a day. And we further pray and require your Lordſhip to make choice of fit and able Conductors, and to make a reaſonable allowance, according to the preſidents of former times, having regard to the proportion and number of men they are to conduct; enabling them with ſome aſſiſtance to keep their men from ſtragling and pilfering the Countrey as they go, or from running from their Colours. And your Lordſhip is further to take care that they be commodiouſly provided of Coats. All which money to be employed for the Coating and Conducting of the Soldiers, and pay of the Conductors, you are to take order that the ſame be levied in the City and Liberties, according to the preſidents of former times upon other like occaſions of ſervice. And it is his Majeſties pleaſure, that the ſaid moneys ſo disburſed, ſhall upon a juſt accompt thereof made, be repayed again out of his Majeſties Exchequer, as in former times upon the like occaſion. And we do likewiſe pray and require your Lordſhip, that at the delivery of the men to the Conductors aforeſaid, the number and names of the perſons may be received by Indenture between the ſaid Conductors and ſuch as ſhall have charge by your commandment to ſee the men delivered to them. Whereof one Duplicate is to be ſent to the Board, and another to the Lord General, to the end there may be an account given when the ſame ſhall be required.*

Several Orders of the Council concerning ſeveral Mutinies of Soldiers in their march towards *Newcaſtle* againſt the *Scots*, in the Months of *June* and *July*.

At White-Hall, June 21. 1640.

Preſent,

The King's Moſt Excellent Majeſty.

Lord Arch-Biſhop of Canterbury.
Lord Keeper.
Lord Treaſurer.
Lord Privy Seal.
Lord Marqueſs Hamilton.
Earl Marſhall.
Lord Admiral.
Lord Chamberlain.
Earl of Dorſet.
Earl of Holland.
Earl of Danby.
Earl of Morton.
Lord Goring.
Lord Cottington.
Lord Newburgh.
Mr. Treaſurer.
Mr. Secretary Windebank.
Lord Chief Juſtice Littleton.

June 21. 1640. Concerning Riots in the County of *Berks*, and killing a Lieutenant (ſaid to be a Papiſt.) See more *p.* 1193.

'Whereas the Souldiers lately impreſſed in the County of '*Dorſet* for the ſervice of his Majeſty in this Expedition into the North parts, did in their paſſage through the County of '*Berks*, and in or near the Town of *Farringdon*, being in number ſix 'hundred men or thereabouts, fall into a moſt inſolent and deſperate Mutiny, in which, amongſt other outrages by them committed, they did in a Cruel and Barbarous manner murder Lieutenant '*Mohoune* one of their Officers; upon conſideration had thereof, '(his Majeſty being preſent in Council) it was reſolved and ordered, That a *Proclamation* ſhould be forthwith drawn and publiſhed 'for the finding out and apprehending of the principal Actors and 'Abettors in the ſaid Mutiny and Murder: Whereof his Majeſties 'Attorney General is hereby required to take notice, and accordingly to prepare a Proclamation ready for his Majeſties 'Signature.

Another Letter concerning a Mutiny in *Warwickſhire*, was written to the effect following:

At

At White-Hall, June 28. 1640.

Preſent,

The Kings moſt Excellent Majeſty.

Lord Arch-Biſhop of Canterbury.
Lord Keeper.
Lord Treaſurer.
Lord Privy Seal.
Lord Duke of Lenox.
Lord Marqueſs Hamilton.
Earl Marſhall.
Lord Admiral.
Lord Chamberlain.
Earl of Dorſet.
Earl of Salisbury.
Earl of Bridgewater.
Earl of Holland.
Earl of Berks.
Earl of Lanericke.
Earl of Corke.
Lord Goring.
Lord Cottington.
Lord Newburgh.
Mr. Treaſurer.
Mr. Secretary Windebanke.
Sir *Thomas Rowe.*
Lord Chief Juſtice of the Common Pleas.

Order concerning the *Mutiny* of Soldiers in the County of *Warwick* of Colonel *Lunceford's* Regiment.

'THis day (his Majeſty being preſent in Council) the Board was informed, that the Soldiers under the Regiment of Colonel *Lanſford*, were fallen into ſuch a Mutiny againſt their Officers, and diſorders otherwiſe in the County of *Warwick*, in their paſſage through the ſaid County, as that a great part of them are *run away*, and the reſt perſiſting in ſo much diſobedience, as that they are ready all to *disband*; and that there is ſuch a general remiſsneſs and backwardneſs in the Deputy Lieutenants and others, to whom it appertains, to countenance and aſſiſt the Officers and Commanders in puniſhing and reducing them to conformity and obedience; and eſpecially in the raiſing and following of Hue and Cryes for the apprehending of thoſe that run away, as that they ſeem rather to foment, than to endeavour the ſuppreſſing and reformation thereof: upon conſideration and debate whereof had, and for that Information hath been given to the Board from other Counties of the like Mutinies and diſorders, and of the like remiſsneſs and backwardneſs, (though not altogether in ſo high a degree) in thoſe that ſhould aſſiſt the Commanders and Officers for puniſhing and ſuppreſſing the ſame; whereby a great number of the Soldiers are disbanded and run away, to the great diſ-ſervice of his Majeſty and the publick, and the high contempt and ſcandal of all Authority and Government: It was therefore reſolved and ordered, That a *Proclamation* ſhould be forthwith publiſhed throughout the Kingdom, requiring the Deputy Lieutenants and Juſtices of Peace in the ſeveral Counties, and all others to whom it appertains, that they uſe all poſſible diligence and endeavour for the apprehending and puniſhing according to the Laws, of all thoſe that ſhall be found to have run away from their Commanders and Officers; and likewiſe that they aſſiſt and endeavour all ‘that poſſibly they may, in puniſhing and ſuppreſſing of the Mutinies of the Soldiers againſt their Officers, or any other inſolencies and diſorders by them committed: Whereof his Majeſties Attorney General is hereby required to take notice, and accordingly to prepare a Proclamation ready for his Majeſties Signature.

The Privy Council being informed of another Mutiny in *Herefordſhire*, and of ſome men ſlain, writ this Letter following.

A Letter directed to the Judges of Aſſize for the County of *Hereford*.

July 6. 1640. Concerning a Mutiny in *Lempſter* in *Herefordſhire*, wherein ſome were ſlain.

After, &c. *We ſend you here encloſed a Copy of a Letter of Captain* Hennis, *one of his Majeſties Commanders, complaining againſt the Bailiff of the Town of* Lempſter *and other Officers, who (as is informed by the ſaid Letter) firſt committed upon ſome occaſion one of his Majeſties Souldiers, and after raiſed the Town in Arms againſt the Commander and his Company, and cauſed the men of the Town to charge againſt his Majeſties ſaid Commander and Souldiers, whereby divers of the ſaid Soldiers were ſlain, many hurt, and twenty four gone away from their ſaid Commander, beſides the Serjeant and Drummer, in ſuch manner as by the ſaid Letter herewith ſent, you will perceive more at large. But in regard we know not how the buſineſs was carried, nor what ground the Bayliff, and the reſt had to commit the ſaid Soldier and to proceed as they did to the execution which followed, we have thought good to pray and require you, at the Aſſizes ſhortly to be holden for that County, to examine very particularly the whole proceeding of that tumult and uproar, and to cauſe Juſtice to be done. For which purpoſe we have prayed and required our very good Lord the Lord* General, *that ſome on behalf of the Commanders and Souldiers may be there by the twentieth of this Month, to give information and teſtimony of the Complaint. And ſo we bid you*, &c., *Dated the* 6th *of* July 1640. *Signed*

Lord Privy Seal.
Earl Marſhall.
Lord Admiral.
Earl of Dorſet.
Lord Goring.
Sir Thomas Rowe.
Lord Chief Juſtice.

Another Alarm came to the Privy Council from the County of *Somerſet*, touching the Death of a Lieutenant, by the Mutiny of Soldiers: whereupon this following Letter was writ.

A Letter from the Council Board, to the Lords Lieutenants of the County of *Somerſet*.

July 17. Touching the Death of a Lieutenant by the *Mutiny* of the Soldiers.

Whereas we are informed that the Souldiers Levyed in that County, falling into a deſperate Mutiny againſt ſome of their Commanders and Officers, have ſlain a Lieutenant *of a Company; Now to the end the ſame being of ſo high and dangerous Conſequence may be exempla-*

rily puniſhed, We do hereby pray and require your Lordſhips forthwith to cauſe ſome of the principal Actors and Abettors in the ſaid Mutiny and Murder to be apprehended and committed to the Gaol, and herein your Lordſhips are to cauſe the Trained Bands to be raiſed and aſſiſt if there ſhall be cauſe. And in regard the Aſſizes for that County are at hand, and that a proceeding againſt them at that time would be the more exemplary, we therefore pray your Lordſhips to cauſe all poſſible diligence to be uſed for the Apprehending and Committing of them, ſo as that they may be brought to a Tryal at the ſaid Aſſizes. And ſo &c. *Dated the* 17th *of July* 1640. *Signed,*

Lord Arch-Biſhop of *Canterbury.*
Lord Keeper.
Lord Treaſurer.
Lord Privy Seal.
Lord Marqueſs *Hamilton.*
Mr. Treaſurer.
Mr. Secretary *Windebanke.*

A further Order of the Privy Council concerning the Mutiny of the Souldiers in Dorſetſhire *in killing their Lieutenant to the effect following.*

July 28. 1640.

Concerning the mutinies of the *Dorſetſhire* Souldiers in their paſſage through *Berks* killing their Lieutenant.

‘WHereas the Souldiers lately preſſed in the County of *Dorſet*, for his Majeſties ſervice in this expedition into the Northern parts, did in their paſſage through the County of *Berks*, and in or near the Town of *Farringdon* (being in number *ſix hundred men* or thereabouts) fall into an inſolent and deſperate Mutiny, in which (amongſt other Outrages by them committed) they did moſt cruelly murther Lieutenant * *Mohoune* one of their Officers, and in a moſt Barbarous and an inhumane manner dragg'd him through the Streets, and after hang'd up his dead body. His Majeſty (now preſent in Council) out of a Princely care that an offence of this nature, and of ſo dangerous a conſequence ſhould not eſcape unpuniſhed, hath cauſed *John Ludlov*, *Robert Thrillcot*, and *Humphrey Edwards*, three of the principal Actors to be apprehended and committed to Priſon. And doth likewiſe order that a Proclamation ſhould be publiſhed, for the apprehending and committing to Priſon, *John Lock*, *John Gates*, *Jeffery Stacy*, *William Garlant*, *Richard Tice*, *Chriſtopher Frompton*, *John Parſons*, *Robert Dibbin*, *William Bunne*, and *Chriſtopher Drodge*, who were all likewiſe principal Actors and Abettors in the ſaid mutiny and murder; In which Proclamation alſo his Majeſties Royal tender of Grace and pardon is to be declared and publiſhed to all ſuch of thoſe ſix hundred Souldiers (other than the perſons before named) as either before the 13th day of *July*, now next coming, ſhall repair to *Blandford* in the ſaid County of *Dorſet*, and there render themſelves to his Majeſties Deputy Lieutenants of the ſaid County; or before the 25th day of *July* next ſhall render themſelves to Sr. *Jacob Aſhly* Sergeant Major General of his Majeſties Army at the Quarters at or near *Selby* in *Yorkſhire*, to be again received and imployed in his Majeſties ſervice. Whereof his Majeſties Attorney General is hereby required to take notice, and accordingly to prepare a Proclamation ready for his Majeſties ſignature.

* Whom they ſuſpected to be a Papiſt.

A Letter directed to the Lord Lieutenant of the County of *Dorſet.*

A Letter from the Lords of the Council concerning the death of Lieutenant *Mohoune.*

AFter &c. *Whereas his Majeſty by his late Proclamation occaſioned by the Mutiny and Barbarous Murder of Lieutenant* Mohoune *by the Souldiers Levyed in the County of* Dorſet *in their March and paſſage through the County of* Berks, *is pleaſed to declare and publiſh his Royal tender of Grace and pardon to all ſuch of thoſe ſix hundred Souldiers (other than the perſons in the ſaid Proclamation named excepted) who were guilty of the late Mutiny and Murder committed at* Farringdon *in the ſaid County of* Berks, *as either before the ſaid* 13th *day of* July *now next coming ſhall repair to* Blandford *in the ſaid County of* Dorſet, *and there render themſelves to his Majeſties Deputy Lieutenants of the ſaid County, or before the* 25th *of* July *next ſhall render themſelves to Sr.* Jacob Aſhly *Sergeant Major General of his Majeſties Army at the Quarters at or near* Selby *in the County of* York *to be again received and imployed for his Majeſties ſervice; We have therefore thought good hereby to pray and require your Lordſhip to give effectual order to your Deputy Lieutenants, That they cauſe ſuch of them as ſhall render themſelves by the time aforeſaid to be kept together and to be ſent by Conductors of their own, (to be appointed by the Deputy Lieutenants) to the General Rendezvouz at or near* Selby *in the ſaid County of* York; *And for the defraying of that charge ſuch Monies of the Kings as were intended to carry them to the ſaid Rendezvouz which are remaining in the hands of Sr.* Thomas Culpeper *to be received from them by the Deputy Lieutenants, and to be employed on that behalf: and your Lordſhip is to cauſe the Deputy Lieutenants to give an account of ſuch of the ſaid Monies as they ſhall receive, and how the ſame is expended and imployed. And ſo* &c. *Dated* July 30th, *and Signed by*

Lord Arch-Biſhop of *Canterbury.*	Lord Admiral.
Lord Keeper.	Lord *Cottington.*
Lord Treaſurer.	Lord *Newburgh.*
Lord Privy Seal.	Mr. Secretary *Windebank.*

Another Alarm came to the Court of Inſolencies committed by Souldiers in the County of *Eſſex,* whereupon this enſuing Order was made.

July 29. 1640.

A Letter directed to the Earl of *Warwick* and Lord *Maynard,* Lords Lieutenants of the County of *Eſſex.*

Inſolencies of Souldiers in the County of *Eſſex.*

AFter &c. *to your good Lordſhips. We have been made acquainted with the Letter of the* 27th *of this preſent to Mr. Treaſurer, and do not ſo much marvel at the* Inſolencies *and outrages therein mentioned to be committed by the ſouldiers (though they be of a high nature) as at the remiſneſs of thoſe in Authority in not preventing or repreſſing the ſame in an exemplary way, according to the quality of the offences and the great truſt repoſed in them for the ſervice of his Majeſty, and the publick*

16 *Caroli.*

publick peace and quiet, and more particularly, that the high Sheriff who hath the power of the County at his Command ſhould ſuffer ſuch an outrage to be acted, and the Actors to eſcape unapprehended or unpuniſhed in the Town and place where himſelf hath his houſe and reſidence. And whereas we find by your Letter that William Bates *one of the Delinquents is already Committed to the Gaol of* Colcheſter, *and one other of them (whoſe name is not mentioned) to the houſe of Correction at* Chelmſford; *we think fit that the laſt ſhould be likewiſe committed to the Gaol of* Colcheſter, *and that charge ſhould be given for the keeping them both in very ſafe and ſtrict Cuſtody, and that your Lordſhips ſhould give order for a ſufficient watch and guard to be in readineſs near the ſaid Priſon or Priſons where they or any other their Aſſociates or Abettors ſhall be committed for the preventing of any violence, or reſcue that may be attempted by the Souldiers for their delivery out of Priſon. And we do likewiſe think fit that your Lordſhips ſhould cauſe ſpeedy and effectual order to be taken for the apprehending ſuch others as were principal actors therein, and to commit and continue them in ſtrict and ſafe Impriſonment until upon our acquainting his Majeſty herewithal, your Lordſhips ſhall receive further order and direction for proceeding againſt them, and that for the future more care and diligence be uſed for the ſuppreſſing of any the like inſolencies which ſhall happen to be attempted as well by raiſing the power of the County as by all other round and compulſory wayes. And ſo* &c. *Dated the* 29th *of* July 1640. *Signed*

Lord Arch-Biſhop of *Canterbury.*
Lord Keeper.
Lord Treaſurer.
Lord *Cottington.*
Mr. Treaſurer.
Mr. Secretary *Windebanke.*

A Letter to the Lord Chief Juſtice *Brampſton.*

July 30. 1640. Concerning a Mutiny near *Chelmſford* in *Eſſex.*

H*IS Majeſty being informed of a Mutiny and Tumult that hath been lately raiſed at or near* Chelmsford *in the County of* Eſſex, *by the Souldiers Levyed in that County for his Majeſties ſervice, hath been pleaſed to direct a Commiſſion of* Oyer *and* Terminer *to be forthwith ſent to your Lordſhip and others for the preſent puniſhment of ſome of the principal offenders to prevent further Miſchiefs and Inconveniencies.*

To which purpoſe your Lordſhip is by his Majeſties expreſs command to haſten to Chelmsford *to morrow, there to take effectual order that the ſaid Commiſſion be ſate upon with all poſſible diligence, that by the ſpeedy and exemplary puniſhment of ſome of the ſaid Delinquents, the reſt of the Souldiers may be kept in better order. And thus not doubting your Lordſhips ſpeedy and effectual care of a buſineſs of this Importance, We bid* &c. *Dated the third of* July, 1640. *Signed,*

Lord Arch-Biſhop of *Canterbury.*
Lord Keeper.
Lord Privy Seal.
Lord Admiral.
Lord Chamberlain.
Lord *Goring.*
Mr. Secretary *Windebanke.*
Sir *Thomas Rowe.*
Lord Chief Juſtice of the Common Pleas.

Having done with Mutinies of Souldiers in the moneth of *June* and *July*, let us now return to matters independent which hapned in thoſe two moneths.

At the Court at WHITE-HALL,

June 9. 1640.

Preſent

The Kings Moſt Excellent Majeſty.

Lord Arch-Biſhop of Canterbury.
Lord Keeper.
Lord Treaſurer.
Lord Privy Seal.
Lord Duke of Lenox.
Lord Marqueſs Hamilton.
Earl of Dorſet.
Earl of Salisbury.
Earl of Berks.
Earl of Morton.
Lord Goring.
Lord Cottington.
Lord Newburgh.
Mr. Treaſurer.
Mr. Comptroller.
Mr. Secretary Windebanke.

Order upon *John Crew* Eſq; his Petition.

'UPon Conſideration this day had at the Board of the Petition exhibited by *John Crew* Eſq; now cloſe priſoner in the *Tower*, for his miſcarriage and offence, expreſſed in an Order of the Board of the tenth of *May* laſt; their Lordſhips not being ſatisfied with the ſubmiſſion and acknowledgement by him made in the ſaid Petition, in that he pretended rather to have done what he did out of Ignorance, than acknowledgeth it (as he ought to do) to be an offence; It was therefore thought fit that he ſhould not be diſcharged of his Impriſonment, until he had mended his Petition in that particular, and had likewiſe ſigned the Petition ſo amended under his own hand; and had alſo made an affidavit before a Maſter of the *Chancery* to the effect following, *viz.*

'The Petitioner maketh Oath that he hath delivered to the Lieutenant of the *Tower* all ſuch Petitions, Papers and Complaints as he received being in the Chair at the Committee for Religion the laſt Parliament, a Catalogue whereof was annexed to his Petition.

'For the making of which affidavit, the Lieutenant of the *Tower* is hereby authoriſed and required to permit him to go with a Keeper before a Maſter of the *Chancery.*

But the ſaid Mr. *Crew* did not think fit to do the ſame, and thereby to bring into Queſtion in the *High Commiſſion* many ſilenced Miniſters who had Petitioned the Parliament for relief, being ſuſpended and deprived for not reading the *Book of Sports* on the *Lords Day.*

A Letter from the Lord *Conway* to the Arch-Biſhop of *Canterbury*.

July 13. 1640.

The Lord *Conway* to the Archbiſhop of *Canterbury* of an *Alarm* from *Carliſle*.

THE Deputy Lieutenants and Captain Alcocke *did ſend me a fierce Alarm from* Carliſle, *deſiring me to ſend them five hundred Horſe, becauſe the Scots are within a few dayes of* Dumfriſe, *ſeven or eight thouſand, with which Army they mean to fall into* Cumberland, *but I am ſlow in anſwering the ſpur, becauſe the advertiſement of the Scotch preparations on this ſide are not ſuch as that they may be much feared as yet: in my opinion the Scots will not come into* England; *but leſt they ſhould go againſt the rules of right reaſon, I do provide as if they were coming; The Horſe are now come to the north part of* Yorkſhire, *into* Cleeveland; *the Foot about* Selby *were diſorderly, and took out of Priſon thoſe that were committed; but now a guard is ſet upon the Priſon, and they begin to be better in order.*

Concerning *Martial Law.*

One thing I will tell you, and ſhall deſire that you will ſpeak with my Lord Lieutenant in it: I did write to him of it, but I have not heard any thing from him, ſo that I think that in his ſickneſs, believing that my Letter did only contain news of Scotland, *he did not read it; the buſineſs is this, My Lord of* Northumberland *did write to me, that having had occaſion to look into the power he hath to give Commiſſions, the Lawyers and Judges are all of opinion that* Martial Law *cannot be executed here in* England, *but when an enemy is really near to an Army of the Kings, and that it is neceſſary that both my Lord of* Northumberland *and my ſelf do take a pardon for the man that was executed here for the mutiny; If this be ſo, it is all one as to break the Troops, for ſo ſoon as it ſhall be known, there will be no obedience; therefore put ſome remedy to this by all means very ſpeedily: there are now here in Priſon two men for killing of men, and the* Provoſt Martial *for letting them ſcape out of Priſon, although he took them again: I do forbear to call them to a Council of War, neither dare I tell the reaſon why I do not, being often urged, but ſuffer them to think me negligent; I do not think it fit that the Lawyers ſhould deliver any opinion; for if the Souldiers do know that it is queſtioned, they will decide it by their diſobedience, as the Countrey doth by their* Ship-Money, *and with far more dangerous conſequence, for the Souldier may bring the Countrey to reaſon, but who ſhall compel the Souldier? therefore if it cannot be helped with a Commiſſion of* Oyer *and* Terminer, *which muſt be only in the Officer or Officers of the Army, or in ſome ſpecial Commiſſion of the Kings, ſuch as he gives when Noblemen are arraigned; let him then give under his own hand a Commiſſion for the execution of Martial Law, to him that will hazzard his life and eſtate upon the Kings word Sir* Jacob Aſhley *hath no Commiſſion for the execution of* Martial Law, *but if the fault deſerve death, he is to advertiſe my Lord of* Northumberland; *this will abſolutely undo all: the Souldier muſt be puniſhed by his officer: if it would come to debate, ſome may peradventure ſay, that for faults that deſerve death, the Souldier may be ſent to the Gaol to be tryed by the Judges, this will take away the reſpect of the Souldier to the Officer, and there will preſently be no obedience, or care, either in Soul-*

dier or Officer. I think that this doth ſo much concern the King in the Government of the Army, that if a Lawyer ſhould ſay ſo here, if I had a Commiſſion I would hang him, and ſo I think the King ought to do others. I ſhall ever be

Your Graces moſt humble and
moſt faithful ſervant,

Newcaſtle June 13.
1640.

Conway *and* Kilulta.

June 17.
1640.

A Letter to the Lords Lieutenants of the Counties of *Cumberland* and *Weſtmerland.*

Watches to be kept upon the Borders of *Scotland* as uſual.

After and amongſt other particulars taken into Conſideration by his Majeſty and the Board concerning the ſafety and defence of the Realm; eſpecially in thoſe parts, which are moſt expoſed to danger: theſe following being of great importance were reſolved on as fit to be ſpeedily and timely provided for; viz.

1. *That ſtrict watches ſhould be kept upon the paſſages of the Borders into* Scotland *by the ſeveral Townſhips as formerly hath been* * *accuſtomed in times of Hoſtility, and that the Beacons be ſo watched and kept as that they be fit and ſerviceable upon any ſuddain occaſion or Alarm.*

* *Spy Cragg.*

2. *That ſearch and inquiry ſhould be made what ſtore of Corn there is in any of the Graineries or Barnes on the other ſide of the River of* Eden, *betwixt it and* Scotland; *and that no perſons ſhould keep by them more proviſion of any kind (eſpecially of Corn) than ſhould ſerve their Families reſpectively for a week, and the reſt to be put in places of ſafety, leſt the enemy might ſurpriſe and poſſeſs himſelf of it.*

3. *That it being the uſual manner in thoſe parts to take one thouſand or fifteen hundred Cattle to Juyſte or Depaſture in the Summer time, and to have none but a boy or two to look to them; That thoſe who receive the profits of the Juyſtment of thoſe Cattle may be compelled to keep ſuch and ſo many Herdſmen as may preſently upon notice and warning, drive thoſe Cattle over the* Eden, *that they may be the better ſecured from the pillage of the Enemy; We have therefore thought good in his Majeſties name, and by his expreſs command hereby to pray and require your Lordſhip, and in your abſence your Deputy Lieutenants to give ſpeedy and effectual order concerning the premiſes: hereof we require a ſpeedy execution and your anſwer. And ſo* &c.

June 30.
1640.

A ſharp Letter for not levying of Ship-Money.

A Letter to the High Sheriff of the County of *Huntingdon.*

After &c. *We have read and conſidered of your Letter of the* 24th *of this preſent, wherein we perceive that you have been rather induſtrious to repreſent the difficulties which (as you ſay) you find in the execution of his Majeſties Writ, than circumſpect and careful as you ought to have been in overcoming and removing them; and yet you well know that there are none of thoſe difficulties againſt which you are not armed by his Majeſties Writ, and for which you have not already received directions how*

how to proceed by your Inſtructions, and former Letters from this Board. And we cannot but make this judgement upon your proceedings, that inſtead of doing your duty in perſon, and compelling others ſubordinate to you to do theirs; you endeavour to make excuſes both for your ſelf and them: And therefore we will you again to know, that his Majeſty and this Board expects and requires that you perform and expedite the ſervice according to the Writ and Inſtructions ſent you therewith. And in caſe of your further neglect therein, whereby you are the cauſe (for ſo much as concerns that County) that the ſervice of his Majeſty and the publick both in honour and ſafety ſhall ſuffer and be endangered, there will be a round Courſe taken againſt you, and quick and exemplary reparation required of you, proportionable to the ill effects and dangerous conſequence of your neglect; and if upon this admonition you ſhall refuſe to redeem your former Omiſſions and Diſſervice, and ſhall only make diſcourſes and excuſes as hitherto you have done, inſtead of acting and performing your Duty, this will likewiſe be added to your account, And ſo &c.

July 1. 1640. Concerning a *Commiſſion of Array* to Lords Lieutenants of *Counties.*

MR. *Attorney General* did this day preſent to his Majeſty and the Board, a Copy of the *Commiſſion of Array* ſetled by Parliament in 5 *Hen.* 4. Upon reading whereof, and upon mature debate had thereupon, It was thought fit and Ordered by his Majeſty, with advice of the Board, that the *Lord Keeper* of the Great Seal of *England* ſhall iſſue out *Commiſſions of Array* in the form aforeſaid, for each of the ſeveral Counties in *England* and *Wales*; directed to the Lords or Lords Lieutenants of the ſaid ſeveral Counties, and the Sheriff of the ſaid Counties, and ſuch other of the Deputy Lieutenants by their names or others, being three or more, as the ſaid Lords Lieutenants ſhall recommend. And his Majeſty and the Board did declare that there is no intention by this *Commiſſion of Array* to derogate from, or in any ſort to abridge the *Commiſſions of Lieutenancy* already iſſued, or to be iſſued, but that the Lords Lieutenants may make uſe of theſe concurrent *Commiſſions of Array*, where they ſhall find a fit occaſion for the advancement of his Majeſties ſervice.

July 3. 1640.

A Letter to the Lord *Maynard*, Lord Lieutenant of *Cambridge.*

Concerning *Horſes* and *Carters* to be brought to the Rendezvouz at *Newcaſtle.*

AFter &c. *Whereas the neceſſity of the defence of the Realm at this time doth continually require from us a care by all fit means to provide for the ſtrength and advancement of his Majeſties ſervice, and Army now in raiſing for the Northern parts and all things incident thereunto. For which purpoſe there is nothing more neceſſary than a fit proviſion to be made of Horſes for the Train of Artillery; and for the Carriage of Ammunition and other requiſite proviſions. We have thought fit to pray and require your Lordſhip to take order that there may be provided fifty ſtrong and able Horſes, and ſeventeen able Carters to take care of them within the Limits of your Lieutenancy in ſuch places where they may be moſt conveniently had, to be ready at* New-caſtle *upon* Tine *by the* 20th *of this inſtant* July. *And for the charge of ſending the Horſe and Carters to the Rendezvouz at* Newcaſtle, *that is to be born by that County; but when they ſhall arrive there they ſhall enter into*

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his Majeſties pay of 12d. per diem *for every Horſe, and* 8 d. per diem *for every Carter, and ſhall be continued therein ſo long as they ſhall remain in his Majeſties ſervice, and when they ſhall be diſcharged, an eſpecial care ſhall be had and a convenient allowance made for their return hom again. And Laſtly, We do expect and require the Juſtices of peace and other officers in their ſeveral diviſions to be aiding and aſſiſting to your Lordſhip and your Deputy Lieutenants in the performance of all this ſervice as they are directed by his Majeſties Letters of Lieutenancy to you under the Great Seal, and as practice hath been in former times. Whereof the ſaid Juſtices of peace and other Officers are to take notice upon your imparting theſe Letters unto them. And ſo* &c. *Dated the third of* July, 1640. *Signed by*

Lord Archbiſhop of *Canterbury.*
Lord Keeper.
Lord *Goring.*
Lord Privy Seal.
Lord *Newburgh.*
Mr. Secretary *Windebanke.*
Sir *Thomas Rowe.*
Lord Chief Juſtice of the Common Pleas.

July 4. 1640.

A Letter to Sir *Thomas Grimes* one of the Deputy Lieutenants of the County of *Surrey.*

Concerning *Coat* and *Conduct Money* in the County of *Surry.*

AFter &c. *We ſend you here incloſed Warrants for apprehending of all the parties which you have returned refuſers to pay the Coat and Conduct Money, and for the three Conſtables who have made you no return, and we have ſent down two Meſſengers of his Majeſties Chamber; but by reaſon that the Delinquents are ſo very many, we did not think fit to deliver the Warrants to the Meſſengers themſelves, but have ſent them incloſed unto you, to the end that by notifying to the parties either by the Meſſengers themſelvet, or by ſuch other means as you ſhall think fit, you may draw as many to Conformity as will be willing to avoid their further trouble and charge, and for thoſe that ſhall ſtand out, you are to give direction upon whom they ſhall ſerve the Warrants, and then as many of them as ſhall conform, we do think fit that they be diſcharged there, without coming up to their further trouble and charge. But for ſuch as ſhall not be Conformable, they muſt of neceſſity be brought up. In all which proceedings we do adviſe that the moſt able and the moſt refractory ſhould be firſt begun with, and the reſt by their example be reduced if it may be: and becauſe in ſo general a caſe there may be ſome miſcarriage by the Meſſengers under colour of their Fees; we have ſent you a copy of the Order of the Board in that behalf of the ninth of* December 1635. *to the end it may be obſerved. And although we are willing to let you underſtand our Opinions for your better encouragement in theſe proceedings, yet becauſe there may be much variety in the particular caſes, we do rely our ſelves upon your diſcretion (whereof we have received good proof in your long ſervice) for direction of the execution of the incloſed Warrants, as you ſhall find moſt conducing to his Majeſties ſervice. Dated the* 4th *of* July, 1640.

At WHITE-HALL, July 5. 1640.

Preſent

The Kings Moſt Excellent Majeſty.

Lord Arch-Biſhop of Canterbury.
Lord Keeper.
Lord Treaſurer.
Lord Marqueſs Hamilton.
Earl Marſhall.
Earl of Salisbury.
Earl of Bridgewater.
Earl of Holland.
Earl of Berks.
Earl of Strafford.
Earl of Corke.
Lord Goring.
Lord Cottington.
Lord Newburgh.
Mr. Treaſurer.
Mr. Secretary Windebanke.
Sir Thomas Rowe.
Lord Chief Juſtice of the Common Pleas.

Mr. Attorney to proceed againſt the Lord Mayor and Sheriffs of *London* and *Middleſex* in the *Star-Chamber.*

‘WHereas the Lord Mayor of *London* and the two Sheriffs did this day appear before his Majeſty and the Board, to give an account of their proceedings upon the Writ for the *Ship buſineſs* this preſent year: Foraſmuch as it did appear, that beſides all former neglects in the execution of that Writ, his Majeſty having reſpited the Information againſt them for the ſame; yet they have not ſince diſtrained any one perſon according to the ſaid Writ. It was this day ordered by his Majeſty with the advice of the Board, that his Majeſties Attorney General ſhall forthwith prefer an Information in the *Star-Chamber* againſt the Lord Mayor and Sheriffs of *London* and *Middleſex,* for their contempt and default in the execution of the ſaid Writ; and ſhall forthwith proceed againſt them *De die in Diem,* until the Cauſe be ready for hearing: and if upon Examination of the ſaid Cauſe, his Majeſties Attorney General ſhall find ſufficient Cauſe againſt any of the Aldermen, that then he do prefer one other Information againſt the ſaid Aldermen; and in like manner do proceed againſt them apart.

July 12. 1640.

Several Letters written of the tenour following, to moſt of the Juſtices of Peace of the County of *Middleſex,* for the gathering in of the *Coat* and *Conduct Money* in the ſaid County.

Concerning Coat and Conduct-money in the County of *Middleſex.*

AFter, &c. *Whereas we have received a Certificate from you of your proceedings for the Collection of the Coat and Conduct Money in your Diviſion, for which we give you thanks; we have thought fit to ſend you here incloſed, Warrants for apprehending of all the parties which you*

have

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have returned to refuſe to pay the ſaid Coat and Conduct Money, or otherwiſe to perform their duty in that ſervice, which we have ſent by a Meſſenger of his Majeſties Chamber. But by reaſon that the Delinquents are ſo very many, we did not think fit to deliver the Warrants to the Meſſengers themſelves, but have ſent them incloſed to you; to the end, that by notifying to the parties, either by the Meſſengers, or by ſuch other means as you ſhall think fit, you may draw as many to conformity as will be willing to avoid their further trouble and charge, and for thoſe that ſhall ſtand out, you are to give direction upon whom the Meſſengers ſhall ſerve the Warrants, and then as many of them as ſhall conform, we do think fit that they be diſcharged there by you, without coming up to their further trouble and charge. But for ſuch as will not be conformable, they muſt of neceſſity be brought up. In all which proceedings we do adviſe, that the moſt able and moſt refractory ſhould be firſt begun with, and the reſt by their example be reduced, if it may be. And although we are willing to let you underſtand our opinion for your better encouragement in theſe proceedings, yet becauſe there may be much variety in the particular caſes, we do rely our ſelves upon your diſcretion, (whereof we have received good proof in your laſt ſervice) for direction of the execution of the incloſed Warrants, as you ſhall find moſt conducing to his Majeſties ſervice. And laſtly, whereas by our former Letters to you, you were limited to give us an account by the ſeventh of July, *we have now thought fit, to enlarge the time until the eight and twentieth of this Month; at which time we do pray and require you to return us a new Certificate, how you have proceeded ſince the receipt of theſe our Warrants, in the like manner as your former Certificate was made.*

At WHITE-HALL, July 12. 1640.

Sheriff of *Suffolk* to be proceeded againſt in the *Star-Chamber.*

‘HIs Majeſty and the Board taking notice of the great neglect and contempt of Sir *Symonds Dewes* Knight, now High Sheriff of the County of *Suffolk*, in not executing the Writ for the *Shipping buſineſs* for this preſent year, have thought fit and ordered, that Mr. Attorney General ſhall forthwith proceed againſt the ſaid Sir *Symonds Dewes* in the *Star-Chamber*.

From

From *Northamptonſhire, July* 1640.

Grounds of exception againſt the Oath, &c. *required in the Sixth Canon eſtabliſht in the Synod* 1640.

1. THe taking of this Oath doth ſeem to eſtabliſh the legality of it, and prepare a way for the impoſing of other new Oaths; whereas it is queſtionable, whether any Oath may be impoſed, not eſtabliſh't and appointed by Parliament.

2. The taking of it, may ſeem to approve the exacting of it of all the perſons of whom it is required; many of whom cannot take it (probably) in judgement, as not being acquainted with the Doctrine and Diſcipline of the Church, nor the Controverſies concerning them.

3. It is required, we ſhould ſwear all things neceſſary for ſalvation to be contained in the Doctrine and Diſcipline of the Church of *England*.

1. It is not declared, What is to be accounted the Doctrine of the Church.
   The Book of Homilies hath been diſclaimed: The Articles claimed by the *Arminians* and others, and ſome of them corrupted.
2. It hath not been conceived, that any particular kind of Diſcipline was neceſſary to ſalvation.
   The *Presbyterians* have been derided and writ againſt, for making the Diſcipline a part of the Kingdom of Chriſt.
   It's acknowledged, That the Reformed Churches that differ from us in Diſcipline, want nothing neceſſary to ſalvation.

4. It's required to ſwear, Not to conſent to the alteration of the Government by Arch-Biſhops, Biſhops, Arch-Deacons, *&c.* as it is by Law eſtabliſhed, and by right they ought to ſtand: which Clauſe we dare not ſwear to, for theſe cauſes:

1. Becauſe we judge it unlawful to ſwear the perpetuation of any meer Eccleſiaſtical Ordinance which is ſubject to ſuch corruptions as may neceſſitate an alteration; and ſuch we judge this Government to be, at leaſt in part; for Arch-Biſhops, Arch-Deacons and Deans are but Eccleſiaſtical, whatever may be ſaid for Biſhops.
2. We have taken the Oath of Supremacy, by which we acknowledge the Kings Majeſty and his Succeſſors Supream Head of the Church, and Governour in Cauſes and over Perſons Eccleſiaſtical as well as Civil, which this Oath ſeems to contradict.

In that,

1. It binds from conſenting to the alteration of Church Government, ſo that if the King or his Succeſſors ſhould alter it,

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it, we muſt diſſent and preach againſt them, as in the eighth Canon.

2. It binds to acknowledge a further Right that Arch-Biſhops and Biſhops, *&c.* have in the Government of Church, than that which is given them by Law, meaning a Divine Right, as we are induced to believe:

Becauſe,

1. Many Biſhops have ſo declared themſelves.
2. In the firſt Canon they have not given the King any power in Eccleſiaſtical Government, diſclaiming only Papal, Popular, Independent, co-active power, but not Epiſcopal; whereas the Controverſies of this time require a more preciſe and open declaration.

3. It ſeems to make more account of the Diſcipline, than of the Doctrine of the Church; for in that we abjure Conſent to any alteration, in this we abjure endeavour to induce Popiſh Errours only.
4. This Clauſe is adminiſtred with an *&c.* which we conceive was never tendered in any Oath before now.
5. There are ſome things in the Diſcipline of the Church, which we have juſt ground to deſire and endeavour the alteration of, ſhould it be offered. As,

That the Biſhop delegates his power to be officiated by a Chancellor, whereby it comes to paſs, that the ſentence of Excommunication, which is incompatible with a meer Lay-man (as our Church teacheth againſt *Preſbyterians*) is devolved upon a meer Lay-man, and the Plaiſter provided by the thirteenth Canon is too narrow for this ſoar.

For,

The Grave Miniſter to whom the pronouncing the Sentence belongs, is but the Chancellors Voice to ſpeak what he decrees; and ſo the power of Excommunication is ſtill in him.

5. The whole Oath is filled with ſo many ambiguities, that we dare not take it.

6. The taking of it, makes us approve of the Synod, by which there are induced and tolerated divers Ceremonies contrary to the Book of Common Prayer, which we have ſubſcribed unto, and muſt in this Oath (if we take it) abjure.

7. It is required, to be taken heartily and willingly, and yet they that refuſe it, are threatned with ſevere puniſhments; by which means it is to be feared, that many that are weak, may forſwear themſelves.

The

The Queries of Kent *concerning the Oath &c.*

1. WHether it be lawful to take an Oath with an *&c.* where there may be a doubt, how much is thereby ſignified?

2. Whether to affirm in an Oath, that ſuch a thing ought ſo by right to ſtand, doth not ſuppoſe it to be a Divine Right?

3. Whether it be lawful to ſwear the perpetual maintaining any Order meerly Eccleſiaſtical?

4. Whether the Superiority of Arch-Biſhops above Biſhops, and the ſubſtitution of Arch-Deacons, Deans, *&c.* be not meerly Eccleſiaſtical.

5. Whether when Divine Authority hath ordained only Biſhops to be Church Governours, particularly in point of Excommunication, it be lawful to conſent any more than paſſively, to any other Governours Eccleſiaſtical, to exerciſe the ſame Authority of Excommunication?

6. Whether ſince the Church of *England* rejects the Lay Elders of other Churches, it doth not thereby condemn the giving of any power to Commiſſaries, Chancellors and Officials which are meerly Lay-men, to meddle in Excommunication even jointly with Miniſters, much leſs as chief Surrogates, being but his Deputies and Eccleſiaſtical?

7. Whether the Scriptures Authorize ſuch power being given to meer Lay-men?

8. Whether having ſworn to the Kings Supremacy in all cauſes Eccleſiaſtical, it be not a violation of that Oath, or at leaſt a hazard of it in time to come, to ſwear not to give conſent to ſuch an alteration in Government, which may at leaſt poſſibly be thought fit, and even be commanded with all Authority by the King or any Succeſſor of his hereafter.

Devonſhire *Exceptions to the Oath.*

1. THat they are bound to take it willingly, which they cannot do with ſafe Conſcience, and ſo ſhall be perjured *ipſo facto*.

2. That they muſt ſwear ſincerely, without any mental reſervation, yet that *&c.* in the Oath, referreth and implyeth ſomewhat more than is expreſſed, which they muſt conceive or underſtand.

3. That they muſt acknowledge both the Doctrine and Diſcipline of our Church, to contain all things neceſſary to ſalvation: which is not true of the Diſcipline.

4. That they are tyed never to give conſent to any alteration of the ſaid Diſcipline, though the King and State ſhould enjoyn them thereunto.

5. That it croſſeth or contradicteth the Oath of Allegiance and Supremacy which they have already taken; becauſe if the King by Parliament would diſanull any part of the Eccleſiaſtical Diſcipline, or by a Synod ſhall alter it, they are bound never to conſent.

6. That it is a flat bandy againſt the power of Parliaments; becauſe the Clergy can conſtitute no Canons, much leſs create or impoſe Oaths, unleſs the Parliament confirm them: and therefore they think it a project to ſuppreſs all Parliaments for ever.

7. That it clips the wings of the Kings Royal Prerogative and Spiritual Supremacy, bereaving him and his Succeſſors from altering any thing in Church Government, either by Synod, Convocation or Parliament.

The main foundation the Clergy build upon, is the general reſolution of the Lawyers, that no Oath can be ordained, nor any authorized to give it, unleſs it be firſt eſtabliſhed by Parliament.

This Week being our Aſſizes, the Gentry and Clergy have taken much pains to frame a Petition againſt the Oath in the new Canon, wherewith goeth the heads on which they ground their Petition: my Lord of *Bathe* firſt firmed it, moſt of the Gentry and Clergy that were here have firmed it; and they ſay Mr. *Wiſe*, and Mr. *Seymour*, our Parliament Knights, have undertaken to deliver it, what ever anſwer they have. I believe very few in this County will take the Oath; beſides it doth open mens mouths extreamly againſt the Arch-Biſhop.

Auguſt 8. 1640.

To the Right Honourable the Lords of His Majeſties moſt Honourable Privy Council.

The moſt humble Petition of the Subſcribers, with the Conſent of many Gentlemen and others of good Worth of this County of *Devon*,

Sheweth,

A Petition from *Devonſhire* againſt the Oath, &c.

THat your Petitioners obſerving to their comfort, your Lordſhips *conſtant providence for his Majeſties honour and ſervice, and by experience often finding your Lordſhips to be favourable Mediators to his moſt excellent Majeſty in behalf of his Subjects in many of their Grievances, which his Majeſty hath lately graciouſly declared himſelf ready to redreſs, they are thereby heartened to tender to your Lordſhips conſideration, ſome ſcruple of their Conſciences, and other doubts of great inconveniencies ariſing from the Oath expreſſed in* Canons *lately made by the Reverend Synod, which as they conceive, do not only concern your Petitioners and their poſterity, but his Majeſty and his Succeſſors in his Royal Dignity and Prerogative: his Majeſties Supremacy of the Church of* England, *whereunto moſt of your Lordſhips Petitioners have been often ſworn; and by that Oath, are in expreſs words bound to defend it; they believe will be mainly weakned, if not in ſubſtance totally ſubverted and taken away, if this new Oath doth receive the intended permiſſion. The Doctrine of this Church, no good Prote-*

ſtant will deny, to contain all things neceſſary to ſalvation; but the Diſcipline, many men think worthy of Reformation. The Book of Common Prayer in the Commination doth wiſh it, and the late Synod endeavoured it in part Canon 17. *had they thought fit to have done it more fully, their Acts confirmed by his Majeſty had been no leſs lawful; for moſt of the Officers of Diſcipline, have their Juriſdiction meerly from the King, as is plainly declared* 37 H. 8. 17. *and it cannot be denyed, but that they may by him be changed. what pretence then can be ſo fair, or intention ſo good, as to juſtifie an Oath binding ſubjects from ever conſenting to their Princes lawful Prerogative in doing lawful acts? It muſt needs in ſhort ſpace make the whole Clergie and moſt of the Laity to be in Spiritual matters independant on the Crown. If the abuſe of Excommunication, which hath been a long noted ſpot in our Church, cannot be really Reformed, until that long Liſt of Officers which the Synod thought fit to involve in an* &c. *and are not known to many, do ſuffer a change by his Majeſties Royal Prerogative, then certainly this Oath once generally taken, his Majeſty will want means, becauſe he ſhall have no inſtruments (indeed no Subjects) when the younger Laity ſhall take it in the Univerſities, to make this Reformation in Diſcipline, whenſoever God ſhall put it into his religious and Princely heart; ſo will his Majeſty and his Succeſſors to the great grief of your Lordſhips Petitioners, be for ever abridged of that free power in the Supremacy of this Church, which their Anceſtors ever had and have enjoyed as their due right and chief flower of their Crown ſince the Popes juſt rejection: had this courſe been thought on in the time of the Popes reign here, the Doctrine of the Church had never attained the preſent purity. Other inconveniencies which your Lordſhips Petitioners confidently ſuppoſe, will follow the taking this Oath, will be theſe; no decreaſe of Popery as is pretended, every Changeling to that Religion may have his diſpenſation for this or any other Oath: But this Oath ſtriking deeply at the root of many Conſcientious and conſtant preaching Miniſters, whoſe purity and zeal to the peace of the Church, hath led them hitherto to dutiful conformity, muſt needs deprive them, if they take not the Oath, both* ab Officio & Beneficio, *and conſequently duce a general ignorance, the mother only of Popiſh devotion. Again, your Petitioners do verily believe, that this Oath uſed as is enjoined in the Univerſities, will in ſhort ſpace prove their great dammage and decay: for all thoſe that account it croſſing with the Oath of Supremacy, will ſeek their Childrens breeding in any other Countrey rather than this, where they will be ſubject to an enlargement, oppoſite to the Laws of this Kingdom, namely, the* 25 H. 8. 19. *and* 37 H. 8. 17. *and* 1 Eliz. 1. *and the other binds to nothing but to duty and obedience to the Laws, and the defence and maintenance of his Majeſties Royal Prerogative as Supream Head of this Church, by the Oath of Supremacy the takers are bound to defend it; and by this new Oath taken they muſt never conſent to the uſe of it in matters of greateſt moment: It is therefore the moſt humble deſire of your Lordſhips Petitioners, that your Lordſhips would vouchſafe your noble mediation to his moſt excellent Majeſty, that he would be pleaſed piouſly to weigh theſe doubts of theirs, no leſs concerning his undoubted Right, than it doth the growth of the true profeſſed Religion, as dear to them as their lives, and their conſciences no leſs dear to your Lordſhips moſt humble Petitioners.*

An. 1640.

Scotland, *June* and *July*.

LEt us ſee what they have been doing in *Scotland* theſe two Months of *June* and *July*: for on the ſecond of *June* there was a Parliament to meet; but it ſeems the King had ſent an Order to the *Juſtice Clerk* to Prorogue it; and he is to carry along with him in this affair, the Aſſiſtance of the *Kings Advocate*, who was at this time confined to his houſe in *Fife*, upon pretence of ſome miſcarriage in his Office; but really becauſe he was ſuſpected to adhere to the Covenanters: the *Advocate* was glad upon this occaſion to be delivered from the diſgrace of Confinement, and to be honoured with the Employment.

Concerning the Proroguing of the Parliament.

It is to be obſerved, that when *Traquaire* got his Commiſſion under the Broad Seal, there was another Commiſſion given under the Quarter Seal to the Lord *Elphingſtown*, the Lord *Napier*, the *Kings Advocate* and the *Juſtice Clerk*; theſe, or three of them, were impowred to act as Commiſſioners in *Traquaire*'s abſence: and upon his Orders therefore the *Kings Advocate* adjudged it needleſs to fill up a Blank that was ſent down to be made uſe of, if need were, to make the Prorogation Legal, but reſolved to require one of the other two to concurr with the *Juſtice Clerk* and himſelf in the Prorogation, which was to be done after the Parliament was *Fenced*: therefore they provided the perſons neceſſary for Fencing of it, (a Ceremony they uſe in the beginning of a Seſſion) who are the *Conſtable*, the *Marſhal*, the *Provoſt* of *Edenburgh*, the *Sheriff* of *Lowthian*, and a *Doomeſter*; and if any of theſe be abſent, the King muſt name others for their ſervice that day. So the Members of Parliament being met, the *Kings Advocate* required the Lord *Elphinſtown*, who was firſt in the Commiſſion, to go up with them to the Throne, for executing the Kings Commands; who having read the Commiſſion, found their Power was only to act by the Commiſſioners Order, and therefore called for *Traquaire*'s Warrant: The *Kings Advocate* anſwered, That as when the King is preſent, a Commiſſioners Power of it ſelf expires; ſo alſo when his Warrant is produced, there is no need of one from his Commiſſioner: but *Elphinſtown* ſtood on the Letter of the Commiſſion, and ſo found he was not Legally warranted to do it. The like was the Lord *Napier*'s Anſwer, who was alſo of the Commiſſion; and ſo the *Kings Advocate* and the *Juſtice Clerk* could do nothing, but take Inſtruments.

By which Deportment of the *Advocate*, the Members of Parliament proceeded to Vote themſelves to be in a Parliamentary Capacity, as being Summoned by the King at firſt, and again Adjourned to this day. Whereupon they proceeded to the Enacting of what they had deſigned the former year: and their Acts, though of great importance, yet meeting no oppoſition, were quickly diſpatched. All which, with a Prologue and Epilogue of two High Declarations, were ſent in the Pacquet to the Earl of *Lanerick*, with the following Letter, written by a Committee of Lords, whom they had left to ſit at *Edinburgh*, to attend the Kings Anſwer concerning the Acts of the Parliament ſent up to his Majeſty by their Commiſſioners.

A Letter from the Council in *Scotland* to the Earl of *Lanerick*.

Right Honourable,

IT is not unknown to your Lordſhip, with what difficulties this Kingdom hath wraſtled this time paſt, in aſſerting their Religion and Liberties againſt the dealings of bad Inſtruments with his Majeſty to the contrary.

trary. The means which they have uſed, have been no other, but ſuch as they humbly petitioned and obtained from his Majeſty, a free National Aſſembly and Parliament. The Aſſembly went on in a fair way, and was cloſed with the liking and full conſent of his Majeſties Commiſſioner; but the Parliament Indicted by his Majeſty was prorogated, till the Reaſons of the Demands of the Eſtates were rendered to his Majeſty; which having done by their Commiſſioners, they kept the ſecond of June *(the day appointed by his Majeſty) for the ſitting of the Parliament: and after diligent Enquiry, hearing nothing from his Majeſty nor his Commiſſioner, neither by their own Commiſſioners or any others ſent from his Majeſty, which might hinder the Parliament to proceed to the ſetling of their Religion and Liberties, after mature deliberation, and long waiting for ſome ſignification of his Majeſties pleaſure, they have all with one conſent reſolved upon certain Acts, which they have adjudged to be moſt Neceſſary and Conducible for his Majeſties Honour and the Peace of the Kingdom, ſo far endangered by delayes: and have committed to us the Truſt to ſhew you ſo much, and withal to ſend a juſt Copy of the Acts, that by your Lordſhip (his Majeſties Principal Secretary of* Scotland*) they may be preſented to his Majeſty. The Declaration prefixed to the particular Acts, and the Petition in the End contain ſo full expreſſions of the warrants of the Proceedings of the Eſtates, and of their humble continued deſires, that no word needs to be added by us. We do therefore in their Name (according to the Truſt committed to us) deſire your Lordſhip (all other wayes of Information being ſtopt) with the Preſenting of the Acts of Parliament, to repreſent unto his Majeſty againſt all ſuſpicions, ſuggeſtions and tentations to the contrary, the conſtant love and loyalty of this Kingdom unto his Majeſties Royal Authority and Perſon, as their Native King and kindly Monarch: And that they are ſeeking nothing but the Eſtabliſhing of their Religion and Liberties under his Majeſties Government, that they may ſtill be a free Kingdom, to do his Majeſty all the honour and ſervice that becometh humble Subjects; that their Extremity is greater, through the Hoſtility and Violence threatned by Arms, and already done to them in their Perſons and Goods, by Caſtles within, and Ships without the Kingdom, than they can longer endure: And that as his Majeſty loveth his own Honour and the Weal of this his Antient Kingdom, ſpeedy courſe may be taken for their relief and quietneſs; and that if this their Faithful Remonſtrance (to which as the great Council of the Kingdom they found themſelves bound at this time for their Exoneration) be paſſed over in ſilence, or anſwered with delayes, they muſt prepare and provide for their own defence and ſafety. We are very hopeful, that your Lordſhip (as a good Patriot, and according to the obligement of your place) will not be deficient in that duty for your Native Countrey, and ſend us a ſpeedy Anſwer, as we ſhall in every duty be careful at all occaſions to ſhew our ſelves*

Your Lordſhips humble Servants.

Signed

Balmerino.	George Dundas.
Burghly.	John Smith.
Napier.	Ed. Egger.
Thomas Hop.	Thomas Patterſon.
John Murray.	Ja. Sword.
John Hamilton.	

The

An. 1640.

THe *Covenanters* at this laſt meeting of the Parliament did ſign a Bond among themſelves, for adhering to thoſe Acts, and proſecuting of thoſe who had been the *Incendiaries* from the beginning of thoſe Stirs; the chief of which they accounted, were Marqueſs *Hamilton* and *Traquaire*; but this buſineſs gave great offence to the King, and he judged himſelf bound to repair this Affront with the Sword.

ON the twenty ſeventh of *June* the Earl of *Lanerick* returns Anſwer to the Committee in *Scotland* to the effect following:

The Earl of *Lanerick*'s anſwer to the Committees Letter.

My Lords,

BY *my former of the date of the* 23d *of* June, *his Majeſty was pleaſed to promiſe by me, to let you know within few dayes his further pleaſure concerning thoſe proceedings and deſires of the Noble-men, and Barons, and Burgeſſes, which you ſent me to be preſented to his Majeſty; whereupon he hath now commanded me to tell you, that the Not Proroguing of the Parliament in a Legal and formal way, was not for want of clear Inſtructions, and of full and ample Power from his Majeſty, he having fully ſignified his pleaſure to thoſe whom he did entruſt with the executing thereof, not thinking it fit to employ other Servants of greater Eminence, by reaſon of the diſorders and Iniquities of the times: and as forced by the importance of his other great and weighty affairs, he was neceſſitated to Prorogue the Parliament for ſome few dayes, ſo did he moſt really intend to perform at the time prefixed, whatſoever he had promiſed by the Act of Pacification; but neither can the neglect of his ſervants, (if any be) nor thoſe other Reaſons alledged by the foreſaid Noble-men, Barons and Burgeſſes, in their Declaration for their ſitting, ſatisfie his Majeſty for their proceeding in a Parliamentary way; ſince by the Duty and Allegiance of Subjects, they are bound to acknowledge in a moſt ſpecial manner his Tranſcendent Power in Parliaments. And if Subjects there do aſſume the Power of Making Laws, and Reſcinding thoſe already made, what Act can be done more Derogatory to that Regal Power and Authority we are all ſworn to maintain? Therefore his Majeſty conceives, they cannot in reaſon expect he can interpoſe his Royal Authority to theſe, or any other Acts whatſoever, whereto neither he in his own real Perſon, nor by his Commiſſioner did aſſiſt. Yet ſuch is his Majeſties Clemency, that when they ſhall take ſuch an humble and dutiful way, as may witneſs, that they are as careful and tender of his Majeſties Royal Power, as they are deſirous of his Approbation, then ſhall it be time for them to expect ſuch a Gracious and Juſt Anſwer, as may teſtifie his Majeſties Fatherly Compaſſion of that his Native Kingdom, and his Pious and Princely care of performing whatſoever is neceſſary for Eſtabliſhing their Religion and Laws. So thus having imparted unto you all that was enjoyned me by his Majeſty, I ſhall ſay no more from my ſelf, but I am*

Your Lordſhips humble ſervant,

White Hall, *June* 27.
1640.

Lancrick.

To which the Committee on the ſeventh of *July*, made this Reply following to the Lord *Lanerick*.

A Reply from the Committee.

My Lord,

We received your Lordſhips Letter of the twenty ſeventh of June *from the Lord* Lowdon, *whoſe Relief out of Priſon gives us occaſion (before we anſwer your Lordſhips Letter) to acknowledge the ſame as an Act of his Majeſties Royal Juſtice and Goodneſs, although the pretended Cauſe of his Impriſonment, was but a Malicious Calumny of the Enemies of the Kings Honour and our Peace, forged to engage both his Majeſties Kingdoms in a National War. As we cannot but regret, that any Neglect of his Majeſties Officers, or abſence of his Commiſſioner, whoſe preſence we did both deſire and expect, ſhould hinder the interpoſing of his Royal Authority to theſe Acts of Parliament, which were found moſt neceſſary for eſtabliſhing Religion and the Peace of this Kingdom, and which according to the Acts of Pacification, his Majeſty was Graciouſly pleaſed to promiſe; ſo we have and ſhall ſtill endeavour, to give demonſtration of that tender Reſpect we have of his Majeſties Honour and Royal Power. And whereas your Lordſhips Letter doth imply, that we ſhould take ſome other way for the more eaſie obtaining of his Majeſties Approbation, which alſo by ſeveral reaſons hath been moſt inſtantly preſſed by the Lord* Lowdon, *yet we conceive, that Parliamentary way, which was taken by the Eſtates Convened by his Majeſties ſpecial Warrant, to have been moſt Legal and Neceſſary, and no wayes Derogatory to his Majeſties Power in Parliament, nor contrary to the Duty of good Subjects, who are warranted by the Articles of Pacification under his Majeſties hand, to Determine all Civil Queſtions, Ratifie the Concluſions of the Aſſembly, and remove the preſent Diſtractions of this Kingdom, as is more abundantly demonſtrated by their Declaration in Parliamentt hereabout; ſo that we dare not take any other courſe, which may entrench upon their Parliamentary Power or Proceedings, nor will we, (being ſo few in number appointed to ſtay here) preſume of our ſelves, in a matter of ſo great moment, to return a more full and particular Anſwer, till there be a more frequent meeting of thoſe appointed by Parliament, which will be ſhortly; and then your Lordſhip ſhall be acquainted, that you may ſhew his Majeſty their reſolutions and humble deſires: and we ſhall remain*

Your Lordſhips Affectionate
Friends and Servants,

Edinburgh July 7.
1640.

Signed

Lindſay.
Balmerino.
Burghly.
Napier.
J. Murray.

G. Dunglaſs.
Ja. Sword.
J. Forbes.
Ed. Eggar.

Towards

*An.*1640.

TOwards the latter end of this Month and the beginning of *Auguſt* the *Scots* were very Active in raiſing their Forces, and impoſing a Tax of a tenth Penny upon every mans Rents throughout the Kingdom, towards the maintenance of their Army to march into *England*; and advanced part of their Forces Southward: but General *Leſly* was reſolved not to move with the whole Body, till he was Maſter of *Edinburgh* Caſtle, conceiving it unſafe to leave a place of that ſtrength behind him, which was kept for the King by *Ruthwyn* the Governour, a man of known Courage: who nevertheleſs being ſomewhat ſtraitned for want of Ammunition and Victuals, and the falling away of the Water into the Rock of the Caſtle, by the often diſcharging of his great Guns, was conſtrained to Capitulate, and ſo the Caſtle was delivered up to the *Covenanters.* And now General *Leſley* prepares all things in order to a March with the whole Army.

Let us now return to give an account of Affairs in *England*, where we left in the Month of *July.*

THe Kings Army in their March to *Newcaſtle* in the Month of *July*, quartered much in the County of *York*; and being Billetted upon the Inhabitants, grew to be a great Burthen to the Country: whereupon the Gentry of the ſaid County of *York* aſſembled at the Aſſizes at *York* on the 28th of *July*, agreed upon this following Petition to be preſented to the King.

To the Kings Moſt Excellent MAJESTY.

The humble Petition *of the Gentry of your Majeſties County of* York *now aſſembled at the Aſſizes at* York July 28.1640.

May it pleaſe your Sacred Majeſty,

'YOur moſt humble Subjects ſhew unto your Sacred Majeſty, 'that in all humility this Countrey had endeavoured to fulfil your Majeſties Commands with the forwardeſt of your Majeſties 'Subjects, and the laſt year in the execution of your Majeſties Royal 'Commands about the Military Affairs did expend one hundred 'thouſand pounds to our great impoveriſhment, and far above the 'proportion of other Counties; which although at that time we 'were willing (out of a deſire to ſerve your Majeſty) to do, yet 'for the future the burthen is ſo heavy, that we neither can, nor are 'able to bear it. Now upon this our cheerfulneſs to ſerve you, we 'thought to have found equal favours with other Counties.

‘But ſo it is, moſt Gracious Soveraign, to our great grief, and (as we conceive) to the great diſ-ſervice of your Majeſty, we find our ſelves oppreſſed with the Billetting of unruly Soldiers, whoſe Speeches and Actions tend to the burning of our Villages and Houſes, and to whoſe Violences and Inſolencies we are ſo daily ſubject, as we cannot ſay we enjoy our Wives, Children and Eſtates ſafely: wherefore we are emboldned, humbly to preſent theſe our Complaints, beſeeching that as the Billetting of Soldiers in any of your Subjects houſes againſt their will, is contrary to the Antient Laws of this Kingdom confirmed by your Majeſty in the *Petition of Right*, we moſt humbly pray, that this inſupportable burthen be taken from us, leſt by their Inſolencies ſome ſuch ſad Accidents may happen, as will be much diſpleaſing unto your Sacred Majeſty and your Loyal and Obedient Subjects, who will never ceaſe to pray for your Majeſties long and happy Reign over us.

Phillip Wharton.
Ferdinando Fairefax.
Henry Bellaſis.
William Savile.
Francis Wortley.
Thomas Gower.
Jo. Hotham.
Ed. Stanhop.
Henry Griffith.
William Sheiffeild.
Richard Darly.
Jo. Ramſden.
Hugh Cholmeley.
Hugh Bethell.
William Strickland.
Thomas Remmington.
Thomas Metham.
Robert Strickland.
Jo. Legard.
George Buttler.
Francis Mountone.
Henry Cholmeley.
George Trotter.
Henry Darley.
Richard Remington.
William Franckland.
Thomas Hebblethwaite.
Jo. Hotham.
Chriſtopher Pearcihey.
Joſ. Pearcey.
Brian Stapleton.
Phillip Stapleton.
Ing. Hopton.
Henry Anderſon.
George Croſbie.
George Marwood.
Thomas Hisketh.
Jo. Anlabie.
Chriſtopher Legard.
Jo. Inglebie.
Mar. Norcliffe.
With divers others.

THis Petition being thus agreed unto, was ſent up by ſome of the Gentry of the County of *York* to the King then at *London*, and the ſame being preſented at the Council Board (the Earl of *Strafford* being preſent) his Lordſhip thought fit to acquaint his Majeſty, that he conceived the Petitioners were miſtaken in computing the Charge of the laſt years Expedition, in ſaying it amounted to One Hundred Thouſand Pound: and for them at ſuch a time as this is, thus to Complain when an Invaſion is threatned by the *Scots*, it ſeemed to be a Mutinous Petition; with ſome other expreſſions of Diſſatisfaction with his Countrey-men for offering ſuch a Petition.

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The King ſeizeth on the Bullion in the *Tower*.

IN this Month of *July* the Kings Neceſſities being great, he was pleaſed to give order to ſeize upon the Bullion in the Mint at the *Tower*, which was brought from beyond Seas to be Coyned there, which gave a great Alarm to the *Spaniſh* Merchants and others, with which they were obliged forthwith to acquaint their Correſpondents and Partners beyond Seas; yet they made an immediate Addreſs to his Majeſty, humbly declaring, that this Example would for ever after hinder the bringing of Bullion into the *Tower*, and would prove to his Majeſties great prejudice, not only by the loſs of the Coynage of the Bullion, but in his Reputation (his Faith being pledged for the freedom of Merchants to bring in their Bullion into the *Tower*, and freely to carry the ſame out again.) So the Reſult of that dayes debate at the Council was, that the Owners of that Bullion ſhould be deſired to let the King have Forty Thouſand Pound of it, being the third part of the Money in the Mint; and his Majeſty tendered them ſecurity for the payment thereof with Intereſt by his Farmers of the Cuſtoms; whoſe ſecurity the Merchants did accept; who accommodated his Majeſty with the ſaid ſumm, which was afterwards duly re-paid unto them: and thereupon the Council ordered, that the Foreign Poſt which was ſtayed upon the ſeizure of the Mint, ſhould now be at liberty to carry Letters beyond Seas.

The King buyes all the Pepper kept under the *Old Exchange*.

ABout the ſame time the Kings Neceſſities for want of Money ſtill increaſing, a device was found out, to perſwade the King to buy all the Pepper the Merchants had in ſtore lying under the *Old Exchange*, which amounted to a great ſumm; for which the King gave ſecurity to the Owners, that the ſame ſhould be paid: but the Pepper was immediately ſold again at a much under-value; yet it being ready money to his Majeſty, though with dammage to himſelf, his Majeſty was enabled thereby the better to carry on the War againſt the *Scots*.

A deſign to make Copper money.

But theſe wayes of getting Money were but ſhifts to ſtop one Leak in twenty in the Ship; for that nothing but a ſtanding ſupply could conſtantly keep up an Army in good Order and Reputation; and thereupon it was debated at the Council, to mix Silver and Copper together, and to Coyn to the value of Three Hundred Thouſand Pound, and the Coyn to be ſuch, that Three Pence in Silver added to a quantity of Copper, ſhould be made to go Currant for Twelve Pence. And that it be declared by Proclamation, that it ſhould be Currant Money to pay the Army, marching to *Newcaſtle*: This buſineſs held ſeveral dayes debate: yet at laſt his Majeſty and the Council thought fit to hear Sr. *Thomas Rowe* his Judgement and Opinion in this buſineſs, being a Perſon well experienced in the Coyns in *Sweden* and other Foreign Parts; who being permitted to ſpeak his Opinion, he declared himſelf to the effect following:

Sr. Thomas Rowe *his Speech at the Council Table, touching* Braſs Money, *or againſt mixing* Braſs Money *with* Silver, *with many notable Obſervations thereupon,* July 1640.

July 1640 Sr. *Thomas Rowe* his Speech a-gainſt Braſs Money.

My Lords,

'Since it hath pleaſed this Honourable Table, to command, 'amongſt others, my poor Opinion concerning this weighty 'Propoſition of Money; I muſt humbly crave pardon, if with that 'Freedom that becometh my duty to my Good and Gracious Maſter, 'and my obedience to your great commands, I deliver it ſo.

'I conceive this intended Project of infeebling the Coyn, will 'intrench very far both into the Honour, Juſtice and Profit of the 'King.

'All Eſtates do ſtand *magis fama quam vi*, as *Tacitus* ſaith of *Rome*; 'and Wealth in every Kingdom, is one of the eſſential marks of 'their Greatneſs; and is beſt expreſſed in the meaſures and purity 'of their moneys. Hence it was, that ſo long as the *Roman* Empire, a pattern of the beſt Government, held up their Glory or 'Greatneſs, they ever maintained with little or no change the 'Standard of their Coyn: but after the looſe time of *Commodus* had 'led into need by exceſs, by that ſhift of changing the Standard, the 'Majeſty of that Empire fell by degrees: And as *Vopiſcus* ſaith, the 'ſteps by which that State deſcended, were viſible moſt by the gene'ral alteration of their Coyns; and there is no ſurer ſymptomes of 'Conſumption in State, than the Corruption of Money.

'What renown is left to the poſterity of *Edward* I. in amending 'the Standard both in purity and weight, from that of elder and bar'barous times? It muſt needs ſtick as a blemiſh upon Princes that 'do the contrary.

'Thus we ſee, it was with *Henry* VI. who after he had begun 'with abating the meaſures, he afterwards fell into abaſing the mat'ter, and granted Commiſſion to *Miſſend* and others, to practiſe *Al'chymy* to ſerve his Mint.

'The extremity the State in general felt by this Grievance, be'ſides the diſhonour it laid upon the perſon of the King, was not the 'leaſt diſadvantage his diſloyal Kinſman took to ingrace himſelf into 'the peoples favour, to his Soveraigns ruine.

'When *Henry* VIII. had gained as much of Power and Glory 'abroad, of Love and Obedience at home as ever any, he ſuffered a 'loſs by this Rock.

'When his Daughter Queen *Elizabeth* came to the Crown, ſhe 'was happier in Counſel to amend that error of her Father; for it 'appears in a Memorial of the Lord Treaſurer *Burleigh*'s hand, that 'he and Sr. *Thomas Smith*, a Grave and Learned man, adviſed the 'Queen, that it was the Crown and the true Wealth of her ſelf and 'people, to reduce the Standard to the Antient Parity and Purity of 'her great Grand-father *Edward* IV. and that it was not the ſhort 'end of wits, nor ſtarting holes of devices, that can ſuſtain the ex'pence of a Monarchy, but ſound and ſolid courſes: for ſo are the

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‘words. She followed their advice, and began to reduce the Moneys to their elder goodneſs, ſtyling this work in her firſt Proclamation *Anno* 3. a famous Act. The next year following *Ann.* 3. having perfected it, as it after ſtood, ſhe telleth her people by another Edict, That ſhe had conquered now that Monſter that had ſo long devoured them; meaning the variation of the Standard. And ſo long as that ſad Adviſer lived, ſhe never (though often by Projectors importuned) could be drawn to any ſhift or change in her moneys.

‘To avoid the trouble of permutation, Coyns were deviſed as a rule and meaſure of Merchandize, and Manufactories, which if mutable, no man can tell either what he hath, or what he oweth; no contract can be certain, and ſo all commerce both publick and private is deſtroyed, and men again enforced to permutation with things not ſubject to will and fraud.

‘The regulating of Coyn hath been left to the care of Princes, who have ever been preſumed to be the Fathers of the Common-wealth; upon their honours they are Debtors and Warrants to the ſubjects in that behalf.

‘They cannot, ſaith *Bodin*, alter the price of moneys to the prejudice of the ſubject, without incurring the reproach of *Faux moneyans*: And therefore ſtories term *Phillip de Belle falſificator de monet. Integritas debet quæri ubi vultus noſter Imprimatur*, ſaid *Theodoret* the *Goth* to his Mint-maſter, *Quidnam erit tutum ſi noſtra peccetur effigie?* Princes muſt not ſuffer their Faces to warrant falſhood.

‘Although ſome are not of opinion with the *Minor des Juſtices*, the Antienteſt Book of the Common Law, that *Le Roy ne veut ſa money impaire ne amander ſans l’aſſent des touts les Counties*, which was the great Council of the Kingdom: Yet we may paſs over the goodneſs and grace of many other our Kings, as *Edward* I. *Edward* III. *Henry* IV. and V. and others, who out of the Rule of their Juſtice, *Quod ad omnes ſpectat, ab omnibus debet approbari*, have often adviſed with their people in Parliament, both for the Allay, Weight, Number of Pieces, Rate of Coynage and Exchange; and moſt with infinite goodneſs acknowledge the Care and Juſtice now of my good Maſter, and your Lordſhips Wiſdoms, that would not upon the information of ſome few Officers of the Mint, before a free and careful debate, put in execution this project: yet I muſt under your Lordſhips favour, ſuſpect it would have taken away the tenth part of every mans due Debt or Rent already reſerved throughout the Realm, not ſparing the King; which could have been little leſs than a Species of that which the *Roman* Stories call *Tabula nova*, from whence every Sedition hath ſprung; as that of *Marius Grantidianus* in *Livy*, who pretending in his Conſulſhip, that the Currant money was waſted, called in and altered the Standard; which grew ſo heavy and grievous to the people, (as the Author ſaith, becauſe thereby no man knoweth certainly his wealth) that it cauſed a Tumult.

‘In this laſt part, which is the diſ-profit that the enfeebling the Coyn will bring both to his Majeſty and to the Common-wealth; I muſt diſtinguiſh the moneys of Gold and Silver as they are Bullion and Commodities, and as they are meaſures, the one of the ex-

‘trinſick quality, which is at the Kings pleaſure, as all other meaſures to name; the other, the intrinſick quality of pure metal, which is in the Merchant to value; as their meaſure ſhall be either to be leſſened or enlarged, ſo is the quantity of the Commodity that is to be exchanged: If then the King ſhall cut his Shilling or Pound in money leſs than it was before, a leſs proportion of ſuch Commodities as ſhall be exchanged for it, muſt be received; it muſt then of force follow, that all things of neceſſity, as Victuals, Apparel, and the reſt, as well as thoſe of Pleaſure, muſt be inhanced. If then all men ſhall receive in their Shillings and Pounds a leſs proportion of Silver and Gold than they did before this projected alteration; and pay for what they buy at a rate inhanced, it muſt caſt upon all a double loſs. What the King will ſuffer by it in the Rents of his Lands, is demonſtrated enough by the alteration ſince the 18th of *Edward* III. when all the Revenues of the Crown came unto the receipts, *pondere & numero*, after five Groats the Ounce; which ſince that time, by ſeveral changes of the Standard, is come to five Shillings, whereby the King hath two third parts of his juſt Revenues.

‘In his Cuſtoms, the Book of Rates being regulated by Pounds and Shillings, his Majeſty muſt loſe alike, and ſo in all and whatſoever moneys that after this he muſt receive; the profits of his Coynage cannot be much more permanent, the loſs laſting, and ſo long it tendeth to the diminiſhing of his Revenue; for in every pound tail of Gold is 7. *Ounces* 1 *Penny* weight and 19 *Grains* loſs, which is twenty five pounds in account: and in ſeven hundred pound tail of Silver 14 *l.* 17 *s.* more. And his Majeſty ſhall undergo all this loſs hereafter in all his receipts, ſo ſhall he no leſs in all his disburſements: the wages of his Soldiers muſt be rateably advanced, as the money is decreaſed. This *Edward* III. as appeareth by the Accounts of the *Wardrobe* and *Exchequer*, (as all the Kings after him) was enforced to do, as often as he leſſened the Standard of the moneys. What ſhall be bought for his Majeſties ſervice, muſt in like manner be inhanced on him. As his Majeſty hath the greateſt profits of receipts and iſſues, ſo muſt he of neceſſity taſte of the moſt loſs by this device.

‘It will deſtroy or diſcourage a great proportion of the Trade in *England*; impair his Majeſties Cuſtoms; for that part being not the leaſt that paſſeth upon truſt and credit, will be overthrown: for all men being doubtful of diminution hereby of their perſonal eſtates, will call in their moneys already out, and no man will part with that which is lying by him upon apparent loſs, as this muſt bring: What dammage may befall the State by ſuch a ſudden change of Trade, is ſubmitted to conſideration.

‘The moneys both of Gold and Silver, formerly Coyned and abroad, richer than thoſe intended, will be tranſported: which I conceive to be none of the leaſt Inducements that hath drawn ſo many Goldſmiths to ſide in this Project, that they may be thereby Factors for the Strangers, who by the Law of Mintage, bring but two ſhillings Silver to the pound weight, and four ſhillings for Gold; whereas with us, the one is two ſhillings ſix pence, and the other five ſhillings; many make that profit beyond the Sea, they cannot here; and ſo his Majeſties Mint will be unſet of work.

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‘And as his Majeſties loſs appeareth in the alteration of money a fourteenth in the Silver, and a twenty fifth part in all the Gold he after ſhall receive; ſo ſhall it be with the Gentry and Nobility, and all other Landed men in all their former ſetled Rents, Annuities, Penſions and ſumms of money: the like will fall upon the Labourers and Work-men in their Statute Wages: and as their receipts are leſſened hereby, ſo are their iſſues increaſed either by improving all prices, diſ-furniſhing the Market, which muſt neceſſarily follow; for in the fifth of *Edward* VI. 3 *Mary*, 4 *Eliz.* as appeareth by their Proclamations, a Rumour only of alteration cauſed ſuch effects; and they puniſhed the Authors of ſuch reports, with Impriſonment and Pillory. It cannot be doubted, but the projecting of ſuch a change muſt be of far greater conſequence and danger to the State, and it would be wiſhed, that the Actors and Authors of ſuch diſturbances in the Common-wealth at all times hereafter, might undergo a puniſhment proportionable.

‘It cannot be held an advice of beſt Judgement, that layeth the loſs upon our ſelves, and the gain upon our Enemies: for who are like to be in this the greateſt thrivers? Is it not viſible, that the Strangers who import money for Bullion, our own Goldſmiths who are their Brokers, and the Hedge-Minters of the *Netherlands* (as one termed them well) will have a freſh and full Trade by this abaſement? And we cannot do the *Spaniſh* King, our greateſt Enemy, a greater favour than by this, who being Lord of the Commodities by his *Weſt-Indies*, we ſhall ſo advance them to our Impoveriſhment: for it is not in the power of any State to raiſe the price of their own Commodities: But it is the value that their Neighbours ſet upon them. Experience hath taught us, that the enfeebling of the Coyn, is but a ſhift for a while, as Drink to one in a Dropſie, to make him ſwell the more: But the State was never thoroughly cured, as we ſaw in *Henry* the Eighth's time, and the late Queens, until the Coyn was made rich again.

‘To conclude, If the proportion of Gold and Silver to each other be wrought to that purity, by the advice of the Artiſts, that neither may be too rich for the other, that the Mintage may be reduced to ſome proportion of Neighbour parts. and that the Iſſue of Native Commodities may be brought to overballance the entrance of the Foreign, we need not ſeek any ſhift; but ſhall again ſee our Trade to flouriſh, the Mint, as the Pulſe of the Common-wealth, again to beat; and our Materials by Induſtry, to be Mines of Gold and Silver, (which we all wiſh and work for) ſupported unto us, and the honour of Juſtice, and profit of his Majeſty.

On

16 *Caroli.* *Aug.* 15. 1640.

ON the fifteenth of *Auguſt* the Lord *Conway* having received certain Intelligence that the *Scots* would on ſuch a day enter *England*, writ to the effect following to Mr. Secretary *Windebanke* for the Information of the Arch-Biſhop of *Canterbury*.

Lord *Conway* for the Arch-Biſhop of *Canterbury*.

Mr. Secretary,

MY time is very ſhort, I now received your Letter, I have within theſe two hours word brought to me, [I pray you tell my Lord of *Canterbury, that it is by that man I did write laſt to him, that I have ſent into* Scotland *and gave him ſixteen pounds*] *that the Scotch Army, as he doth aſſure me upon his life, and bids me* hang him *if it be not ſo, will upon* Munday *or* Tueſday *next come into* England, *that they will upon* Saturday *be before this Town, which they ſay they will take or here be broken, from hence they intend to go to* Yorkſhire, *&c.*

Your moſt humble ſervant,

Newcaſtle Aug. 15.
1640.

Conway *and* Kilulta.

ON the 20th of *Auguſt* the King began his Journey from *London* towards *York* in ſome haſte, upon information that the *Scots* were ready to enter the Kingdom with an Army, which accordingly they did on the ſame twentieth of *Auguſt*.

Auguſt 20 Proclamation againſt ſupplying the Scots.

On which day his Majeſty publiſhed a Proclamation, whereby he declared that all thoſe of *Scotland* who have already entred, or hereafter ſhall preſume to enter in an Hoſtile manner into any part of the Kingdom of *England*, and their adherents, aſſiſtants and others, who ſhall ſupply them with Money, Munition, Victuals or other Proviſions, ſhall be adjudged Traitors againſt his Majeſty his Crown and Dignity, and incurr the Penalties of High Treaſon; yet the King declares he will forgive the *Scots* if they return to obedience, and profeſſeth it before God and the World as often formerly, and in his late Declaration he hath done, and that he never did nor will hinder his Subjects of *Scotland* from the enjoying of their Religion and Liberties according to the Eccleſiaſtical, Civil and Municipal Laws of that Kingdom, and according to his promiſe and their deſires ſubſcribed by themſelves at the Pacification, but that he will govern them as a juſt and Religious Prince, in aſſurance whereof if they will yet acknowledge their former Crimes and Exorbitancies and in humble and ſubmiſs manner like penitent Delinquents crave Pardon for what is paſt, and yield Obedience for the time to come, they ſhall ſtill find that his Majeſty will be more ſenſible of their due Conformity and Obedience, than he hath been of their Rebellions, that he rather deſires their Reformation than their Deſtruction.

In

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Aug. 20. *Cumberland* and *Weſtmerland* to keep ſtrict Watches.

* Upon *Spy Cragg* and other places.

* Whence probably *Edenburgh* took its name.

IN Expectation of the Entrance of the *Scotiſh* Army, the Privy Council ſitting at *White-Hall* this day ſent Letters directed to the Lieutenants of the Counties of *Cumberland* and *Weſtmerland*, requiring firſt that ſtrict Watches be kept upon the Paſſages of the Borders into *Scotland* by the ſeveral Townſhips as formerly hath been * accuſtomed in time of Hoſtility. Secondly, That the Beacons be Watched and kept ſerviceable. Thirdly, That ſearch be made of what ſtore of Corn there was in any of the Granaries on the other ſide of the River * *Eden*, betwixt it and *Scotland*, and that no Perſon ſhall keep more proviſion of any kind than ſhall ſerve their Family for a Week, and that the reſt be put into ſafe places. Fourthly, That it being the uſual manner in thoſe parts to put a thouſand or fifteen hundred Cattle to Paſture in the *Summer time*, and to have none but a boy or two to look to them; thoſe who receive the profits of thoſe Cattle ſhall be compelled to keep ſo many Herdſmen as may preſently upon warning, drive thoſe Cattle over the *Eden*, that they may be ſecured from the Pillage of the Enemy.

The names of the chief Commanders of the *Scotch* Army. Their ſtrength in Horſe and Foot.

THE beſt intelligence we could get of the ſtrength of the *Scotiſh* Army on their march towards *England* was, that they conſiſted of 20000 Foot, and 2500 Horſe, commanded by General *Leſly* in chief, Earl of *Kallender* Lieutenant General, *Alex. Hamilton* Major General of *Artillery*, and Colonel *Bailey* Major General of the Army. There were many other Noblemen, Barons and Gentlemen who were Commanders in the Army, who marched with them as a ſtanding Committee of the Army, conſiſting of ſix Noblemen, ſix Barons, ſix Burgeſſes, beſides the General Officers.

The *Scots* enter *England*.

ON *Thurſday* the 20th of *Auguſt* one part of the *Scotch* Army marched over the River *Tweed* at a Ford named *Cald Streame* into *England*, and another part of their Army at a Ford lower down upon the ſame River; The Earl of *Montroſs* commanded the Vaunt-Guard, and firſt took the River, the Colledge of Juſtice Troop conſiſting of one hundred and ſixty Gentlemen commanded by Sir *Thomas Hope* rode upon the right wing of the Foot, which helpt to break the ſtream; that night they encamped at a place called *Hirſlaw* in *England* bordering on *Scotland*.

F*Riday Auguſt* 21. they marched from thence and pitched that night on *Misfield Moore*, but the Horſe lay at ſeveral Villages thereabouts.

S*aturday Auguſt* 22. they marched to *Middleton Haugh* near *Wooller*, and that night ſome of the *Berwick* Troops came out and fell upon part of the Camp, and ſeized three Field pieces, but the Alarm being quickly taken, they were preſently regained, and the *Berwick* Troops forced to retreat, and ſome of them taken Priſoners.

16 *Caroli.*

Aug. 23. THE next day being *Sunday, Auguſt* 23. after Sermon they removed from *Middleton Haugh*, and Encamped that night at *Branton Field*.

24. MUnday *Auguſt* 24. they removed from thence and Encamped on the Hill betwixt the New and Old Towns of *Eglingam* or *Eglington*.

25. TUeſday *Auguſt* 25. they Marchedfrom thence and Encamped that night at *Nether Wotten*.

26. WEdneſday *Auguſt* 26. they removed from thence and pitched that night on the Eaſt part of a Village called *Creich* or ſome ſuch name.

27. THurſday *Auguſt* 27. they marched from thence and Encamped their Army about *Newborne* upon *Tyne*, a Town of the Earl of *Northumberland*'s, four miles Weſt from *Newcaſtle*.

It is to be obſerved that at the *Scots* entry into *England*, they publiſhed certain Conſiderations to manifeſt the Lawfulneſs of their Expedition, and declared the intention thereof to their Brethren here in *England* (as they called them) which Conſiderations were as followeth.

Six Conſiderations of the Lawfulneſs of their Expedition into England *manifeſted.*

Conſiderations to juſtifie the *Scots* expedition into *England*.

'AS from the beginning till this time, we have attempted nothing preſumptuouſly in this great work of Reformation, but have proceeded upon good grounds, and have been led forward by the good hand of God; ſo now, from our own perſwaſion, are we ready to anſwer every one that asketh us a reaſon of this our preſent expedition, which is one of the greateſt and moſt notable parts of this wonderful work of God, beſeeching all to lift up their minds above their own particulars, and without prejudice or partiality, to lay to heart the Conſiderations following.

'Firſt, As all men know and confeſs what is the great force of *neceſſity*, and how it doth juſtifie actions otherways unwarrantable, ſo it cannot be denyed but we muſt either ſeek our peace in *England* at this time, or lye under the heavy burdens which we are not able to bear.

'1. We muſt maintain Armies on the Borders, and all places neareſt to hazard, for the defence and preſervation of our Countrey, which by laying down of Armes, and disbanding of our Forces, ſhould be quickly over-run by hoſtile invaſion, and the incurſions of our enemies.

'2. We ſhall want trade by Sea, which would not only deprive the Kingdom of many neceſſaries, but utterly undo our Boroughs, Mer-

An. 1640. ‘Merchants, Mariners, and many others who live by Fiſhing, and by Commodities Exported and Imported, and whoſe particular callings are utterly made void, by want of Commerce with other Nations and Sea-trade.

‘3. The Subjects through the whole Kingdom, ſhall want adminiſtration of Juſtice; and although this time paſt, the marvellous power and providence of God hath kept the Kingdom in order and quietneſs without any Judicatories ſitting, yet cannot this be expected for afterward, but ſhall turn to confuſion. Any one of the three, much more all of them put together threaten us with moſt certain ruine, unleſs we ſpeedily uſe the remedy of this Expedition. And this we ſay not from fear, but from feeling: for we have already felt to our unſpeakable prejudice, [what it is to maintain Armies, what to want traffick, what to want adminiſtration of Juſtice.] And if the beginning of theſe evils be ſo heavy, what ſhall the growth and long continuance of them prove unto us? ſo miſerable a being all men would judge, to be worſe than no being.

‘Secondly, If we conſider the nature and quality of this Expedition, it is defenſive, and ſo the more juſtifiable. For proof hereof let it be remembred,

‘1. The Kings Majeſty miſled by the crafty and cruel faction of our Adverſaries began this years war, not we. When articles of pacification had been the other year agreed upon, Armes laid down, Forts and Caſtles rendred, an Aſſembly kept, and concluded with the preſence and conſent of his Majeſties High Commiſſioner, the promiſed Ratification thereof in Parliament (contrary to the foreſaid Articles) was denyed unto us, and when we would have informed his Majeſty by our Commiſſioners, of the reaſons and manner of our proceedings, they got not ſo much as preſence or audience. Thereafter his Majeſty being content to hear them, before that they came to Court or were heard, War was concluded againſt us at the Council Table of *England*, and a Commiſſion given to the Earl of *Northumberland* for that effect.

‘1. The Parliaments of *Ireland* and *England* were alſo convocate, for granting *Subſidies* unto this war againſt us, as is notoure, Plots have been hatcht, and military preparations made againſt us: many invaſions by Sea, which have ſpoiled us of our ſhips and goods: men, women and children killed in *Edenburgh* by his Majeſties Forces in the Caſtle: Our enemies therefore are the authors and beginners of the War, and we defenders only.

‘2. We intend not the hurt of others, but our own peace and preſervation, neither are we to offer any injury or violence: And therefore have furniſhed our ſelves according to our power with all neceſſaries, not to fight at all, except we be forced to it in our own defence, as our Declaration beareth.

‘3. We ſhall retire and lay down Armes, as ſoon as we ſhall get a ſure peace, and ſhall be ſatisfied in our juſt demands. Upon which ground even ſome of thoſe who would ſeem the greateſt Royaliſts, hold the Wars of the Proteſtants in *France* againſt the King, and the faction of the *Guiſians* to have been lawful defenſive Wars, becauſe they were ever ready to diſband and quiet themſelves,

‘ſelves, when they got aſſurance of peace and liberty of Religion. Now this preſent Expedition being in the nature of it defenſive, hence it appeareth that it is not contrary, but conſonant to our former Proteſtations, Informations and Remonſtrances: In all which there is not one word againſt defenſive War in this cauſe; but ſtrong reaſons for it, all which militate for this expedition.

‘Our firſt information ſent to *England* this year, though it accurſeth all offenſive or invaſive war, yet ſheweth plainly, that if we be invaded either by Sea or Land, we muſt do as a man that fighteth himſelf out of priſon. If a private man when his houſe is blocked up, ſo that he can have no liberty of Commerce and Traffick to ſupply himſelf and family, being alſo in continual hazard of his life, not knowing when he ſhall be aſſaulted by his Enemies who lye in wait againſt him, may in this caſe moſt lawfully ſtep forth with the Forces which he can make, and fight himſelf free, of how much more worth is the whole Nation? and how ſhall one and the ſame way of defence and liberation be allowed to a private man, and diſallowed to a whole Nation?

‘Thirdly, We are called to this Expedition by that ſame divine providence and vocation which hath guided us hitherto in this great buſineſs. We ſee the expediency of it, for the glory of God, for the good of the Church, for advancing the Goſpel, for our own peace: after ſeeking of God, and begging light and direction from Heaven, our hearts are inclined to it, God hath given us zeal and courage to proſecute it, ability and opportunity for undertaking it, unanimous Reſolution upon it, ſcruples removed out of minds where they were harboured, encouragements to atchieve it from many paſſages of divine providence, and namely from the proceedings of the laſt Parliament in *England*, their grievances and deſires being ſo homogeneal and akin to ours, we have laboured in great long-ſuffering by Supplications, Informations, Commiſſions, and all other means poſſible, to avoid this Expedition. It was not premeditate nor affected by us (God knows) but our enemies have neceſſitated and redacted us unto it, and that of purpoſe to ſow the ſeed of National Quarrels: yet as God hitherto hath turned all their plots againſt themſelves, and to effects quite contrary to thoſe that they intended; ſo are we hopeful that our coming into *England* (ſo much wiſhed and deſired by our adverſaries for producing a National quarrel) ſhall ſo far diſappoint them of their aymes, that it ſhall link the two Nations together in ſtraiter and ſtronger bonds, both of Civil and Chriſtian love, than ever before.

‘And that we may ſee yet further evidences of a calling from God to this voyage, we may obſerve the order of the Lords ſteps and proceedings in this work of Reformation. For, beginning at the groſs Popery of the *Service Book*, and Book of *Canons*, he hath followed the back trade of our defection, till he hath Reformed the very firſt and ſmalleſt Novations, which entered in this Church. But ſo it is, that this back trade leadeth yet further, to the Prelacy in *England*, the fountain whence all thoſe Babyloniſh ſtreams iſſue unto us: The Lord therefore is ſtill on the back trade, and we following him therein, cannot yet be at a ſtay. Yea, we truſt, that he ſhall ſo follow forth this trade, as to chaſe home the Beaſt, and the falſe Prophet to

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‘*Rome*, and from *Rome* out of the world. Beſides, this third Conſideration reſulteth from the former two; for if this Expedition be neceſſary, and if it be defenſive, then it followeth inevitably, that we are called unto it, for our neceſſary defence is warranted, yea commanded by the Law of God and Nature, and we are obliged to it in our *Covenant*.

‘Fourthly, The lawfulneſs of this Expedition appeareth, if we conſider the party againſt whom, which is not the Kingdom of *England*, but the *Canterburian faction* of Papiſts, Atheiſts, Arminians, Prelates, the miſleaders of the Kings Majeſty, and the Common Enemies of both Kingdoms. We perſwade our ſelves, that our Brethren and Neighbours in *England*, will never be ſo evil adviſed, as to make themſelves a party againſt us, by their defence and patrociny of our Enemies among them, as ſometimes the Benjamites made themſelves a party againſt the Iſraelites, by defending the Gibeathites in their wicked cauſe, *Judg.* 20. We pray God to give them the wiſdom of the wiſe Woman in *Abel*, who when *Joab* came near to her City with an Army, found out a way which both kept *Joab* from being an Enemy to the City, and the City from being an Enemy to him, 2 *Sam.* 20. As touching the proviſion and furniture of our Army in *England*, it ſhall be ſuch as is uſed among friends, not among enemies. The rule of humanity and gratitude will teach them to furniſh us with neceſſaries, when as beſide the procuring of our own peace, we do good offices to them. They deteſt (we know) the churliſhneſs of *Nabal*, who refuſed victuals to *David* and his men, who had done them good and no evil, 1 *Sam.* 20. And the inhumanity of the men of *Succoth* and *Penuel*, who denyed bread to Gideons Army, when he was purſuing the Common Enemies of all *Iſrael*, *Judg.* 8. But let the Engliſh do of their benevolence, what humanity and diſcretion will teach them; For our own part our Declaration ſheweth, that we ſeek not victuals for nought, but for money or ſecurity: And if this ſhould be refuſed (which we ſhall never expect) it were as damnable as the barbarous cruelty of *Edom* and *Moab*, who refuſed to let *Iſrael* paſs through their Countrey, or to give them bread and water in any caſe, *Numb.* 20. *Judg.* 11. and this offence the Lord accounted ſo inexpiable, that for it he accurſed the *Edomites* and *Moabites* from entring into the Congregation of the Lord, unto the tenth Generation, *Deut.* 23. 3, 4.

‘Fifthly, The fifth Conſideration concerneth the end for which this Voyage is undertaken. We have atteſted the ſearcher of hearts, It is not to execute any diſloyal act againſt his Majeſty, It is not to put forth a cruel or vindictive hand againſt our Adverſaries in *England*, whom we deſire only to be Judged and Cenſured by their own Honourable and High Court of Parliament; It is not to enrich our ſelves with the Wealth of *England*, nor to do any harm thereto. But by the contrary, we ſhall gladly beſtow our pains and our means to do them all the good we can, which they might juſtly look for at our hands, for the help which they made us at our Reformation, in freeing us from the *French*, a bond of peace and love betwixt them and us to all generations. Our Conſcience, and God who is greater than our Conſcience beareth us record, that we aim 'altogether at the glory of God, peace of both Nations, and honour of the King, in ſuppreſſing and puniſhing (in a legal way) of thoſe who are the troublers of *Iſrael* the firebrands of Hell, the *Korhas*, the *Baalams*, the *Doegs*, the *Rabſhakahs*, the *Hamans*, the *Tobiahs* and *Sanballats* of our time, which done, we are ſatisfied. Neither have we begun to uſe a military Expedition to *England*, as a mean for compaſſing thoſe our pious ends, till all other means which we could think upon have failed us, and this alone is left to us as *ultimum & unicum remedium*, the laſt and only remedy.

'Sixthly, If the Lord ſhall bleſs us in this our expedition, and our intentions ſhall not be croſſed by our own ſins and miſcarriage, or by the oppoſition of the *Engliſh*, the fruits ſhall be ſweet, and the effects comfortable to both Nations, to the Poſterity, and to the Reformed *Kirks* abroad: *Scotland* ſhall be Reformed as at the beginning, the Reformation of *England* long prayed and pleaded for the Godly thereby ſhall be according to their wiſhes and deſires, perfected in Doctrine, Worſhip and Diſcipline. Papiſts, Prelates, and all the members of the Antichriſtian Hierarchy, with their Idolatry, Superſtition, and humane Inventions ſhall pack from hence, the names of *Sects* and *Separatiſts* ſhall no more be mentioned, and the Lord ſhall be one, and his name one throughout the whole Iſland, which ſhall be glory to God, honour to the King, Joy to the Kingdoms, comfort to the poſterity, example to other Chriſtian *Kirks*, and *Confuſion* to the *incorrigible Enemies*.

The Covenanters alſo diſperſed another Paper in Juſtification of their intentions to come into *England*, which ſee at large in the *Appendix*.

On the twentieth of *Auguſt* the King publiſhed a *Proclamation* to ſummon all ſuch as hold of his Majeſty by grand Sergeanty, Eſcuage, or Knights-Service, to do their ſervices againſt the *Scots*, according to their tenures.

Whereas the King's Majeſty intends forthwith in his own perſon, or by his Lieutenant, with an Army Royal, to go in War againſt the Scots (by Gods aſſiſtance) to repreſs their Treaſons and rebellions, and for that end hath already begun his journey towards the Northern parts of this Kingdom, his Majeſty therefore doth hereby require and ſtraitly charge and command, all Lords Spiritual and Temporal, Baronets, Knights, Eſquires, Gentlemen, and all others of what eſtate or condition ſoever, who hold of his Majeſty by grand Sergeanty, or hold of his Majeſty or of any of his Wards by Eſcuage, or Knights Service (and are thereby bound to go in their own perſons, or to find others for them to go with his Majeſty, or his Lieutenant in the ſaid War againſt the ſaid Rebels) That they take knowledge of this his Majeſties publick Summons, and with all meet expedition after the publiſhing hereof, and at the fartheſt before the twentieth day of September next, be ready furniſht with Horſe and Armes for performance of their ſaid Services, at the Town of Newcaſtle upon Tyne, or at ſuch other place where his Majeſties ſaid Army ſhall then reſide; from thence to go with his Majeſty, or his Lieutenant in War againſt the ſaid Rebels: and hereof they may not fail, under the penalties of the Law, and as they tender the Service of his Majeſty, and the ſafety of the Kingdom.

Nevertheleſs, for ſuch as do ſo hold of his Majeſty, or of his ſaid Wards, who upon juſt occaſions ſhall ſeek to be ſpared and diſpenſed with, for their attendance and ſervice in this Expedition, his Majeſty is graciouſly pleaſed, and hath authorized the Lord Treaſurer, Chancellour and Barons of his Exchequer for the time being, or any two or more of them (whereof the Lord Treaſurer or Chancellour to be one) upon fines to his Majeſties uſe, to admit to compoſition, and compound with ſuch of thoſe Tenants, as they ſhall think fit to be ſpared and diſpenced with for this preſent Service, whom his Majeſty doth hereby declare ſhall be freed and exempted accordingly: ſo as they ſhall make their ſaid Compoſitions before the ſaid twentieth day of September next, whereby his Majeſty may be provided of other meet perſons in their turn to perform the ſaid Services.

Given at our Court at *White-Hall* the twentieth day of *Auguſt* in the ſixteenth year of his Majeſties Raign.

White-Hall Aug. 20. 1640.

A PROCLAMATION

For the Levying and payment of the *Ship-Money* in Arrear.

WHereas his Majeſty out of his Princely care of the Defence of this Realm and ſafety of his Subjects, underſtanding of the great preparations of Shipping beyond the Seas, as well this preſent year as in divers years preceding, and the imminent Perils thereby appearing on every ſide in theſe Dangerous and Warlike times; For the ſpeedy Defence of this Kingdom and People, guarding of the Seas, and ſecure Conduct of Shipping and Merchandize (wherein all his Subjects were concerned) did as well for divers years paſt, as in November laſt, direct his ſeveral Writs to ſeveral Sheriffs, Mayors, Bayliffs, and other his Officers and Subjects of the ſeveral Counties of England and Wales, Thereby Commanding the Providing and Setting in readineſs certain Ships furniſhed with Ordnance and Arms, and Manned and Victualled at the Charges of the ſaid Counties, in ſuch ſort as by the ſame Writs were appointed: but his Majeſty finding that the ſaid Ships were not provided according to the Tenour of the ſaid Writs, nor the Moneys Levyed (according to the Eſtimates yearly given by the Lords and Others of his Majeſties Privy Council) for ſetting forth thoſe Ships, his Majeſty for the Common Defence and Safety of his Kingdom and People, was conſtrained at his own great Charges, yearly to make out and maintain that Shipping which he expected from his Subjects.

And therefore his Majeſty as he cannot but cenſure the moſt of his Sheriffs and other his Miniſters of great neglect in the Execution of that ſervice, according to their Oaths and the Duty of their places, ſo he will now expect from them an Undelayed and faithful performance of the ſame without favour or connivance. And to that end, his Majeſty doth hereby ſtraitly Charge and Command all his preſent Sheriffs, Bayliffs, and other his Officers and Miniſters to whom it appertaineth, forthwith not only to Raiſe and Levy the ſaid moneys appointed to be Collected and Raiſed for the Providing and Furniſhing the ſaid Ships for this preſent Year, But alſo to give forth their Warrants to the preceding Sheriffs, Mayors and other Officers reſpectively for the Raiſing and Levying of thoſe Arrears which happened in their times: And that as well the Sheriffs, Mayors and other Officers for this preſent year, as thoſe for the year paſt, who are in Arrear to his Majeſty ſhall make their payments Reſpectively to the Treaſurer of his Majeſties Navy at or before the firſt day of November next, without further Reſpite or delay upon pain of high Contempt againſt his Majeſty, and to be further proceeded with and puniſhed according to the Quality of their Offences in that which ſo much importeth the publick good and ſafety of the Kingdom.

Orders to the *Lord Keeper* to iſſue out *Commiſſions of Array*.

ON the ſame twentieth of *Auguſt* the *Kings Attorney* preſented the Lords of the Council at *White-Hall* a Copy of a *Commiſſion of Array* ſetled by Parliament in 5 *Hen.* 4. and upon debate had thereupon, it was ordered that the *Lord Keeper* of the Great Seal ſhall iſſue out *Commiſſions of Array* in the form aforeſaid for each of the Counties of *England* and *Wales*, directed to the Lords Lieutenants and Sheriffs of the Counties, and to ſuch of the Lieutenants or others being three or more as the ſaid Lord Lieutenants ſhould recommend. And his Majeſty and the Board declared that there was *no intention by theſe Commiſſions of Array* to derogate from or in any ſort *to abridge* the Commiſſions of *Lieutenancy*, but that the Lords Lieutenants may make uſe of both theſe concurrent Commiſſions where they ſhall find a fit occaſion for the advancement of his *Majeſties Service*. And accordingly the *Lord Keeper* was directed forthwith to take effectual care herein.

The Deputy Lieutenants of *Devonſhire* raiſe a doubt about the *Commiſſions of Array*.

THE Deputy Lieutenants of *Devonſhire* about this time repreſented to the *Earl Marſhal two difficulties* in putting the Trained Bands and other Forces in readineſs to march and ſerve in the common Defence. Firſt, the diſtraction among the Gentry and others, *unto which ſervice* perſonally to apply themſelves; that which the Trained Bands required as aforeſaid, or the other according to *Eſcuage* and tenures in *Knights Service*, both of them being Commanded by Proclamation. Secondly, the way of raiſing money for *the Charge* of the ſaid Bands and Forces when they ſhall be required to March.

In theſe objected difficulties directions being deſired from the Council Table, *they anſwered* that the ſervice impoſed upon the

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Trained Bands and other Forces for the Common Defence by his Majeſties Letters and Proclamation is carefully to be performed by every man in his own perſon, but for *that attendance on his Majeſty* required by the other Proclamation according to the tenures in *Knights Service*, it may and will ſuffice that the ſame be done by Deputy, or elſe that perſons ſo holding their Lands give ſatisfaction by way of Compoſition; and for the other difficulty how to provide *for the Charge* of theſe Forces when they ſhall March, it was ordered by them that not only the *Laws and Cuſtomes* of this Kingdom *require that in time of actual invaſion every man ſerve* in the *common defence* at *his own charge*, but that the very Law of nature doth teach and oblige us thereunto without ſticking or ſtaying upon any ſuch terms or queſtions, and that it hath been the Cuſtome and Practice within this Kingdom both in Ancient and Modern times when there was a doubt and fear of Invaſion; but this preſent danger is paſt all manner of doubt by an *actual Invaſion* of the *Scottiſh Rebels* with ſo great an Army that his Majeſties Subjects in the *North* ſerve him cheerfully at their *own charges* with Bodies and Fortunes, it was hoped that the Subjects in other parts would take the like care for the iſſuing of the *Commiſſions of Array* into the ſeveral Counties, and for thoſe Counties which were under the Lieutenancies of *thoſe Lords* that attended his Majeſty *into the North*, or were ſo imployed in his Majeſties Service, that they could not be preſent within their own Lieutenancies, that the Commiſſions ſhould be directed to ſuch Perſons of Quality and worth as the Lords Lieutenants ſhall thereunto name and recommend to the *Lord Keeper*.

The Earl Marſhal ordered to Execute the *Commiſſion of Array*, the Scots being Entred into *England*.

THE *Earl Marſhal of England* had a Commiſſion to command all Forces on the *South ſide Trent*, and by his Majeſties private Inſtructions was enjoyned to receive the advice and direction of the Privy Council, or of ſix or more of them. And it being *made known to the Board* that the *Scots were paſſed over the River Tweed*, and were entred and marched with great Forces within this Kingdom, and the *Earl Marſhal* moving their Lordſhips for their direction, it was *ordered by the Board*, that the ſaid Earl ſhall proceed *forthwith to Execute his Commiſſion*, and that for this end he ſhall write Letters to all the Lords Lieutenants, and in their abſence to the Deputy Lieutenants of all the Counties within his Commiſſion to require them to have in readineſs not only the *Trained Bands* both Horſe and Foot of their ſeveral Lieutenancies, but *to put all other perſons* that are able either in Body or Eſtate to do Service, into the beſt Order they can for Arms both for Horſe and Foot, to be ready either to defend the County in which they dwell, or to come under the Command and Conduct of their Lords Lieutenants or their Deputy Lieutenants to ſuch Rendezvouz elſewhere, and ſuch times for Defence of the Publick, as the ſaid *Earl Marſhal* or his Lieutenants ſhall appoint, and to be all in ſuch readineſs as they may be able to *March at twenty four hours warning* after command received from him.

ON the twenty third day of *Auguſt*, his Majeſty having in three dayes Arrived at *York*, the next day *Auguſt* 24. the Gentry of that County waited upon his Majeſty at the Pallace called the *Mannor* at *York*, and preſented him a ſecond Petition to the effect following;

The ſecond Petition of the Gentry to his Majeſty at *York*.

‘WHereas there was an humble Petition lately preſented unto ‘your Majeſty by divers of the now Petitioners, and others of ‘the Nobility and Gentry of this County, without any intention of ‘Tumult though ſo conceived, touching the preſſure then lying up‘on the County by the Billeting of Souldiers, with intimation of ‘an hundred thouſand pound Expended by the County concerning ‘Military affairs the laſt year in your Majeſties Service, the Calcula‘tion of which ſumm by the anſwer to the ſaid Petition was held ‘exorbitant and much miſtaken, the truth whereof and the reſt of ‘the Petition we ſhall in all humility make appear if your Majeſty ‘require it, and we moſt humbly ſupplicate your Majeſty to be gra‘ciouſly pleaſed that we be not for the future debarred of the imme‘diate Petitioning to your moſt Sacred perſon, in matters wherein ‘the publick good and ſafety of this County ſhall be intereſſed.

‘And whereas your Majeſty did yeſterday to our great comfort ‘and encouragement declare your Royal intentions to *lead on the* ‘*Trained Bands* of this Countrey to the Frontiers of the ſame, for ‘the defence and ſafety of your Royal Perſon and Countrey, where‘to with all cheerfulneſs we humbly offer our beſt endeavours, with ‘our moſt humble thanks for ſo gracious a favour:

‘Yet ſo it is, moſt Gracious Soveraign, that the poverty of this ‘Countrey is ſuch that we conceive they cannot be drawn to Raiſe ‘and March *without fourteen dayes pay* from your Majeſty before they ‘move, upon receipt whereof we are confident they will be ready ‘to March under your Majeſties ſole Command, to ſuch Rendezvouz ‘as your Majeſty ſhall appoint within this County, humbly deſiring ‘your moſt Excellent Majeſty, that ſeeing the Armes of this County ‘will be twelve thouſand Foot, and four hundred Horſe, a conſide‘rable number, that we may not be diſunited upon any occaſion of ‘ſervice.

Phillip Wharton.
Ferdinando Fairefax.
Henry Bellaſis.
William Savile.
Francis Wortley.
Thomas Gower.
Jo. Hotham.
Ed. Stanhop.
Henry Griffith.
William Sheiffeild.
Richard Darly.
Jo. Ramſden.
Hugh Cholmeley.
Hugh Bethell.
William Strickland.
Thomas Remmington.
Thomas Metham.
Robert Strickland.
Jo. Legard.
George Buttler.
Francis Monntone.
Henry Cholmeley.
George Trotter.
Henry Darley.
Richard Remington.
William Franckland.
Thomas Hebblethwaite.
Jo. Hotham.
Christopher Pearcihey.
Joſ. Pearcey.
Brian Stapleton.
Phillip Stapleton.
Ing. Hopton.
Henry Anderſon.
George Crosbie.
George Marwood.
Thomas Hisketh.
Jo. Anlabie.
Chriſtopher Legard.
Jo. Inglebie.
Mar. Norcliffe.

With divers others.

An. 1640.

Aug. 26. 1640.

AVguſt 26. Whereas it is formerly mentioned that the Lords of the Privy Council had writ ſeveral Letters to ſecure the perſons of ſuch Souldiers in *Eſſex* as had in their March mutined and committed Inſolencies, and Information being further given that others of thoſe new Levyed Souldiers had broke into a Church, pulled away the Communion Table from the Altar, *&c.* and burnt the Railes that were about it, before the door of the Miniſters Houſe, frightning him therewith, ſo that he forſook his Houſe for a time; Now the Aſſizes being near at hand, the Lords of the Privy Council thought fit to write this enſuing Letter.

Commiſſioners to attend the tryal of the *Eſſex* Offenders.

'THeir Lordſhips this day ſitting in Council upon weighty and good Conſiderations, did think fit and order that the Earl of *Warwick*, and the Lord *Maynard*, Lords Lieutenants for the County of *Eſſex*, ſhould be hereby prayed and required to give Command, and provide that all the Commiſſioners appointed in his Majeſties late Commiſſion of *Oyer* and *Terminer*, iſſued for the enquiry and puniſhment of the late Rioters and ſuch like Offenders within that County, ſhould not fail of being preſent, together with the ſaid Lords Lieutenants themſelves in their own perſons, at the time of executing the ſaid Commiſſion, and of the Trial that is to be had of the ſaid offenders, and more eſpecially that the ſaid Lords Lieutenants, Sir *Thomas Barrington*, Sir *Harbottle Grimſton*, Knights and Baronets, and Sir *William Hix*, Baronet, do by no means fail of being preſent thereat, together with the Judges, and attending upon the ſaid Commiſſion, until the ſame be fully executed. Whereof they the ſaid Lords Lieutenants for themſelves and all the ſaid Commiſſioners, more eſpecially the three Gentlemen herein named, are hereby required to take notice, and to govern themſelves accordingly.

Aug. 26. Directions for *Commiſſions of Array* to ſome fit perſons, for as much as the Earl of *Northumberland*, &c. cannot be in perſon in the *North*.

'WHereas the Kings Moſt Excellent Majeſty before his departure for the Northern parts, did declare and give order that Commiſſions of Array ſhould be diſpatched into all the Counties of *England* and *Wales*, whereby the better to enable the Lords Lieutenants in doing his Majeſties ſervice, according to the ſeveral duties of their places, in this ſtirring and dangerous time: Their Lordſhips having this day taken conſideration thereof, together with the *Lord Keeper* of the Great Seal of *England*, now preſent in Council, It was thought fit and ordered, that his Lordſhip ſhould forthwith take effectual care for the iſſuing thoſe Commiſſions accordingly. And that the Commiſſion to be iſſued for the County of *Cumberland*, which is under the Earl of *Arundel* and *Surry*, Earl Marſhal of *England*, and of his Son the Lord *Maltravers*, that in regard neither the ſaid Earl nor his Son can perſonally be preſent in the ſaid County by reaſon of their other ſaid great occaſions of his Majeſties Service in theſe Southern Parts; as alſo the Commiſſion for the County of *Northumberland*, which is under the Earl of *Northumberland*, Lord High Admiral of *England*, that in regard the ſaid Lord High Admiral cannot be perſonally preſent in the ſaid County of *Northumberland* by reaſon of his Lordſhips *extremity of Sickneſs*; It was ordered, that the ſeveral Commiſſions for thoſe Counties ſhould be directed to ſuch perſons of Quality and Worth, 'whom the ſaid Lords Lieutenants ſhould thereto name, and recommend unto the *Lord Keeper*. And that the like courſe ſhould be taken for the Counties, which are under the Lieutenancies of the Lord Chamberlain, and the Earl of *Holland*, and ſuch other Lords Lieutenants, who being now tyed to attend his Majeſty in perſon in the *North*, cannot themſelves be preſent in their Lieutenancies, who are to have notice of this their Lordſhips Order, and are hereby to be prayed and required to ſend ſuch names unto the *Lord Keeper*, of perſons upon whom they can confide, that the ſame may be inſerted in the ſaid Commiſſion, who in abſence of the ſaid Lords Lieutenants, are thereby to be Authoriſed for the full performance of all Service required by the aforeſaid Commiſſion to be iſſued for the Biſhop of *Durham*, Lord Lieutenant of that County *Palatine*, which *Commiſſion of Array* is to be directed unto them both.

At WHITE-HALL, Aug. 26. 1640.

An Order and Direction of the Lords of the Privy Council, to put the *Commiſſion* of *Array* in Execution.

The Captain General of his Majeſties Forces on the South of *Trent* to take Order that all that are able to bear Armes be in readineſs, the *Scots* having actually invaded the Kingdom.

'WHereas the Kings Majeſty having for the Defence of this Kingdom in this occaſion of the Rebellion of the *Scots*, and for other great and weighty Conſiderations given his Royal Commiſſion unto the *Earl Marſhal* of *England* of Captain General of all his Majeſties Forces on this ſide *Trent*, and hath by his private Inſtructions unto the ſaid Earl enjoyned his Lordſhip to receive the advice and direction of the Lords of his Council, or of ſix or more of them, who ſhall be reſident here in his Majeſties ſervice, when to put the ſame in execution, It being this day made known unto their Lordſhips by Mr. Secretary *Windebanke*, that the ſaid Rebels were paſſed over the River *Tweede*, and were entred and marched with great Forces within this Kingdom, the ſaid *Earl Marſhal* hereupon moving their Lordſhips, for their direction as aforeſaid, It was thought fit and ordered by the Board, that the ſaid *Earl Marſhal* ſhould be hereby prayed and required with all expedition to proceed to the execution of his Lordſhips ſaid Commiſſion, and that for this end he ſhould write Letters to all the Lords Lieutenants, and in their abſence to their Deputy Lieutenants of all the Counties that are within his Commiſſion, whereby to require them to have in readineſs, not only all the Trained Bands both Horſe and Foot of their ſeveral Lieutenancies, but likewiſe all other perſons that are able either in Body or Eſtate to do ſervice, to be put into the beſt order they can for Arms both for Horſe and Foot, and be ready either to defend the County in which they dwell, or to come under the Command and Conduct of their Lords Lieutenants, or their Deputy Lieutenants, to ſuch Rendezvouz elſewhere, and at ſuch times for the defence of the publick as the ſaid Captain General, or in his abſence his Lieutenants ſhall appoint, and all to be in ſuch readi-

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‘neſs, that they may be able to march at twenty four hours warning at the fartheſt, after Command to be received from him or his Lieutenant on that behalf. And although the ſaid Captain General hath full power of himſelf to call for all Forces both of Horſe and Foot, as well Trained Bands as others within his ſaid Commiſſion to attend ſuch Rendezvouz, and at ſuch time, and upon ſuch warnings as he ſhall judge fit according to the neceſſity of affairs, Yet his Majeſty being now in the *North*, and ſeeing all things there at a nearer diſtance, It was further thought fit and ordered by their Lordſhips, that his Majeſties Attorney General ſhould prepare a Draught of a Proclamation fit for his Majeſties ſignature, to declare his Majeſties pleaſure in the premiſes, to the end that all true obedience, aid and aſſiſtance may be given unto the Commands and Directions of the ſaid *Earl Marſhal* and his Lieutenant from time to time in the execution of his Lordſhips aforeſaid Commiſſion; Nevertheleſs his Majeſties pleaſure is that for ſuch Forces as are or ſhall be Commanded by himſelf, or Levyed by his Majeſties Captain General of his Army, for his Majeſties ſervice in the *North*, that they ſhall be ſpared from ſerving in his Majeſties Army on this ſide *Trent*.

Aug. 26. 1640.

Henry Bold to be furniſhed with Carts, Horſes, &c. in his paſſage with the Earl of *Straffords* proviſions.

A Warrant with General Directions as followeth.

‘WHereas there are ſix Waggons and two Carts now ſent towards his Majeſties Army in the *North* parts, under the Charge of the bearer hereof, *Henry Bold*, with divers Proviſions for our very good Lord the Earl of *Strafford*, Lord Lieutenant General of his Majeſties ſaid Army, Theſe are ſtraitly to Charge and Command you and every of you, whom it may concern, in caſe any of the ſaid Waggons and Carts, or the Horſes belonging to them, ſhould fail in that Journey, the ſaid *Henry Bold* paying for them ſuch reaſonable prices as are accuſtomed in his Majeſties like ſervices. And we do likewiſe hereby Will and Command you to give any other further aſſiſtance herein, which ſhall be needful for the ſafe and ſpeedy paſſage of the ſaid proviſions to his Majeſties ſaid Army, as you will anſwer the contrary at your perils. Dated at *White-Hall Auguſt* 26. 1640. Signed by

Lord Arch-Biſhop of Canterbury.
Lord Keeper.
Lord Treaſurer.
Earl of Dorſet.
Lord Newburgh.
Mr. Secretary Windebanke.
Sir Thomas Rowe.
Lord Chief Juſtice of the Common Pleas.

ON the twenty ſeventh of *Auguſt* in the Forenoon, his Majeſty received intelligence from the Lord *Conway*, that the *Scots* would that night be near *Newcaſtle* with their Army, craving his Majeſties pleaſure and directions, about the diſpoſing of his Army to the Interruption of the march of the *Scots*.

The King immediately called the Gentry of *Yorkſhire* then at *York* together, to wait upon his Majeſty, to whom the Earl of *Strafford* made a Speech, (the King being preſent) to the effect following.

Aug. 27. 1640.

The Earl of *Strafford's* Speech to the Gentry of *Yorkſhire.*

‘That the *Scots* have Invaded *England*; this County in former times with a ſmall help beſides, kept them within their Bounds; their pretence to Religion appears now to be nothing elſe but Rebellion and Invaſion, it is now no time of Diſputation, but of Preparation and Action; and though ſome of my Countrymen, who would fain ſeem to the World to know much of the Law, (but indeed, are ignorant and know nothing they ſhould) are loth to advance at their own Charges, I muſt let all ſuch know, that they, and ſo are we all bound out of our Allegiance to his Majeſty at our own proper Coſts and Charges to attend his Majeſty in this Service, in caſe of Invaſion, and that it is little leſs than high Treaſon in any one to refuſe it; I ſay it again, we are bound unto it by the Common Law of *England*, by the Law of Nature, and by the Law of Reaſon, and you are no better than Beaſts, if you refuſe in this caſe to attend the King, his Majeſty offering in perſon to lead you on; and if the laſt year ye were ſo forward to attend his Majeſty beyond the Frontiers of this County, to prevent an Invaſion, now you ſhould be far more willing, (now having already Invaded, and are on their march near *Newcaſtle*) It is your prudence to keep them from coming nearer to you, if they once find the ſweetneſs of your ſoyle, they will hardly depart from the ſame. In a word, Gentlemen, if you will be cloſe fiſted, and not open your purſes, nor attend the King's perſon, you muſt be content to loſe all, but if you will be free and liberal you will ſave all.

‘But Sir, I muſt not lay the whole Burthen upon this County, ſhall they bear the Burthen and the Brunt, and other Counties reap the Benefit, and not Contribute towards the Charges? Let *Northamptonſhire*, *Leiceſterſhire* and other Counties bear a proportionable part, (and great reaſon too, ſaid his Majeſty); ſpare me one word more, ſaid the Earl, for this County in eighty eight, they were brought from ſix thouſand to twelve thouſand of the Trained Bands, by reaſon of the then Preſſing occaſion, but with promiſe to be reduced to their former number, that ſervice being done; yet notwithſtanding they have continued to twelve thouſand ever ſince. I ſhall therefore become a humble ſuiter to your Majeſty, that after this ſervice done, they may be reduced to their former number, or at leaſt four thouſand to be abated; I will, ſaid the King, upon my Royal word, take off four thouſand from the twelve thouſand after this ſervice done; and I give my Lord Lieutenant thanks for his motion, though I had before declared to the Marqueſs my Intention therein.

The Earl of *Strafford* ſends a Pacquet to the Lord *Conway.*

Preſently after the Earl of *Strafford* had ended this Speech to the Gentry of *Yorkſhire*, he immediately prepared a Pacquet to be ſent Poſt to the Lord *Conway*, then underſtanding the *Scots* were come near *Newcaſtle*. And the Author of theſe *Collections* being newly come Poſt from *London* to *York*, and hearing a Pacquet was about to be ſent to *Newcaſtle*, took the opportunity to bear the meſſenger company thither: but when the Authour and the Meſſenger with the Pacquet came to *Newcaſtle* upon the twenty eighth of *Auguſt* in the morning, they were informed that the Lord *Conway* was gone to the

Army

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It is deliver-ed to him.

Army near *Newborn*, whither we went immediately, and found the Lord *Conway* and the Field Officers at a Council of War at *Stella*, half a mile diſtance from the Army, and delivered the Lord *Conway* the Pacquet, which being opened, it contained ſpecial Orders to prepare the Army for an Engagement with the *Scots*. Whileſt they were in debate of this matter, an *Herauld* came in all haſte from the Army to acquaint the Lord *Conway* and Council of War, that the Army was already engaged with the *Scots*; which ſeemed ſtrange to them, becauſe orders were given not to Fight but upon the Defence: but the Council of War ſuddenly broke up and haſtened to the Army. And as it was reported, Colonel *Goring* came out of the Room where the Council of War ſate, and publickly ſaid to ſome of the Officers, that the Lieutenant General of the Army needed not to have ſent Orders to bid them Fight whatever came of it, for the Enemy had begun the work to their hands; his Majeſty and the Earl of *Strafford* were at this time at *York*.

At the ſame time, the Army was ſuddenly Engaged.

The *Scots* ſend a Drummer to *Newcaſtle*.

IT is to be obſerved that on the ſaid twenty ſeventh of *Auguſt*, when the *Scots* encamped their Army about *Newborne*, General *Leſly* ſent his Drummer towards *Newcaſtle*, at which time Sir *Jacob Aſhley*, Colonel *Goring* and ſome other Commanders were riding a little out of Town to view the ground near the Walls, where they met the Drummer, who being demanded whence he came, he ſaid from General *Leſly*, and ſhewed two Letters, one directed to the Commander in Chief, and the other to the Mayor of *Newcaſtle*, which Sir *Jacob Aſhley* took, and read the Superſcriptions, but in regard they were Sealed, delivered them back to the Drummer, and bid him remember his ſervice to his General, and tell him no ſealed Letters ought to be received, and if he ſent any more, the bearer thereof had better ſtay at home; ſo the man with his Kettle Drums on Horſeback returned, but the Contents of the Letters were not known, conceived only to be a kind of Summons.

That night the *Scots* pitched their Tents on *Heddon-Law* above *Newborne*, from whence there went a continued deſcent to the River of *Tyne*. In the night time they made great fires in and round about their Camp on an open Mooriſh ground, (having Coals plenty thereabouts) ſo that the Camp ſeemed to be of large compaſs and extent.

That night and the next morning they ſuffered any Engliſh man to come into their Camp, and made them welcome with expreſſions of great love and proteſtations of doing harm to none but thoſe who ſhould oppoſe them in demanding Juſtice of the King againſt *Incendiaries*.

The ſame night part of the Kings Army conſiſting of three thouſand Foot and fifteen hundred Horſe were drawn forth into a plain Meadow ground which was near a mile in length, cloſe on the South ſide of *Tyne* called *Newborne-Haugh* or *Stella-Haugh*, to hinder the *Scots* from paſſing the River in the night time, where were two ſeveral Sconces or Breaſt-works raiſed by the *Engliſh* againſt the two Fords, which the *Scots* might paſs over at Low water, for till then they could not paſs the *Tyne*, and into each Sconce were put four hundred Muſqueteers and four pieces of Ordinance.

The Horſe were drawn into Squadrons in the ſaid *Haugh* at ſome diſtance from the Foot, in this poſture Horſe and Foot guarded the River all that night and the next day, till the engagement.

The *Scots* all the forenoon watered their Horſes at one ſide of the River and the *Engliſh* on the other ſide without affronting one another or giving any reproachful language.

The *Scots* having the advantage of the riſing ground above *Newbourne* eaſily diſcerned the poſture and motion of the *Engliſh* Army below in the Valley on the Southſide the River, but the poſture of the *Scots* Army the *Engliſh* could not diſcern by reaſon of the Houſes, Hedges and Incloſures in and about *Newbourne.* The *Scots* brought down Cannon into *Newbourne* Town, and planted ſome in the Church Steeple a ſmall diſtance from the River *Tyne*, their Muſqueteers were placed in the Church, Houſes, Lanes and Hedges in and about *Newbourne.*

The Skirmiſh began thus (as the Author of theſe Collections was informed, being then upon the place). A Scottiſh Officer well mounted having a black Feather in his Hat came out of one of the thatcht houſes in *Newbourne* and watered his Horſe in the River *Tyne*, as they had done all that day, an Engliſh Souldier perceiving he fixed his eye towards the Engliſh Trenches on the South-ſide of the River fired at him (whether in earneſt, or to fright him is not known) but wounded the Scotiſh man with the ſhot, who fell off his Horſe, whereupon the Scotiſh Muſqueteers immediately fired upon the *Engliſh*, and ſo the fight begun with Small-ſhot, but was continued with great ſhot as well as ſmall.

The *Scots* played with their Cannon upon the *Engliſh* Breaſtworks and Sconce; The Kings Army played with their Cannon to beat the *Scots* out of the Church-ſteeple; thus they continued firing on both ſides, till it grew to be near low water, and by that time the *Scots* with their Cannon had made a breach in the greater Sconce which Colonel *Lunsford* commanded, wherein many of his men were killed and began to retire, yet the Colonel prevailed with them to ſtand to their Armes, but preſently after a Captain, a Lieutenant, and ſome other officers more were ſlain in that work. Then the Souldiers took occaſion to complain that they were put upon double duty, and had ſtood there all night and that day to that time, and that no Souldiers were ſent from the Army at *Newcaſtle* to relieve them; but Colonel *Lunsford* again prevailed with them not to deſert their Works, but another Cannon-ſhot hitting in the Works amongſt the Souldiers, and killing ſome more of them, they threw down their Armes and would abide in the Fort no longer.

The Enemy on the riſing Hill above *Newbourne* plainly diſcerned the Poſture of the King's Army, and how the Souldiers had quit the great Work, and being low Water, the *Scots* commanded a Forlorn party of twenty ſix Horſe, being Gentlemen of the Colledge of *Juſtice Troop*, to paſs the River which they did with ſome ſwiftneſs, their orders were only to make diſcovery in what poſture the Souldiers were about the uppermoſt Work, but not to come to cloſe engagement, but fire at a diſtance and retreat.

The *Scots* playing at this time very hard upon the furthermoſt Trench, forced the *Engliſh* Foot to retreat from that work alſo, which the *Scots* diſcerning on the riſing ground at *Newbourne*, more Horſe commanded by Sr. *Thomas Hope*, and two Regiments of Foot commanded by the Lord *Craford Lindſey* and Lord *Lowdon* waded through the River, and General *Leſly* at this inſtant of time played hard with nine piece of Cannon from a new Sconce which they had raiſed on a Hill to the *Eaſt*, and ſo galled the King's Horſe drawn up in plain Meadow ground, that it much diſordered them, and ſending more Forces over the River, a retreat was ſounded, and Colonel *Lunsford* drew off the Cannon. Immediately Commiſſary *Wilmot* Son to the Lord *Wilmot*, Sr. *John Digby* a *Romiſh* Recuſant, and *Daniel O Neal* an *Iriſh-man* joyntly engaged the Enemy, and had a ſharp Encounter with their Horſe, they being commanded to bring up the Rear, whileſt the Foot retreated up *Riton* and *Stella* Banks, but the *Scots* with their freſh Supply newly come over the River, environed theſe three Commanders, and took them and ſome others of their Troops Priſoners; General *Leſley* treated theſe Commanders nobly in the *Scots* Camp, and afterwards gave them their liberty freely to return to the King's Army.

In this Engagement Cornet *Porter*, Son to *Endymion Porter* of the Bed-Chamber was ſlain, and during the whole Fight about ſixty men more as the *Scots* told us, after the Ceſſation of Armes was agreed unto; for the *Scots* buried the dead; and afterwards they further told us that moſt of them that were killed lay about the works; how many of the *Scots* were ſlain we know not. At the Engagement with the King's Horſe, none of the *Scots* of quality were ſlain, but Captain *Macgee* Son of Sr. *Patrick Macgee* Sheriff of *Galloway*, and one Mr. *Thomas Dacolmy* a Gentleman of the General's Life-guard.

Engliſh Army retreats to *Durham*.

After this retreat the Lord *Conway* called a Council of War, and it was there reſolved at twelve at night, that the whole Army ſhould retreat to *Durham* Horſe and Foot, and Train of Artillery, and to quit *Newcaſtle*.

THe next day being *Saturday*, *Auguſt* 29. the Lord *Conway* and Sr. *Jacob Aſhly* by five of the Clock in the Morning cauſed all the Souldiers both Foot and Horſe in *Newcaſtle* to march away with the Ordnance and other Warlike Proviſion to *Durham*, leaving *Newcaſtle* naked of Souldiers, and in the Afternoon *Douglaſs* Sheriff of *Tividale* came with a Trumpet, and certain Troops of Horſe to the Gates at *Newcaſtle* which were ſhut againſt him, and after ſome Parley and Threatning to plant Ordnance againſt the Town, the Mayor Sir *Peter Riddel*, Knight, (who was deſtitute of men and Armes to defend the Town) opened the Gates and ſuffered him to come in, and the next day being *Sunday*, fifteen Lords and *Douglaſs* came and dined with the Mayor, drank a health to the King, had three Sermons that day by their own Divines. On *Monday* after *Leſly* came and pitched his Tents on *Gateſide* hill, half a Mile South of *Newcaſtle*.

The Scots enter *Newcaſtle*.

ON *Tueſday*, *Septemb.* 1. he demanded of the Mayor of the Town to Bake certain quantities of Bread, and to Brew ſo may Tun of Beer a day, which the Mayor unwilling to undertake, the *Scots* employed men about it, giving money in part, and a Note in Writing as ſecurity for the reſt.

ON *Thurſday, Sept.* 3. there came a Smmons to Sr. *William Bellaſis*, Knight, Sheriff of the County Palatine of *Durham*, and Sr. *William Lambton*, Knight, two Gentlemen of good quality in the ſame County, (the latter of which was afterwards at *York* Battle ſlain fighting under the King's Colours), which Summons was to appear before General *Leſley* at his Leagure at *Newcaſtle* on *Saturday* the fifth of *September*, by eight of the Clock, Signed by *Montroſs*, *Rothes*, and *Lindſey*; and accordingly they went (having firſt obtained leave from the King to go to the *Scots* Quarters for the good of the Countrey); that Summons under thoſe *Scots* Lords hands was to require the Countrey to bring in Proviſion to the *Scots* Army upon payment of money in part, and ſecurity for the reſt, or otherwiſe they muſt take it without Security.

At this time *Newcaſtle* and the Cole-Mines that had wont to employ ten thouſand people all the year long about their Coalery, ſome working under ground, ſome above, others upon the water in Keels and Lighters, now not a man to be ſeen, not a Coal wrought, all abſconding, being poſſeſt with a fear the *Scots* would give no Quarter; 400 ſhips uſing to be there often at a time in the River, not a ſhip durſt come in, and an hundred and odd coming to the mouth of the Haven the day after the Fight, and hearing the *Scots* had poſſeſſed *Newcaſtle* returned all empty, and Tradeſmen in the Town for ſome dayes kept their ſhops ſhut, many Families gone leaving their houſes and goods to the mercy of the *Scots*; who poſſeſſed themſelves of ſuch Corn, Cheeſe, Beer, *&c.* as they found, giving the owners thereof or ſome in their ſtead ſome money in hand and ſecurity in writing for the reſt to be paid at four or ſix months end, in money or Corn, and if they refuſe, ſaid the *Scots*, ſuch is the neceſſity of their Army, that they muſt take it without ſecurity rather than ſtarve.

The great fear of the Inhabitants of *Newcaſtle*, after the defeat at *Newborn*.

As for the City of *Durham*, it became a moſt depopulated place, not one ſhop for four dayes after the fight open; not one houſe in ten that had either man, woman or child in it, not one bit of bread to be got for money, for the Kings Army had eat and drank all in their march into *Yorkſhire*, the Countrey People durſt not come to Market, which made that City in a ſad condition for want of Food.

As alſo of *Durham*.

At this time a Letter came from the Lord Lieutenant General of the Army to bury or break every upper Milſtone, and drive and carry away all Cattle and Goods to a great diſtance, inſomuch that moſt drove their Cattle and Sheep into *Yorkſhire*, and removed moſt of their Families thither alſo.

ON the ſaid *Auguſt* 29. Dr. *Morton* Biſhop of *Durham* a learned and moderate Biſhop had an account of the Defeat at *Newborne*, and that the King's Army was Retreating into *Yorkſhire*, whereupon the ſaid Biſhop went to his Caſtle at *Stockton* in the Biſhoprick of *Durham*, ſtanding on the edge of *Yorkſhire*, but he quickly removed thence into *Yorkſhire*, but Dr. *Belcanqual* Dean of *Durham* fled in great haſte, becauſe he underſtood the *Scots* gave out that they would ſeize upon him as an Incendiary for writing the King's large Declaration againſt

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the *Scots*; all the reſt of the Clergy of *Durham* fled away alſo, and the *Scots* ſhortly after employed men to receive their Rents, and the Rents of Papiſts for the uſe of the *Scotiſh* Army.

THe News of this Defeat met the Earl of *Strafford*, *Auguſt* 29. the next day at *Darlington*, fourteen Miles *South* of *Durham*, and about twenty ſix Miles from *Newcaſtle*, and as far from *York*, purpoſing to have been with the Army before any Engagement; but now endeavouring to make the beſt he could of an ill buſineſs, he ſent a Meſſenger to the Army, requiring the Chief Officers to Rally thoſe Forces that were ſcattered, and to keep cloſe in a Body and March into *Yorkſhire*.

THe ſame day the King was come from *York* as far as *Northallerton* towards the Army, being ten miles ſhort of *Darlington*, hoping to have been with them at a Fight with the *Scots*; but underſtanding his Army was Defeated and upon their Retreat, and had quit *Newcaſtle* to the *Scots*, his Majeſty haſtened back again that night to *York*. And the ſame day the Earl of *Strafford* ſent out this following Order to deſtroy Milſtones, *&c.*

The Earl of Strafford *Lord Lieutenant General of his Majeſties Army, To all Sheriffs, Conſtables of the peace, high Conſtables and other his Majeſties Officers.*

Aug. 30. The Earl of *Strafford*'s Warrant after the defeat given, to the King's Army at *Newborn* to break Milſtones, *&c.*

‘WHereas his Majeſties Army is now marching from *Newcaſtle* to *Darlington*, and the Villages thereunto adjacent, Theſe are ſpecially to require you, and the reſt of the high Conſtables, to uſe your utmoſt diligence in cauſing to be brought hither by four a Clock this Afternoon at the fartheſt, all ſuch quantities of Butter, Bread, Cheeſe, and Milk as you can poſſibly furniſh for the Victualing of his Majeſties ſaid Army, which being brought hither by the ſeveral owners, I ſhall take ſpecial care to ſee them juſtly ſatisfied the price of their ſaid Commodities, It being his Majeſties Gracious intention, there ſhall be no Burthen nor Oppreſſion to his Majeſties good and loving Subjects. Theſe are likewiſe farther to require you, that with the aſſiſtance of the Juſtice of peace adjoyning, you give order for the taking away of all the *upper Milſtones* in all the Mills in that your Ward, and to bury or otherwiſe to break them, that the ſaid Mills may not be of any uſe to the Army of the *Scotch* Rebels. You are likewiſe to require all his Majeſties Subjects, to remove all their Cattle, and other goods, aſſoon as poſſibly they can, out of their Countrey into places more remote, and of greater ſafety for them, until the return of his Majeſty, which will be very ſhortly by the help of God, that his good Subjects may be powerfully ſecured from the fears and dangers threatned by the ſaid Rebels.

Given under my Hand and Seal
at Darlington, Aug. 30. 1640.

Strafford.

After the Arrival of the Kings Army in the County of *York*, a Muſter was taken thereof, which was as followeth:

A Liſt of the Strength of the Kings Majeſties Army, both Officers and Soldiers, as they were Muſtered.

Lord *General*	160
Lieutenant Collonel Aſhburnham	162
Serjeant Major Latham	93
Captain Fludd	103
Captain Waſhington	95
Captain Atkins	101
Captain Dowſe	72
Captain Chudleigh	108
Captain Sandford	74
Captain Parramore	92
Captain Edwards	110
Captain Hearne	98
	1268

Lord Marqueſs Hamilton	211
Lieutenant Collonel Feilding	164
Serjeant Major Berry	150
Captain Dawſon	110
Captain Monyngs	109
Captain Smith	106
Captain Payne	106
Captain Langley	107
Captain Walthall	109
Captain Bozoone	110
Captain Greve	110
Captain St. John	103
Captain Watſon	108
	1603

Lord Newport	163
Lieutenant Collonel Moncke	125
Serjeant Major Warren	112
Captain Sheldon	95
Captain Kirten	78
Captain Croft	83
Captain Coape	78
Captain Stradling	74
Captain Barrowes	93
Captain Vaupere	77
	0978

Sr. Jacob Aſhley	133
Lieutenant Collonel Selvin	91
Serjeant Major Aſhley	99
Sr. William Udall	88
Captain Baynton	101
Captain Townſend	90
Captain Aſhley	78
Captain St. John	90
Captain Ruſſell	94
Captain Bellaſis	88
	0952

Collonel Goring	96
Lieutenant Collonel Kirke	99
Sergeant Major Willis	97
Captain Gray	87
Captain Predeaux	66
Captain Garrat	76
Captain Menns	48
Captain Danyell	89
Captain Shelley	59
Captain Elliot	66
	0783

Lord Grandeſon	172
Lieutenant Collonel Ballard	72
Sergeant Major Sibthorp	106
Captain Pretty	103
Captain Ellis	82
Captain Leſsley	96
Captain Boys	91
Captain Villars	98
Captain Smith	77
Captain Varvay	99
	0996

Lord Barramore	181
Lieutenant Collonel Lawday	169
Sergeant Major Uſher	148
Captain Trafford	97

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Captain Bryan	95
Captain Gifford	103
Captain Hemſley	105
Captain Gray	107
Captain Gwyn.	104
Captain Cary	105
	1214

Collonel Wentworth	191
Lieutenant Collonel Wayte	135
Sergeant Major Brockit	134
Captain Holman	89
Captain Floyd	101
Sr. Chriſtopher Abdy	97
Captain Fotherby	92
Captain Parry	103
Captain Stanbury	94
Captain Roberts	103
	1139

Collonel Glemham	212
Lieutenant Collonel Pawlet	166
Sergeant Major Kirkby	128
Captain Perkins	110
Captain Wythers	101
Captain Story	94
Captain Coddrington	103
Captain Walgrave	108
Captain Mynn	98
Captain Dymmocke	91
	1211

Sr. John Merricke	189
Lieutenant Collonel Carue	153
Sergeant Major Davis	140
Captain Broughton	94
Captain Seymer	92
Captain Button	97
Captain Hide	103
Captain Herbert	109
Captain Skrimſhawe	97
Captain Maxie	103
	1177

Sr. Thomas Culpeper	160
Lieutenant Collonel Gibſon	90
Sergeant Major Ogle	90
Captain Owen	81
Captain St. Leger	90

Captain Roberts	76
Captain Thurland	94
Captain Cooke	82
Captain Boyer	88
Captain Nicholls	61
	0912

Sr. Charles Vavaſor	200
Lieutenant Collonel Tyrwhit	155
Sergeant Major Apleyard	146
Captain Donnell	108
Captain Scudamore	100
Captain Wynd	99
Captain Thornton	109
Captain Pate	84
Captain Kinſmell	93
Captain Bridgman	74
	1163

Collonel William Vavaſour	101
Lieutenant Collonel Mynn	80
Sergeant Major Padgit	74
Captain Britt	62
Captain Holtby	60
Captain Nicholls	56
Captain Leighton	56
Captain Ferrer	59
Captain Bowes	60
Captain Baskavell	62
Captain Maxwell	85
	0755

Collonel Lonsford	163
Lieutenant Collonel Lonsford	71
Sergeant Major Gibbs	72
Captain Powell	62
Captain Lonsford	87
Captain Pomeroy	84
Captain Martin	75
Captain Dillon	61
Captain Capper	68
Captain Hippiſley	72
	0815

Sr. William Ogle	175
Lieutenant Collonel Bucke	146
Sergeant Major Baſſet	106
Captain Ferrer	70
Captain Andrewes	44

Captain

16 *Caroli.*

Captain Ventris	57
Captain Sandys	53
Captain Griffith	59
Captain Cary	64
Captain Fleetewood	39
	0813
Collonel Feilding	205
Lieutenant Collonel Bole	160

Sergeant Major Conisby	140
Captain Lu-kin	98
Captain Bradſhaw	97
Captain Kayes	95
Captain Leighton	95
Captain Thomas	96
Captain Thilwell	95
Captain Apleton	92
	1173

The Number of the laſt Muſter was	17420
The Number of this Muſter is	16957
Beſides dead, and run away ſince the laſt Muſter not put in the Total of the Books ſent up unto his Excellency, the Number of	00426
Which being added to this Muſter, maketh the Number of	17383
Which is leſs than the laſt Muſter the Number of	00037

Witneſſed under our Hands,

Ralph Errington, Deputy Commiſſary,
Henry Fenwicke, Deputy Commiſſary.

The Names of all the Collonels, Lieutenant Collonels, Sergeant Majors, Captains, Lieutenants, Enſignes, Preachers, Chirurgeons, Quarter Maſters, Provoſt Marſhals under his Excellency the Earl of *Northumberland*, Captain General for this Expedition 1640. Taken according to the Muſter Roll after the Armies Retreat from *Newcaſtle* into *Yorkſhire.*

His Excellency Algernon *Earl of* Northumberland *Captain General.*
William Aſhburnham Lieutenant Collonel.
Thomas Latham Sergeant Major.

Captains.

Charles Lloyde
Henry Waſhington
Jonathan Atkins
Richard Dowſe
Giles Porter
James Chudley
George Herne
John Edwards.

Lieutenants.

Guy Moleſworth
Lewis Gifford
John Tooley
Henry Chayton
William Moore
William Palmer.
Barnaby Bradford
Edward Landen.

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Thomas Wylde
Nathanael Dillon
Triſtram Fenwicke
Roger Larrimore.

Enſignes.

John Newton
William Wentworth
Thomas Parrimore
Stephen Dawſon
Charles Foſter
Henry Miller
Robert Brandling
Robert Marſh
Edward Jackſon
John Hilderſon
John Salkeld
David Farrington
Preacher Mr. *William Cox*
Chirurgeon *Laurence Lowe*
Quarter-maſter *Thomas Sandford*
Provoſt Marſhal *James Jeftres.*

The Right Honourable Edward *Lord Viſcount* Conway, Captain General *of the Horſe, conſiſting of 35. Troops already raiſed.*

II.

Earl of Newport, Collonel.
George Moncke, Lieutenant Coll.
Henry Warren, Sergeant Major.

Captains.

Robert Crofts
Thomas Shelton
John Stradling
Poſthumus Kirton
William Cope
Henry Vanpeere
Caſhea Burrowes.

Lieutenants.

George Lower
Arthur Moncke
Thomas Vaughan
Edmund Goffe
George Cooke
John Hoskins
John Weekes
James Gardiner
Owen Owens
Daniel Don.

Enſignes.

John Hamond
Richard Legg
John Fox
John Blunt
Thomas Paramore
Montague Sanderſon
John Lutterell
John Waſhington
Edward Armory
Robert Bonny.
Preacher, *Higham Gibbs.*
Chirurgeon, *Anthony Coquinx.*
Quarter-maſter *George Lawdy.*
Provoſt, *John Parker.*

III.

Sr. *Jacob Aſhley*, Collonel.
Sr. *Nicholas Selwin*, Lieutenant Collonel.
Bernard Aſhley, Sergeant Major.

Captains.

Sr. *William Vudall*
Robert Townſend
James Baynton
William Bellowes
Robert Ruſhell
Edward Aſtley
St. Johns.

Lieutenants.

William Lower
Michael Bedolph
Edward Fowles
George Slatford
Deverex Gibbons
John Haſlewood
Iſaac Cobb
Theodore Paleologus
Thomas Colbie
Henry Somerſter.

Enſignes.

Edward Courtney
Bray Knight
Francis Gay
Walter Neale
Peregrine Tasburgh
Hugh Pomeroy
Edward Nelſon
Charles Thompſon
Oxford
George Fuller
Preacher, *John Rowland.*

Chirurgeon, *John Auſtin*
Quarter-maſter. *Rawlins.*
Provoſt Marſhal, *Paul Knight.*

I V.

George Goring, Collonel.
Thomas Kirke Lieutenant Coll.
Richard Willis Sergeant Major.

Captains.

Henry Sully.
William Preddocks
Andrew Menns
Charles Gerrard
Edward Gray
Richard Elliot
Thomas Danil

Lieutenants.

Richard Dowes
William Langon
William Swan
Henry Cooke
John Marly
Thomas Throgmorton
Robert Noyſe
Francis Grover
Daniel More
Phillip Honywood.

Enſignes.

Richard Lovellis
Henry Crompton
Warren
John Terwhit
John Millard
John Barbridge
Francis Liſle
Ralph Brandling
Joſeph Brand
Arthur Chaune
Preacher, *Richard Lloyde.*
Chirurgeon,
Quarter-maſter, *Ben. Lawerowyes.*
Provoſt Marſhal, *Thomas Broxley.*

V.

The Lord Viſcount Grandiſon, Collonel.
Thomas Ballard, Lieutenant Coll.
Henry Sibthrope, Sergeant Major.

Captains.

William Pretty
Francis Smith
Edward Villars
Thomas Ellis
George Liſle
Edward Vrney
John Boyes

Lieutenants.

Thomas Browne
William Alford
John Malorye
William Smith
Robert Wiltſhire
Robert Wynd
John Eaton
Daniel Broughton
Francis Gaudy
Phillip Ballard.

Enſignes.

John Bennet
John Carter
Hugh Juſtice
Henry Crooker
Henry Payton
Ralph Sparkes
Henry Marſhin
John Cooney
John Walters
Thomas Kent, Preacher.
John Earnleſse, Chirurgeon.
Quarter-maſter, *Phillip Cooke.*
Provoſt Marſhal, *Marmaduke Collins.*

VI.

David Earl of Barrimore, Coll.
Garret Barry, Lieutenant Coll.
James Vſher, Sergeant Major.

Captains.

Thomas Trafford
John Fitzgerald
Miles Power
Henry Obrian
George White
Charles Heniſe
Garret Parſell.

Lieutenants.

Daniel Bolton
David Barry
Richard Greatrix
Thomas Pheaſant
Lodowicke Price
Samuel Wright
William Weſton

John

An. 1640.

John Ruſſell
Charles Stepkin
Richard Barry
Enſignes.
William Barry
Phillip Barry
James Dallochin
John Barry
Nicholas Barry
Neptune Howard
James Bladwell
William Norcott
Robert Roſington
William Tomkins.
Preacher, *John Rocke.*
Chirurgeon, *Charles Oxenbridge.*
Quarter-maſter, *Thomas Owens*
Provoſt Marſhal, *John Baldwin.*

VII.

Arthur Aſton, Collonel.
Richard Bole, Lieutenant Coll.
Robert Cogningesby, Sergeant Major.
Captains.
Iſaac Lukine
Richard Bradſhaw
Henry Keyes
Henry Thomas
Thomas Leighton
William Courtney
James Thomſon.
Lieutenants.
Thomas Minn
William Keeling
Richard Spoore
William Roſton
John Skipwith
Charles Hales
Celeſtine Bingham
Vul Wright
Nathanael Moyle
Stafford Sherborne.
Enſignes.
Francis Aſton
Robert Bowles
Phillip Lowes
Robert Smith
John Atkins
James Browne
Robert Nelſon
George Leigh
Richard Leigh
John Mynne
Preacher, *Henry Jones.*
Chirurgeon.
Quarter-maſter, *Lodowick Burwick.*
Provoſt Marſhal, *Tho. Goubourne.*

VIII.

Henry Wentworth, Collonel.
Henry Waite, Lieutenant Coll.
William Brockett, Serg. Major.
Captains.
Sr. *Chriſtopher Abdey*
William Roberts
Owen Parry
Iohn Holman
Broichel Lloyd
Henry Fothersby.
Lieutenants.
Francis Kanyer
Frederick Windſor
Francis Boyer
Hugh Williams
Ioſeph Bamfeild
Robert Bingham
Gilbert Wheathill
Iohn Higham
Thomas Stanbury
Robert Rookes.
Enſignes.
Edward Roberts
Iſaac Throughton
Iohn Thomas
Francis Smithwick
Humfrey Standburgh
William Lewis
Phillip Norris
Edmond Brockett
James Eſline
Robert Herne.
Preacher, Mr. *Matthew Whitley.*
Chirurgeon, *Edward Hales.*
Quarter-maſter, *William Bury.*
Provoſt Marſhal, *Iohn Hodſon.*

IX.

Sr. *Thomas Glenham*, Collonel.
Sr. *Iohn Pawlett*, Lieutenant Col.
Sr. *John Beaumont*, Serg. Major.
Captains.

Captains.

Robert Kirbie
Robert Pirkins
George Whither
Waldgrave
Nicholas Codrington
Robert Mynn
Thomas Dymock.

Lieutenants.

Iohn Waldgrave
William Pawlett
William Molineux
William Greene
Iacob Stringer
Thomas Ward
James Baſſett
Richard Norwood
William Neve.

Enſignes.

Edward Pereont
Thomas Pawlett
Iohn Beamont
Theodore Delaſley
Thomas Sanders
Hugh Gerrard
Francis Godfery
Arthur Ward
Henry Reyley.
Preacher.
Chirurgeon, *Palmer.*
Quarter-maſter, *William Moore.*
Provoſt Marſhal, *William Swaine.*

X.

Sr. *John Mirick*, Collonel.
Thomas Carne, Lieutenant Coll.
William Davis, Sergeant Major.

Captains.

Robert Broughton
Edward Seymore
Thomas Button
William Herbert
David Hide
Charles Shrumſhaw
William May

Lieutenants.

Thomas Langham
William Mathews
John Butler
Ambroſe Tindall
Iohn Edwards
William Mintridge
Braſe
Waldwine
George Betts
Iohn Lloyd.

Enſignes.

Auberry
Iohn Luther
William Owen
Thomas Smith
Thomas Cardinall
Gelly Merick
Miles Button
Thomas Milſhaw
Woods
Thomas Thwaytes.
Preacher, Dr. *Edward Alcaron.*
Chirurgeon.
Quarter-maſter, *Henry Biſhop.*
Provoſt Marſhal, *Iſaac Chaliſe.*

XI.

Sr. *Thomas Culpepper*, Collonel.
Richard Gibſon, Lieutenant Coll.
Robert Turvill, Sergeant Major.

Captains.

Walter Owen
Lewis Lawkner
Rowland Sleger
Henry Boyer
Francis Cooke
Richard Thurland
Samuel Payton.

Lieutenants.

Daniel Nicholls
Compton Evers
Iohn Sherman
Henry Vgall
William Mohun
Edward Louch
Richard Parker
Anthony Buſhell
Anthony Thorpe
Richard Carter.

Enſignes.

Nicholas Lidcott
Thomas Lyſter
Iohn Chyne
Robert Goodwine
Peter Brewnett
Iohn Steed
Lionell Beecher
Bowdon
William Waldron
John Scanderith

Xxxxxxx Preacher,

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Preacher, Mr. *Edward Langford.*
Chirurgeon.
Quarter-maſter, *William Weeler.*
Provoſt Marſhal, *Turner.*

XII.

Sr. *Charles Vavaſor*, Collonel.
Howard, Lieutenant Coll.
Appleyard, Sergeant Major.
Captains.
Baſcarvill
Winde
Scudamore
Therneton
Pate
Kinſman
Doneill.
Lieutenants.
Thomas Baſcarvell
William Evert
Phillip Hutton
Edward Dymmocke
Nathanael Smith
James Marwood
John Griffith
Edward Molworth
Jeremy Cheviers
George Maſters.
Enſignes.
William Blakiſtone
Averoy Maleroy
Henry Chriſwell
Richard Maſon
Samuel Mallowes
Thomas Chapline
William Carre
Edward Cropley
John Holland
Giles Palmer.
Preacher, Mr. *Thompſon.*
Chirurgeon, *Bennett.*
Quarter-maſter, *Rolland Davis.*
Provoſt Marſhal, *William Powell.*

XIII.

William Vavaſor, Collonel.
Nicholas Mynne, Lieutenant Col.
Thomas Pagett, Sergeant Major.
Captains.
Charles Gillmore
Edward Brett
William Bedingfeild
Lancelot Houltby
Nicholls
Francis Layton
Henry Ferries.
Lieutenants.
Robert Griffith
Ralph King
Francis Cowgrave
Owen Collugno
Nicholas Hughes
Francis Mills
John Wren
Robert Nicholas
Arthur Grant
Arthur Lowe.
Enſignes.
Edward Cheſter
Finch
Henry Baggett
Thomas Audey
Charles Fox
George Drewell
Fenix Wilſon
Benjamin Brett
John Jefford
Robert Hugganes.
Preacher, Mr. *Chriſtian Sherwood.*
Chirurgeon, *Trinity Langley.*
Quarter-maſter, *Humf. Farrew.*
Provoſt Marſhal.

XIV.

Lunsford, Collonel.
Hen. Lunsford, Lieutenant Coll.
Powell, Sergeant Major.
Captains.
Dilon
Harbert Lunsford
Francis Martin
Thomas Cupper
Hugh Pomeroy
Edward Powell
Edward Hippeſley.
Lieutenants.
John Iremonger
Thomas Owen
John Sanbedge
Thomas Carrow
Ralph Lilley
Allen Povey
Poynton Caſtillion

Phillip Chalwell
Edward Hulſtone
William Cheney.
Enſignes.
Titus Layton
Robert Skerrew
Edward Fowles
John Meredith
Pilemon Sanders
William Atkins
William Bellow
Greevile Cary
John Cole
Preacher.
Chirurgeon.
Quarter-maſter, *Anth. Witherings.*
Provoſt Marſhal, *Elias Hickmar.*

XV.

Sr. *William Ogle*, Collonel.
Brutus Bucke, Lieutenant Coll.
Richard Lawdey, Sergeant Major.
Captains.
Conſtance Ferrer
Edward Drury
Edward Andrews
Henry Ventris
Robert Sandes
Richard Power
Conyer Griffen
Lieutenants.
Fleetwood
Thomas Laward
Peter Gleane
Cornelius Ragan
George Lambert
Thomas Bennett
Charles Kirke
Edward Hackluyt
Thomas King
Francis Moore.
Enſignes.
Thomas Symoure
Edward Ogle
Banard
Edward Maylard
Hugh Leigh
John Waite
William Andrewes
Gerrard Ogle
Hugh Gue
Robert Bacon.

Preacher, Mr. *John Phillips.*
Chirurgeon, *Henry Barker.*
Quarter-maſter, *George Liſle.*
Provoſt Marſhal, *Thomas Bragge.*

XVI.

James Marqueſs *Hamilton*, Coll.
Edward Feilding, Lieutenant Col.
John Berry, Sergeant Major.
Captains.
William Monnings
Paul Smith
Francis Langley
Jervas Paine
Howard St. Johns
Peter Walthall
Anthony Greene
Charles Dawſon
Thomas Boſome.
Lieutenants.
Moſes Treadwell
Emanuel Neale
William Denn
William Tuke
William Gualter
George Rouſe
Godard Pemberton
Thomas Throughwood
George Little
Henry Bowerman
Henry Peto
Iohn Wolverſtone
Robert Watham
Enſignes.
Bennett Prior
Henry Peters
Richard Cooke
Thomas Pergent
William Reevs
Walter Price
Anthony Williams
Iohn Prenton
Thomas Beſt
Francis Willier
Thomas Carde
Rogers
William Lane.
Preacher, Mr. *Deight.*
Chirurgeon, *Richard Smith.*
Quarter-maſter, *Io. Daniell.*
Provoſt Marſhal, *Henry Fiſher.*

An. 1640.

XVII.

Sr. *Nicholas Biron*, Collonel.
Lieutenant Coll.
Edward Aldrich, Sergeant Major.
Captains.
Iohn Watts
Thomas Sherley
Iohn Middleton
Abraham Shipman
Iames Morgan
Roger Mollineux
Sheerly Shilling
Herculus Huncks
William Paterſon.
Lieutenants.
Francis Stradling
Daniel Trever
Thomas Ruſh
Iohn Marſhall
Thomas Brumley
Iohn Carnocke
Ralph Freeman
Iohn Chonnocke
Edward Watts
Ithiell Luch
Thomas Garrett.
Enſignes.
Lambert Colield
Richard Bond
Michael Bland
Iohn Exton
Iohn Shipman
Daniel Redman
Chriſtopher Elſing
Iohn Elrington
George Hartrigg
Tho. May
Nicholas Watſon
william Winter.
Preacher.
Chirurgeon.
Quarter-maſter, *Henry Bluder.*
Provoſt Marſhal, *Iohn Fletcher.*

XVIII.

Sr. *Iames Hamilton*, Collonel.
Iohn Slaughter, Lieutenant Coll.
Francis Story, Sergeant Major.
Captains.
Thomas Dabſcoate
Horatio Carew
Richard Munington
Thomas Gardiner
Thomas Cornewallis
Bullen Erreny
Anthony Brockett
Thomas Gifford
Thomas Buſhell.
Lieutenants.
Thomas Rockwood
William Balyes
Roger May
John Andrewes
John Grove
Duke Calton
William Corney
Thomas Townſend
Humfry Corey
John Goodrich
Francis Poore
Thomas Bancks.
Enſigns.
John Blunt
John Heaſlewood
Thomas Shelton
William Stratford
George Burwell
Iſaac Wally
John Food
Thomas Leigh
Robert Bayles
John Lycent
Edward Purpitt
John Jervas.
Preacher Mr. *Henry Miller.*
Chirurgeon.
Quarter-maſter, *Will. Dethick.*
Provoſt Marſhal, *Will. Richardſon.*

XIX.

Sr. *Jo. Dougleſs*, Collonel.
Sr. *Mathew Carry*, Lieuten. Coll.
Arthur Baſſet, Sergeant Major.
Captains.
Sr. *John Le Hunt*
Charles Ventreſs
Edward Kingſtone
Thomas Middleton
James Barſey
James Powell
Robert Burghill
Nicholas Parker

George Windham.

Lieutenants.

Robert Gandey

Roger Hiddon

Samuel Keviſon

Robert Davis

Thomas Ferrors

Robert Hamlon

William Gamblin

William Roſs

James Carwardine

Thomas Andrewes

Thomas Draper

Robert Davyes.

Enſignes.

Thomas Kingſtone

Silvanus Keyghtley

William Codrington

Mich. Doughty

Humfrey Cornwall

Richard Naupham

George Carew

Thomas Carleton

Hugh Lovelace

Thomas Rookes

Edward Knightly

Thomas Coote.

Preacher, Mr. *Humfry Sloconil.*

Chirurgeon, *Clodius Adney.*

Quarter-maſter, *Robert Juns.*

Provoſt Marſhal, *Richard Read.*

XX.

Jerom Brett, Collonel.

Sr. Vivian Molineux, Lieutenant Collonel.

William Gibbs, Sergeant Major.

Captains.

Thomas Brett

Bartholomew Jukes

Stephen Hawkins

George Leake

Thomas Pettus

Henry Huddleſton

John Godfrey

Digory Collins

Humfry Nicholls.

Lieutenants.

John Fiſher

William Simpſon

John Glaſſington

Francis Hooke

Robert Benbricke

John Palmer

John Clifton

Daniel Robinſon

Nicholas Barnet

Nicholas Browne

Thomas Mollineaux

Giles Baskervill.

Enſignes.

Ambroſe Jenings

Poole Turvill

Norrice Jepſon

Thomas Hunt

Iſaac Shawbury

Francis Bret

Thomas Birke

Francis Cobb

John Hunt

Roger Bendiſh

William Draper.

Preacher, *John Weld.*

Chirurgeon.

Quarter-maſter, *Will. Bellamy.*

Provoſt Marſhal, *John Vittell.*

XXI.

Francis Hamond, Collonel.

Robert Hamond, Lieutenant Col.

Iohn Gifford, Sergeant Major.

Captains.

Mathew Gray

Edward Hamond

Iohn Bayley

Arthur Roberts

Iames Ogle

Robert Aſcough

Ieremy Manwood

Benjamin Eldred

Henry Mathewes.

Lieutenants.

Roger Burges

Thomas Conisby

Nicholas Deane

Iohn Worſop

Daniel Goldſmith

Francis Whitney

Robert Scott

George Warſon

Edward Tyerer

William Fiſher

Chriſtopher Crowe

Mathew Plowman

Enſignes.
James Tooke
Richard Travers
Walton
Edward Gray
Thomas Swinford
Henry Blundell
Ralph Murrian
Thomas Walkington
Iohn Philpot
Henry Echlyn
Plomer
Iohn Fitz James.
Preacher, *Henry Pike.*
Chirurgeon.
Quarter-maſter, *Ferdinando Gray.*
Provoſt Marſhal, *Nicholas Knot.*

XXII.

Richard Feilding, Collonel.
Francis Tirwhit, Lieuten. Coll.
Anthony Thelwall, Sergeant Maj.
Captains.
Francis Tirringham
Iohn Talbot
Thomas Collins
Toby Bowes
Edward Tirwhit
william Rolſon
Robert Appleton
Iohn Fox
Robert Barker.
Lieutenants.
Richard Oxenden
Denny Purvey
George Oakes
Salathiel Baxter
Thomas Hill
Iohn Windfeild
Iohn Errington
Edward Vincent
George Foord
Iohn Cratroft
Iohn Sutton.
Enſignes.
Francis Rogers
Henry Garfeild
Richard Francis
Edward Bray
Henry Hatcher
John Tirwhit
Foulke Woodroffe
Edward Diſney
Charles Perſall
Robert Ruſton
Coſworth.
Preacher, *william Beare.*
Chirurgeon.
Quarter-maſter, *Walter Harcourt.*
Provoſt Marſhal, *Chriſtopher Woodman.*

WHITE-HAL, Auguſt 31. 1640.

Aug. 31. Writs to be iſſued to require the Lords Spiritual and Temporal to attend his Majeſty in the *North*, according to ſeveral Tenures.

‘Whereas his Majeſties Attorney General did this day preſent two Draughts of Writs, to be directed according to former preſidents, unto all the Lords Spiritual and Temporal of this Kingdom of *England*, whereby to require them to attend his Majeſty and to perform the ſervices due for their ſeveral Tenures in this preſent Expedition againſt the *Scottiſh* Rebels in the North, or otherwiſe to Componnd with the Lord Treaſurer, the Under-Treaſurer, and Barons of his Majeſties *Exchequer* for the ſame: Their Lordſhips having heard the ſame read, and duly conſidered thereof, did think fit and order, that ſuch Writs ſhould be iſſued with all convenient expedition, unto all the ſaid Lords, as well Spiritual as Temporal, and that the Lord Keeper of the Great Seal of *England*, ſhould be hereby prayed to give order for the diſpatch of the ſame according to the ſaid Draughts, which were as followeth:

CAROLUS

The Kings Writ to the Arch-Biſhop of *Canterbury*, to appear well arrayed to oppoſe the *Scots*.

'CAROLUS *Dei gratia Angliæ, Scotiæ, Franciæ & Hiberniæ Rex, Fidei Defenſor*, &c. *Reverendiſſimo in Chriſto Patri Willielmo eadem gratia Cantuarienſi Archiepiſcopo, totius Angliæ Primati & Metropolitano, ſalutem. Sciatis quod cum quidam Rebelles regni noſtri Scotiæ regnum Angliæ cum Poſſe non modico hoſtiliter ingreſſi fuerint, Nos hujuſmodi Rebellioni (gratia nobis favente divina) reſiſtere, eamque pro ſalvatione & defenſione noſtri ac regni Angliæ prædicti, & Ligeorum noſtrorum ejuſdem reprimere volentes, apud Villam noſtram* Novi Caſtri *ſuper* Tinam *viceſimo die Septembris proxime futurum aut citius cum exercitu noſtro ac toto ſervitio nobis debito eſſe proponimus: Vobis Mandamus in fide & dilectione quibus nobis tenemini firmiter innitentes, quod habeatis totum ſervitium quod nobis debetis cum omni feſtinatione qua poteritis, & ad ultimum dicto viceſimo die Septembris apud prædictam Villam* Novi Caſtri *ſuper* Tinam, *aut alibi ubicunque nos cum exercitu noſtro adtunc fuerimus, ad proficiſcendum exinde nobiſcum contra Rebelles ſupradictos, vel citra dictum viceſimum diem Septembris ad Scaccarium noſtrum accedatis finem ibidem nobiſcum facturi pro veſtro ſervitio ante dicto. Damus autem Theſaurario, Subtheſaurario & Baronibus noſtris de dicto Scaccario in Mandatis ut à vobis inde finem capiant moderatum. Teſte*, &c. *Conſimilia brevia dirigenda cæteris Epiſcopis Angliæ.*

The like Writ to other Noble Men.

'CAROLUS *Dei gratia Angliæ, Scotiæ, Franciæ & Hiberniæ Rex, fidei Defenſor*, &c. *Clariſſimo Conſanguineo ſuo* A. B. *Comit. Salutem. Sciatis quod cum quidam Rebelles regni noſtri Scotiæ regnum noſtrum Angliæ cum Poſſe non modico hoſtiliter ingreſſi fuerint, Nos hujuſmodi Rebellioni (gratia nobis favente divina) reſiſtere eamque pro ſalvatione & defenſione noſtri ac regni noſtri Angliæ prædicti & Ligeorum noſtrorum ejuſdem reprimere volentes, apud villam noſtram* Novi Caſtri *ſuper* Tinam *viceſimo die Septembris proxime futurum, aut citius cum exercitu noſtro ac toto ſervitio nobis debito eſſe proponimus: Vobis mandamus in fide & homagio quibus nobis tenemini firmiter innitentes, quod habeatis totum ſervitium quod nobis debetis cum omni feſtinatione qua poteritis, & ad ultimum dicto viceſimo die Septembris apud prædictam villam* Novi Caſtri *ſuper* Tinam *aut alibi ubicumque nos cum exercitu noſtro adtunc fuerimus, ad proficiſcend. exinde Nobiſcum contra Rebelles ſupra dictos, vel citra dictum viceſimum diem Septembris ad Scaccarium noſtrum accedatis finem ibidem Nobiſcum facturi pro veſtro ſervitio ante dicto. Damus autem Theſaurario, Subtheſaurario, & Baronibus noſtris de dicto Scaccario in Mandatis, ut à vobis inde finem capiant moderatum. Teſte*, &c.

Conſimilia brevia dirigenda cæteris Comitibus & Baronibus Angliæ.

Auguſt 31. 1640. Order of the Council for the Earl of *Craford*, to liſt 100. Reformado *Scottiſh* Officers.

'WHereas the Earl of *Crawford* hath received his Majeſties Command, to repair unto his Majeſty in the North, with one hundred perſons all Officers of War, and of the *Scottiſh* Nation, who are by him to be conducted in one Body, and to be imployed for his Majeſties ſervice, according as his Majeſty ſhall there pleaſe to direct; Theſe are therefore to Will and Command in the firſt place, all and every of the ſaid *Scottiſh* Officers, that

'they

An. 1640.

‘they be obedient unto the ſaid Earl, in their Journey, and not to ‘ſtray or diſperſe themſelves, nor yet to be abſent from him, without his ſpecial Licence or Command. And in the next place, to ‘Will and Command all Sheriffs, Mayors, Juſtices of the Peace, ‘Conſtables, and all other his Majeſties Officers and Loving Subjects, to ſuffer the ſaid Earl, and *Scottiſh* Officers, quietly to paſs, ‘and to be accommodated with Lodging and ſuch Conveniencies, as ‘are uſual in like occaſions, and to treat and reſpect them as his ‘Majeſties Loving and Faithful Subjects. Alwayes provided, that ‘they pay their expences, and carry themſelves civilly in their ‘Journey according as in duty they are bound to do. And hereof ‘neither you nor they may fail. Dated at *White-hall* the laſt of ‘*Auguſt* 1640. Signed by

Lord Arch-Biſhop of Canterbury.
Lord Keeper.
Lord Treaſurer.
Earl Marſhall.
Earl of Berks.
Lord Cottington.
Lord Newburgh.
Mr. Secretary Windebanke.

A Commiſſion of Lieutenancy to the Lord Mayor of *London.*

A *Commiſſion of Lieutenancy for the City of* London, *directed to Sir* Henry Garaway, *Knight*, *Lord Mayor of the ſaid City, and others.* Teſte apud Weſtmin. ſecundo die Septembris, Anno Regis *Caroli* ſexto decimo.

J. F. C. S.

Willys.

A Commiſſion of Array to *Thomas* Earl of *Strafford.*

A *Commiſſion of Array for the County of* York, *directed to* Thomas *Earl of* Strafford *and others.* Teſte apud Weſtm. xxxi. die Auguſti Anno Regis *Caroli* ſexto decimo.

Per dom. Cuſtod. magni Sigilli Angl. virtute
Warrant. Reg.

J. F. C. S.

Willys.

Septemb. 3. 1640. *Biſhoprick* Gentlemen ſummoned to come to General *Leſley* at *Newcaſtle.*

ON *Thurſday* the third of *September*, there came a Warrant in nature of a Summons to Sr. *William Bellaſis*, Knight, Sheriff of the County Palatine of *Durham*, and to Sr. *William Lambton* Knight, a Gentleman of Quality in that County, Signed by *Montroſs*, *Rotheſs*, *Lindſey* and others; theſe two Knights and their Eſtates being in the Power of the *Scots*, and having Licence from the King, went to General *Leſley*: the thing propoſed unto them, was how to get Proviſion for the *Scots* Army in that County upon payment of Money in Part, and Security for the reſt.

ON *Friday* morning the fourth of *September* came a Petition to the King from the Commiſſioners of the late Parliament in *Scotland*, incloſed in a Letter to the Lord *Lannerick*, at which time the Kings Army were all retreated into *Yorkſhire*, and ſome of them quartered about *York*. The Petition followeth.

To the Kings Moſt Excellent MAJESTY.

The humble Petition of your Commiſſioners of the late Parliament, and others of his Majeſties moſt Loyal Subjects of the Kingdom of SCOTLAND.

Humbly ſheweth,

Septemb. 4. The Petition of the *Scotch* Commiſſioners of the late Parliament.

‘THat whereas through many ſufferings, in this time paſt, *Extream* neceſſity hath conſtrained us, for our reliefs, and obtaining our humble and juſt deſires, to come unto *England*; where according to our Intentions formerly delivered, we have in all our Convoy, lived upon our own Means, Victuals and Goods brought along with us; and neither troubling the Peace of the Kingdom of *England*, nor hurting any of your Majeſties Subjects of whatſoever quality in their Perſons or Goods, having carried our ſelves in a moſt peaceable manner, till we were preſſed by ſtrength of Arms to put ſuch forces out of the way, as did without our deſervings, and (as ſome of them at their point of death have confeſſed) againſt their own Conſciences oppoſed our peaceable paſſage at *Newburne* upon *Tine*; and have brought their own blood upon their own heads againſt our purpoſes and deſires, expreſſed by Letters ſent to them at *Newcaſtle*. For preventing of the like, or greater Inconveniencies, and that without further oppoſition we may come to your Majeſties preſence, for obtaining from your Majeſties Juſtice and Goodneſs, full ſatisfaction to our juſt demands, we your Majeſties moſt humble and Loyal Subjects, do perſiſt in that moſt humble and ſubmiſſive way of petitioning, which we have kept from the beginning, and from the which, no provocation of your Majeſties Enemies and ours, no Adverſity we have hitherto ſuſtained, no proſperous ſucceſs that can befall us, ſhall be able to divert our minds; moſt humbly entreating, that your Majeſty would in the depth of your Royal Wiſdom conſider at leaſt our preſſing Grievances, and provide for the repair of our wrongs and loſſes, and with the Advice of the States of the Kingdom of *England* Convented by Parliament, ſettle a firm and durable Peace againſt all Invaſions by Sea and Land.

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'That we may with Cheerfulneſs of heart pay unto your Majeſty, as our Native King, all duty and obedience, that can be expected from Loyal Subjects; and that againſt the many and great Evils which at this time threaten both Kingdoms, whereat all your Majeſties good Loyal and Loving Subjects tremble to think, and which we unanimouſly beſeech God Almighty to Avert; that your Majeſties Throne may be eſtabliſhed in the midſt of us in Religion and Righteouſneſs.

And your Majeſties Anſwer we humbly deſire and earneſtly wait for.

At the Court at YORK, Sept. 5. 1640.

His Majeſties Anſwer thereunto.

'HIs Majeſty hath ſeen and conſidered this within written Petition, and is graciouſly pleaſed to return this Anſwer by me, That he finds it in ſuch General Terms, that till you expreſs the particulars of your deſires, his Majeſty can give no direct Anſwer thereunto: wherefore his Majeſty requireth, that you would ſet down the particulars of your Demands with expedition; he having been alwayes ready to redreſs the Grievances of his people. And for the more mature deliberation of the weighty Affairs, his Majeſty hath already given out Summons for the meeting of the Peers of this Kingdom in the City of *York*, the twenty fourth day of this Month, that with the Advice of the Peers, you may receive ſuch Anſwer to your Petition, as ſhall moſt tend to his honour, and the peace and welfare of his Dominions. And in the mean time if Peace be that you ſo much deſire, as you pretend; he expects, and by this his Majeſty commands, that you advance no further with your Army into theſe parts, which is the only means that is left for the preſent to preſerve Peace between the Two Nations, and to bring theſe unhappy differences into a Reformation; which none is more deſirous of than his moſt Sacred Majeſty.

Lanericke.

At WHITE-HALL, Sept. 6. 1640.

Touching a Commiſſion to the Lords of the Council, for ordering Affairs in the Kings abſence.

'IT was this day ordered that his Majeſties Attorney General be hereby required to prepare a Commiſſion to be directed to the Lord Arch-biſhop of *Canterbury*, Lord Keeper, Lord Treaſurer, Lord Privy Seal, Earl Marſhal, Lord High Admiral of *England*, Earl of *Dorſet*, Earl of *Salisbury*, Earl of *Bridgewater*, Earl of *Danby*, Earl of *Berkſhire*, Earl of *Newcaſtle*, Earl of *Cork*, Lord Viſcount *Wilmot*, Lord *Cottington*, Lord *Newburgh*, Mr. Comptroller, Mr. Secretary *Windebanke*, Sir *Thomas Rowe*, Lord Chief Juſtice *Littleton*; and to all and every other the Lords and others of the Privy Council,

'cil, who ſhall not attend his Majeſty in the Northern part, authoriſing them or any ſix or more of them, (whereof the Lord Archbiſhop of *Canterbury*, the Lord Keeper, Lord Treaſurer, Lord Privy Seal, the Earl Marſhal of *England*, or Mr. Secretary *Windebanke* to be one) by all good wayes and means in his Majeſties abſence to provide for the peace and ſafety of his Majeſties Kingdom and people, in the ſame manner and form as it was drawn up (*mutatis mutandis*) at his Majeſties going into the North, *Anno* 1639. And with like power to them to hear and order all Complaints and matters touching the Levies of the Moneys and other occaſions in the Shipping buſineſs as was granted by the former Commiſſion.

Sept. 6. 1640. **Ships deſigned for *New-caſtle* with Victuals, and not ſent, ordered to go to *Hull*.**

'WHereas by an Order of the Board of the 26th of *Auguſt* laſt, the Officers of the Navy were required to haſten away twelve ſhips appointed to tranſport Victuals from *London* to lye without the Bar at *Tinmouth*, For as much as the Town of *New-caſtle* is now poſſeſſed by the *Scottiſh* Rebels, It was this day ordered, That ſo many of the ſaid ſhips as are yet not ſent, ſhall now go for *Hull*, and ride thereabout in ſome ſafe and ſecure place, till ſuch time as the Lord Lieutenant General of his Majeſties Army ſhall be advertiſed of their arrival there and give order for the diſpoſing of the ſaid Victuals.

A Copy of the King's Writ, Dated *Sept.* 7. 1640. ſent to all the Peers to meet as a great Council at *York* the 24th of *September*, 1640.

REX *Reverendiſſimo in Chriſto Patri ac fideli conſiliario noſtro Willielmo eadem gratia Cantuar. Archiepiſcopo, totius Angliæ primati & Metropolitano ſalutem. Quia ſuper quibuſdam arduis & urgentiſſimis negotiis nos & Regni noſtri ſtatum Coronæque noſtræ Jura ſpecialiter concernentibus vobiſcum & cum aliis Prælatis, Magnatibus & Proceribus ipſius Regni apud civitatem noſtram Ebor. die Jovis,* 24 *die inſtantis menſis Septembris Colloquium habere volumus & Tractatum, Vobis in fide & dilectione quibus nobis tenemini firmiter injungimus & mandamus, Quod ceſſante Excuſatione quacunq; dictis die & loco perſonaliter interſitis nobiſcum & cum Prælatis Magnatibus & Proceribus prædictis ſuper dict. negotiis tractaturi veſtrumque conſilium impenſuri, & hoc ſicut nos & honorem noſtrum ac tranquillitatem regni noſtri Juriumq; noſtrorum prædict. diligitis, nullatenus omittatis. Teſte &c.* 7 *Sept.*

Sept. 8. 1640. The *Scots* Letter at *Newcaſtle* to the Earl of *Lannerick*.

Right Honourable,

As nothing on earth is more deſired of us than his Majeſties favour, ſo nothing doth delight us more than that his Majeſty beginneth again to hearken unto our humble deſires, wherein we truſt nothing ſhall be found, but what may ſerve to his Majeſties honour, and for the peace of his Dominions. The particulars we would have expreſſed, but that they are contained in the Concluſion of the laſt Parliament, and the printed Declarations which were ſent to your Lordſhip. But in caſe the papers be not by your Lordſhip, we now ſummarily repeat them.

1. *That his Majeſty would be graciouſly pleaſed to command that the laſt Acts of Parliament may be publiſhed in his Highneſs Name as our Soveraign Lord with the Eſtates of Parliament convened by his Majeſties Authority.*

2. *That the Caſtles of* Edenburgh *and other ſtrengths of the Kingdom of* Scotland *may according to the firſt foundation be furniſhed and uſed for our defence and ſecurity.*

3. *That our Countreymen in his Majeſties Dominions of* England *and* Ireland *may be freed from cenſure for ſubſcribing the Covenant, and be no more preſſed with Oaths and Subſcriptions unwarrantable by your Laws and contrary to their National Oath and Covenant approved by his Majeſty.*

4. *That the common Incendiaries which have been the Authors of this Combuſtion may receive their juſt Cenſure.*

5. *That all our ſhips and goods with all the Damage thereof may be reſtored.*

6. *That the Wrongs, Loſſes and Charges which all this time we have ſuſtained may be repaired.*

7. *That the Declarations made againſt us as Traitors may be recalled in the end by the Advice and Counſel of the State of* England *Convened in Parliament, his Majeſty may be pleaſed to remove the Garriſons from the Borders, and any Impediments which may ſtop free Trade, and with their Advice to condeſcend to all particulars that may eſtabliſh a ſtable and well-grounded Peace for the enjoying of our Religion and Liberties againſt all Force and Moleſtation, and undoing from year to year, or as our Adverſaries ſhall take the advantage.*

This Royal Teſtimony of his Majeſties Goodneſs *we would eſteem to be doubled upon us, were it ſpeedily beſtowed, and therefore muſt crave leave to that his Majeſties pleaſure concerning the of the Peers the 24th of this inſtant will make the* time long *ere the Parliament be Convened, which is conceived the only means of ſetling both Nations in a firm* Peace, *and which we deſire may be ſeriouſly repreſented unto his Majeſties Royal thoughts; the more the time is abridged, the more able we to obey his Majeſties prohibition of our advancing with our Army;*

Army; our Actions, and whole Comportment ſince the beginning of theſe Commotions, and eſpecially of late ſince our coming into *England, are real declarations of our Love and deſire of peace, nothing but invincible neceſſity hath brought us from our Countrey to this place, no other thing ſhall draw us beyond the Limits appointed by his Majeſty, which we truſt his Majeſty will conſider of, and wherein we* hope your Lordſhip *will labour to be a profitable Inſtrument for the Kings Honour, the good of the Countrey, and of*

Your Lordſhips humble Servants.

Scots Leaguer at *New-caſtle, Sept.* 8. 1640.

Subſcribed by

Rothes.
Montroſs.
Caſſilles.
Dumferling.
Lothean.
Lindſey.
Sir *David Homes.*
Sir George *Key.*
Sir *Tho. Hope.*
Sir *Will. Doughlas.*
Mr. *Alexander* Gib*ſon.*
Dury.
Jo. Smith.
Geo. Potterfield.
Hen. Kenedy.
Jo. Rutherfound.
Welderbourne.

Sept. 9. The *Scots* Letter from *Newcaſtle* to the Lord Mayor and Aldermen of *London.*

Right Honourable,

WHat care and pains have been taken by us theſe years paſt to ſettle our grievances at home, and what heavy complaints have been made heretofore to all our dear Brethren in England, *that the ground of our evils and ſufferings is from the abuſed power of this Kingdom in the hands of wicked Councellors, what neceſſity hath been laid upon us of late to enter into* England *with our lives in our hands, to Petition his Majeſty, the manifold Declarations and Informations that have been publiſhed for that end bear us witneſs, and that our appearing in Armes is not to wrong any, but to guard our ſelves againſt all unjuſt perſons that may hinder us from obtaining our humble and juſt deſires from our Gracious Soveraign; and therefore as it was the end of our Journey not to make us Enemies but kind Friends, ſo we profeſs and declare to your Lordſhip, and the Aldermen your Brethren, that our abode at* Newcaſtle, *a Town of great importance for our ſecurity until our* Petition *be heard and granted, is not to make any ſtop of Trade in that River, ſince the free traffick of Coles is ſo neceſſary for the City of* London, *and other places of* England; *but on the contrary, our purpoſe is to uſe the beſt means we can to continue that Trade: and for this effect at our coming to* Newcaſtle, *hearing that many Maſters of ſhips poſſeſſed with needleſs fears were haſtning out of the River empty, we ſent two Noblemen of our number to make this Declaration unto them, whereby many of them reſted ſatisfied, and ſtayed to Load; and hereby we do renew our former aſſurance, as the ſmalleſt teſtimony of greateſt reſpect, and good will to the City of* London, *of whoſe affection to the peace of theſe two Kingdoms, wherein they have greateſt ſhare and intereſt, we are fully informed,*

med, and to whom we deſire not to be found wanting in any act of friendſhip and thankfulneſs that may flow from us to the utmoſt of our power. Signed,

Your Lordſhip's and the Aldermen your
Brethren's reſpectful friends,

Rothes.
Alex. Leſley.
Almont.
Lothian.
Montroſs.
Lowden.
Lindſey.
Caſſels.

A Letter Directed to the Lord High Treaſurer of *England.*

Sept. 9. 1640. Tranſportation of Victuals beyond Sea, or from Port to Port (but only to *Hull*) inhibited.

HIS Majeſty out of his Royal care for the preſervation of his Army, having been graciouſly pleaſed to command that the ſame be furniſhed with all manner of proviſion of Victual that the County of York, *and the adjacent Counties can afford; and fearing that the proportion of Victuals in thoſe parts ſhould not be ſufficient, hath commanded likewiſe to have ſupply ſent from hence, and that the tranſportation of Corn, Butter, Cheeſe, and all other Victuals out of the Realm, or from Port to Port, within the Kingdom ſhould be ſtrictly inhibited; We have therefore thought good hereby to pray and require your Lordſhip forthwith to give effectual order that no Corn, Butter, Cheeſe, nor any other Victual be tranſported into the parts beyond the Seas, nor from Port to Port, but ſent to* Hull, *where the Owners ſhall receive juſt and due payment in ready money for the ſame, and be ſecured that neither themſelves nor their goods ſhall ſuffer the leaſt prejudice or moleſtation, but by all means of good uſage be encouraged to make continual repair thither. Hereof your Lordſhip may not fail, And ſo* &c. *Dated* Septemb. 9. 1640. *Signed by the*

Lord Arch-Biſhop of *Canterbury*, &c.

To the King's Moſt Excellent MAJESTY,

The humble Petition of your Majeſties moſt Loyal and Obedient Subjects, whoſe names are here under-written, in behalf of themſelves and divers others.

The Petition of the Earl of *Eſſex*, *Hertford*, *&c.* to the King to call a Parliament.

Moſt Gracious Soveraign,

'THE ſenſe of that Duty and Service which we owe unto your Sacred Majeſty, and our earneſt Affection to the good and welfare of this your Realm of *England*, have moved us in all humility to beſeech your Royal Majeſty, to give us leave to offer unto your moſt Princely Wiſdom, the Apprehenſion which we and other ‘your faithful Subjects have conceived of the great diſtempers and dangers now threatning the Church, and State of your Royal Perſon, and the fitteſt means by which they may be prevented.

‘The Evils and Dangers whereof your Majeſty may be pleaſed to take notice are theſe;

‘1. That your Sacred Majeſty is expoſed to hazard and danger in the preſent Expedition againſt the *Scotiſh* Armie, and by the occaſion of the War, your Revenue is much waſted, your Subjects burthened with Coat and Conduct Money, Billeting of Souldiers, and other Military Charges, and divers Rapines and diſorders committed in ſeveral parts in this your Realm, by the Souldiers raiſed for that Service, and your whole Kingdom become full of fear and diſcontent.

‘2. The ſundry Innovations in matters of Religion, the Oath and Canons lately Impoſed upon the Clergy, and other your Majeſties Subjects.

‘3. The great Encreaſe of Popery, and Imploying of Popiſh Recuſants, and others ill-affected to the Religion by Law eſtabliſhed in places of power and truſt, and eſpecially commanding of Men and Armes both in the Field and other Counties in this Realm, whereas by the Laws they are not permitted to have Armes in their own houſes.

‘4. The great mihſcief which may fall upon this Kingdom, if the Intentions which have been credibly reported, of bringing in of *Iriſh* forces, ſhall take effect.

‘5. The urging of Ship-money, and proſecution of ſome Sheriffs in the *Star-chamber* for not Levying of it.

‘6. The heavy charges of Merchandiſe to the diſcouragement of Trade, the multitude of Monopolies, and other Patentees, whereby the Commodities and Manufactures of the Kingdom are much burthened, to the great and univerſal Grievance of your people.

‘7. The great grief of your Subjects by the Intermiſſion of Parliaments, in the late former diſſolving of ſuch as have been Called, with the hoped Effects which otherwiſe they might have procured.

‘For a remedy whereof and prevention of the danger that may enſue to your Royal perſon, and to the whole State, we do in all humility and faithfulneſs beſeech your moſt Excellent Majeſty that you would be pleaſed to ſummon a Parliament within ſome ſhort and convenient time, whereby the cauſe of theſe, and other great Grievances, which your poor Petitioners now lye under, may be taken away, and the Authours and Councellours of them, may be there brought to ſuch Legal Tryal, and condign puniſhment, as the nature of the offence does require, and that the preſent War

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‘may be compoſed by your Majeſties wiſdom without Bloodſhed, in ‘ſuch manner as may conduce to the honour and ſafety of your Majeſties perſon, and content of your people, and continuance of both of ‘your Kingdoms againſt the common Enemy of the Reformed Religion.

Francis Bedford.
Ro. Eſſex.
William Hartford.
Warwick.
Earl of *Briſtol.*
Mulgrave.

Say and *Seal.*
Ed. Howard.
Bullingbrook.
Mandevile.
Brook.
Pagettt.

The Privy Council being informed that the City of *London* was about to Petition his Majeſty to call a Parliament, wrote a Letter to the Lord Mayor and Aldermen of the City of *London*, as followeth.

Sept. 11. 1640. To ſtop the *Londoners* Petition to his Majeſty.

Whereas we have ſeen the Copy of a Petition pretended to be preſented to his Majeſty in the name of the Citizens of London, *to which many hands as we underſtand are endeavoured to be gotten in the ſeveral Wards concerning divers grievances; Out of the care which we have for your good, and the duty which we owe to his Majeſty, being the repreſentative Body of his Authority, and to whom he hath particularly recommended the care and quiet of theſe parts in his abſence: we have thought fit to ſignifie unto your Lordſhip, and the reſt, the ſence and apprehenſion we have of the ſaid Petition, and of the time, and of the manner of contriving the ſame. And we cannot but hold it very dangerous and ſtrange to have a Petition framed in the name of the Citizens, and endeavoured to be ſigned in a way not Warranted by the Charters and Cuſtomes of the City, ſetting forth of Grievances which they cannot but know, that his Majeſty of his abundant grace and goodneſs to his people will preſently take into his Conſideration, and give thereunto all juſt redreſs; Concluding the Petition with a demand which they be moſt certain will come from his Majeſties own grace and goodneſs, from which only it can proceed with comfort and ſucceſs. And all this in a time, when his Majeſty is in his own perſon ingaged in an Army for the defence of this City, and the whole Kingdom, againſt the Rebels who have invaded this Kingdom with ſo great an Army, and have ſo far advanced to the danger of the Kingdom, and diſhonour of the Nation, eſpecially his Majeſty having ſo particularly at his parting hence recommended the care and ſafety of the Queen his deareſt Conſorts perſon and the Prince, and his Royal Children to your Lordſhip and the Aldermen, and the ancient and approved Loyalty and fidelity of this City of* London *honoured from all Antiquity with the Title of his Majeſties own Chamber. We have therefore thought fit hereby to pray and require your Lordſhip and the reſt to take a courſe by all good and lawful wayes to ſtop the proceedings of this intended Petition, wherein we doubt not but you ſhall have the concurrence of the moſt able and beſt affected Citizens, for the avoiding of the great diſturbance, which it may bring to* *the Kings affairs (thus ingaged as he is) and the juſt cenſure which may lye upon this City, in future times; And ſo* &c. *Dated* Sept. 16. 1640. *Signed by the*

Lord Arch-Biſhop of Canterbury, &c.

NOtwithſtanding this Order of the Lords of the Council, the City of *London* (having been grievouſly Burthened with Projects and Monopolies) did proceed to perfect their ſaid Petition, and ſent ſome of the Court of Aldermen and Common Council to preſent it to the King at *York*, which Petition followeth.

To the King's Moſt Excellent MAJESTY.

The humble Petition of your Majeſties Subjects the Citizens of LONDON.

A Petition of the *Londoners* to the King to call a Parliament.

Moſt Gracious Soveraign,

'BEing moved with the duty and obedience which by the Laws 'your Petitioners owe unto your Sacred Majeſty, they humbly 'preſent unto your Princely and pious wiſdom, the ſeveral preſſing 'grievances following; *viz.*

'1. The preſſing and unuſual Impoſitions upon Merchandize, Im'porting, and Exporting, and the urging and Levying of Ship-money 'notwithſtanding both which, Merchants Ships and Goods have been 'taken and deſtroyed both by Turkiſh and other Pirates.

'2. The multitude of Monopolies, Patents, and Warrants where'by Trade in the City and other parts of the Kingdom is much de'cayed.

'3. The ſundry Innovations in matter of Religion.

'4. The Oath and Canons lately enjoyned by the late Convoca'tion whereby your Petitioners are in danger to be deprived of their 'Miniſters.

'5. The great concourſe of Papiſts, and their Inhabitations in '*London*, and the Suburbs, whereby they have more means and op'portunity of Plotting and Executing their deſignes againſt the Re'ligion eſtabliſhed.

'6. The ſeldom Calling, and ſuddain diſſolutions of Parliaments, 'without the redreſs of your Subjects Grievances.

'7. The Impriſonment of divers Citizens for non-payment of Ship-

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'money, and Impoſitions, and the proſecution of many others in the *Star-Chamber*, for not conforming themſelves to Committees in Patents of Monopolies, whereby Trade is reſtrained.

'8. The great danger your Sacred perſon is expoſed unto in the preſent War, and the various fears that ſeized upon your Petitioners, and their Families by reaſon thereof, which grievances and fears have occaſioned ſo great a ſtop and diſtraction in Trade, that your Petitioners can neither Buy, Sell, receive, or pay as formerly, and tends to the utter Ruine of the Inhabitants of the City, the decay of Navigation, and Cloathing, and the Manufactures of this Kingdom.

'Your humble Petitioners conceiving that the ſaid Grievances are contrary to the Laws of this Kingdom, and finding by Experience that they are not redreſt by the ordinary Courſe of Juſtice, do thereſore moſt humbly beſeech your moſt Sacred Majeſty to cauſe a Parliament to be Summoned with all convenient ſpeed, whereby they may be relieved in the premiſes.

'And your Petitioners and Loyal Subjects ſhall ever pray, *&c.*

ΕΙΚΩΝ ΒΑΣΙΛΙΚΗ.

Upon his Majeſties *Calling this laſt Parliament.*

* Meaning the Parliament which met at *Weſtminſter*, *Nov.* 3. 1640.

'This laſt * Parliament I called, not more by others advice, and neceſſity of my Affairs, than by my own Choice and Inclination, who have alwayes thought the Right way of Parliaments moſt ſafe for my Crown, as beſt pleaſing to my People. And although I was not forgetful of thoſe ſparks which ſome mens Diſtempers formerly ſtudied to kindle in Parliaments (which by forbearing to Convene for ſome years, I hoped to have extinguiſhed) Yet Reſolving with my ſelf to give all juſt ſatisfaction to modeſt and ſober deſires, and to redreſs all publick grievances in Church and State, I hoped by my freedom and their moderation to prevent all miſunderſtandings, and miſcarriages in this. In which as I feared affairs would meet with ſome Paſſion and Prejudice in other men, ſo I reſolved they ſhould find leaſt of them in my ſelf, not doubting but by the weight of reaſon I ſhould counterpoize the over-ballancing of any Factions, *&c.*

Sept. 10. The King's Propoſal to the Gentry of *Yorkſhire.*

THE King called the *Yorkſhire* Gentry together, and propounded unto them the Payment of the Trained Bands for two months, which Propoſition they took into preſent Conſideration, being alſo much ſatisfied that his Majeſty had Summoned a Great Council of his Peers to meet at *York*.

And on the 11th of *September* returned Anſwer, the ſubſtance whereof was to this effect.

That

The Anſwer of the Gentry of *Yorkſhire.*

THat the Petitioners have conſulted together concerning the Payment of the Trained Bands for two months, and have agreed upon doing the ſame, to which purpoſe they will uſe their utmoſt endeavours, humbly beſeeching his Majeſty to conſider out of his Royal Wiſdom how to compoſe the differences with the *Scots*, that the Countrey may enjoy peace again, and not run more and more into Danger, and do moſt humbly beſeech his Majeſty to think of Summoning a Parliament, the only way to confirm a peace betwixt both Kingdoms.

Which anſwer they deſired the Earl of *Strafford* to preſent to his Majeſty which he inclined to do, leaving out thoſe words in the Petition of Advice to the King to call a Parliament, for that he knew it was the King's full purpoſe to do; but the *Yorkſhire* Gentlemens Hearts, and the Voice of the Kingdom being fervent for a Parliament, were unwilling to leave out thoſe words of Summoning a Parliament, therefore they delivered their anſwer themſelves, and which was well taken by his Majeſty.

A Letter to the Earl of *Bedford* and to the Lord *Ruſſel*, &c. his Majeſties Deputy Lieutenants for the County of *Devon*.

Sept. 11. 1640. An Anſwer to Letters from their Deputy Lieutenants concerning ſome difficulties about marching, &c.

WE have been made acquainted by our very good Lord the Earl Marſhal of England, *Captain General of all his Majeſties Forces on this ſide* Trent, *with the Letters of your Deputy Lieutenants for that County of* Devon, *of the Second and fourth of this preſent, by you put into his Lordſhips hands, and thereby underſtand two difficulties they conceive they ſhall find in the execution of his Majeſties late Command for the preparing and putting in readineſs the Trained Bands and other Forces of the ſaid County to March and to ſerve in the Common Defence as occaſion ſhall require, and further ſhall be Commanded in this time of Common Danger.*

The Firſt whereof is the diſtraction which is amongſt the Gentry, and others unto which Service perſonally to apply themſelves, whether that Commanded as aforeſaid with the Trained Bands, or elſe that other concerning Eſcuage and Tenures in Knights Service, *both commanded by Proclamation.*

The Second difficulty they apprehend being the way how to furniſh or procure moneys for the Charge of the ſaid Bands and Forces when they ſhall be required to March. Whereunto ſome direction being deſired from this Board; unto the firſt we anſwer, That it is his Majeſties Pleaſure and Intention that the Service Commanded the Trained Bands and other Forces for the common Defence by his Majeſties Letters and Proclamations is carefully to be performed and executed by every man in his own perſon; But for that attendance on his Majeſty required by the other Proclamation according to the Tenures in Knights Service, &c. *It may and will ſuffice that the ſame be done by Deputy, or elſe that Perſons ſo holding Lands of his Majeſty may give ſatisfaction by way of Compoſition as by the ſame Proclamation is more particularly expreſſed. And for the other*

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other difficulty how to provide for the Charge of theſe Forces, when they ſhall march; we do underſtand that not only the Laws and Cuſtomes of this Kingdom do require that in a time of actual invaſion every man ought to ſerve in the common Defence at his own Charge, but that the very Law of Nature doth teach and oblige us all thereunto, without ſticking or ſtaying upon any ſuch terms or Queſtions, and that thus it hath been the Cuſtome and Practice within this Kingdom both in antient and modern times is very manifeſt, even but when a doubt or fear was had of an Invaſion; but whereas this preſent danger is paſt all manner of doubt by reaſon of the actual Invaſion of the Scotiſh *Rebels, with ſo great an Army, and the ſame ſo far advanced that the whole Kingdom may ſoon be overrun unleſs by a greater power they be repelled and beaten back. And whereas his Majeſties Subjects of the* North *parts of this Kingdom do cheerfully joyn together and ſerve his Majeſty in this great occaſion at their own Charge both with Bodies and Fortunes, without trouble to his Majeſty or Deputies; we are therefore hereby to pray and require your Lordſhips, to ſignifie to your Deputy Lieutenants, what the ſence of this Board herein is, that the ſame may by you and them be infuſed into others, and that we will not doubt but that his Majeſties Subjects of that County will in this occaſion ſhew as much forwardneſs and zeal for the common ſafety, wherein we are all ſo nearly concerned, as is either now in the* North *parts, or hath been practiſed in any other time of Danger heretofore within this Kingdom, which we do hereby effectually recommend unto your Lordſhips care. And bid* &c.

A Letter to the Lords Lieutenants of *Surrey.*

Sept. 11. 1640. For reſtoring of Coat and Conduct money.

W*Hereas of late by his Majeſties ſpecial command ſignified from this Board to your Lordſhips divers Summs of money have been Levyed upon that County of* Surrey *for* Coat *and* Conduct *Money, for the Conveying the number of* 800 *Souldiers then appointed to be raiſed within that County, to the General Rendezvoux thereof, ſince which time the ſaid* 800 *Souldiers have by order from us been diſcharged. Theſe are therefore to pray and require your Lordſhips to give preſent and effectual order to the Deputy Lieutenants for the* reſtoring *the ſaid* Coat *and* Conduct *Money, to thoſe of whom the ſame was Levyed, as is done in the other Counties of this Kingdom. And ſo* &c. *Dated* Septemb. 11. *Signed by*

Lord Arch-Biſhop of *Canterbury, &c.*

Sept. 11. 1640. Sheriffs of *London* to diſpoſe of Mrs. *Huſſey* in ſome ſafe place, who made diſcovery of an intended riſing of the Papiſts in *England.*

‘THeir Lordſhips being this day credibly informed that Mrs. *Anne Huſſey* an *Iriſh* woman is much threatned by certain *Iriſh* people to be miſchieved, and that there have been ſome *Iriſh* to enquire after her as is ſtrongly ſuſpected to offer ſome violence to her, for that ſhe hath given an Information and teſtimony of certain Lewd and Traiterous Speeches uttered by one *William O Conner* an *Iriſh* Prieſt. It was this day ordered by their Lordſhips, that the Sheriffs of *London* ſhall be hereby prayed and required forthwith to receive into their or one of their Charge the perſon of the ſaid Mrs. *Huſſey*, and diſpoſe of her in ſome ſuch ſafe place, as ſhe may be free from any violence or danger.

At White-Hall, Sept. 11. 1640.

Touching *William O Conner* an *Iriſh* Prieſt.

Upon an Information of Mrs. *Anne Huſſey* againſt one *William O Conner* an *Iriſh* Prieſt, It was this day ordered by their Lordſhips that *John Herne* Eſq; one of the Juſtices of Peace of the County of *Middleſex* ſhall be hereby prayed and required to examine the ſaid Mrs. *Anne Huſſey* and *William O Conner*, and all ſuch others as upon their Examination he ſhall diſcover to know any thing concerning the matters whereof the ſaid *O Conner* is now accuſed. And hereof the Keeper of the *Gatehouſe* (where the ſaid *O Conner* is now Priſoner) and all others whom it may concern, are to take notice and to conform themſelves accordingly.

Sept. 11. 1640. Defaulters at Muſters.

A Warrant to *William Wats* Meſſenger, to bring before their Lordſhips, the Lady *Elizabeth Lawrence*, *Samuel Sewſter*, of Great *Ratcliff*, Sr. *Lewis Watſon*, Baronet, *Ch. Parker*, Eſq;, *Heneage Proby* of *Aylton*, *John Glover* of *Water Newton* Eſquires, and Mr. *Riplingham* returned as Delinquents, in not ſhewing their Light-Horſes at the laſt Muſters in the County of *Huntington*, with a Clauſe to diſcharge ſuch of the defaulters as ſhall immediately repair before the Lord Lieutenant of the County aforeſaid, or one of his Deputy Lieutenants, and promiſe Conformity for the future in ſhewing their Horſe at the Muſters, and at ſuch times as they ſhall be thereto required by the Deputy Lieutenants of the ſaid County. Dated *Septemb.* 11. 1640. Signed by

Lord Arch-Biſhop of Canterbury, *&c*

A Warrant directed to the Lord High Treaſurer of England, *and the Lord* Cottington, *under-Treaſurer of the* Exchequer.

Sept. 13. 1640. To iſſue 80 l. for Conduct of *Iriſh* Officers to the Army.

Whereas Serjeant Major *James Nolan* is to Conduct divers Officers and Souldiers of the *Iriſh* Nation to his Majeſties Army near *York*, for the performance whereof it is thought fit that the ſumm of threeſcore pounds for their Conduct thither be advanced to them, being after 15 dayes pay for himſelf and Company, according to a Liſt of their names, ſigned under his hand, and according to the Eſtabliſhment of Pay for his Majeſties Army, as alſo the ſumm of twenty pounds more by way of advance to Captain *Jo. Bermingham*, Captain *Bartholomew* St. *Lawrence*, Captain *Tho. Revel*, and Captain *Maurice Macdonell* for their ſpeedy Conduct to *York* aforeſaid.

Theſe are therefore to pray and require your Lordſhips to cauſe 60 l. to be paid to the ſaid Serjeant Major *Nolan*, and 20 l. to the ſaid other Captains, by vertue of his Majeſties Privy Seal, dated *May* 22. for iſſuing of 300 l. For which this ſhall be your Lordſhips ſufficient Warrant, Dated *Sept.* 13. Signed by

Lord Arch-Biſhop of Canterbury, *&c.*

An. 1640.

Sept. 14. That Enquiry be made after the Rents of Biſhops and Papiſts in the County of *Durham*. *George Grey* and *Anthony Smith* Collectors.

‘BY vertue of a Commiſſion from General *Leſley* his Excellency, ‘and the reſt of the Right Honourable Lords, and other of the ‘Committee for ordering Buſineſs for the *Scottiſh* Army, directed ‘to me *Tobias Knowles* and *William Hamilton* Gentlemen, to enquire ‘and find out the Rents, Tythes and Profits belonging to the Biſhops, ‘Papiſts, or any other Aſſociates, Enemies to this Army, and to ‘take an Inventory of their Rents, Goods and Profits whatſoever, and ‘to chuſe able men to aſſiſt us in this buſineſs: We underſtanding ‘that Mr. G. G. and Mr. *S. A.* have been employed in buſineſs for the ‘Tenants of the Dean and Chapter of *Durham*, and underſtand that ‘the ſaid Tenants have Rents in their hands due at St. *Cuthbert*'s day ‘laſt, and Rents that will be due at *Martinmas* next, with Tythes and ‘many other profits, *&c.* Theſe are therefore by vertue of the ſaid ‘Commiſſion, to require and charge you Mr. G. G. and Mr. *A S.* ‘to enquire and ſearch out all the Rents, Tythes and Profits ‘belonging to the Biſhop of *Durham*, the Dean and Chapter, or any ‘their Aſſociates or Papiſts, Enemies to this Cauſe and Expedition, ‘and to give in their Names, with a Schedule or Inventory of their Goods, Rents and Profits whatſoever: and to warn all the Tenants ‘of the aforeſaid Parties, eſpecially the Tenants of the Dean and ‘Chapter of *Durham*, for the Rents, Tythes and Profits which are ‘due at St. *Cuthbert*'s day laſt, or any other former Debts or Summs ‘of money due or become due at *Martinmas* next by the Tenants of ‘*Weſtoe*, *Harton*, *Fulwell*, *Munckwarmouth*, *Sudwick*, *Mountain Hedworth*, the two *Hedworths*, and *Southſheilds*, not to pay any Rents to ‘the aforeſaid Dean and Chapter, nor to any of their Receivers or ‘Officers, but towards the relief and maintenance of the Army, as ‘they will anſwer the contrary: And thoſe that ſhall refuſe to pay ‘the ſaid Rents, Tythes and Profits as aforeſaid, and to ſet their ‘hands thereunto; We require and charge you to return their ‘Names in writing, with the places of their abode, that ſuch further courſe may be taken with them, as ſhall be thought fit by the ‘General. And of this fail not, as you will anſwer the contrary at ‘your peril. Dated at *Newcaſtle* the 14th of *September* 1640.

Mr. *William Hamilton.*
Tobias Knowles.

A Minute of Letters of the Tenour following, directed to the Lords Lieutenants of the ſeveral Counties, expreſſed in the Liſt hereafter mentioned.

September 16. 1640. For providing divers ſorts of Munitions and Proviſions for Soldiers raiſed by the Commiſſion of Array, South of *Trent*.

‘WHereas as well by his Majeſties late Proclamation of the ‘laſt of *Auguſt* laſt, as alſo by a Letter ſent unto you from ‘our very good Lord, the Earl Marſhal of *England*, Captain General ‘of all his Majeſties Forces on *this ſide Trent*, you may take notice of ‘his Majeſties Pleaſure and Command for the Trained Bands, and ‘other Forces of that County, to be put in readineſs to march upon ‘*twenty four hours* warning, or Command to be given for that purpoſe from his Majeſties ſaid Captain General. And whereas the danger is great and eminent to his Majeſty and the whole State by the Invaſion of the *Scottiſh Rebels* with a powerful Army, which hath already ſo far advanced and prevailed, that unleſs by a ſtronger power, and the unanimous reſiſtance of all his Majeſties Subjects the ſame be repelled and forced back, this whole Kingdom may ſoon be over-run. For which reſpects, we find it very needful, that both a good and ſpeedy Accompt be by you returned either unto this Board, or unto his Majeſties ſaid Captain General of your proceedings therein; as alſo that no directions neceſſary to be given by us be wanting unto you for what concerns the common defence; We have therefore thought good, hereby to require you, to have in readineſs a ſufficient number of able *Pioneers*, good *Carts* furniſhed with men and horſes; and likewiſe a ſufficient number of *Spades*, *Shovells* and *Pick-Axes*, and all other Tools neceſſary for the making of Works of defence in theſe perilous times. And further, that you take an effectual care, that the *Magazine* of the County be well ſtored with Powder, Shot and Match, to the end that every Muſquetteer may have a ſufficient proviſion thereof: And that the *Beacons* in that County be preſently made ready and duely watched. And if that County be not already ſufficiently furniſhed with the aforeſaid Munitions and Proviſions, that then you make all poſſible ſpeed to procure and provide the ſame. Of all which, and how far you have proceeded ſince his Majeſties ſaid Proclamation, you are to return a particular Accompt with all expedition, either unto this Board, or unto his Majeſties ſaid Captain General, that it may be thereby known, what are the Forces of that County, and how much of each kind of thoſe Munitions and Proviſions you have in readineſs againſt ſuch time as the ſame ſhall be called upon. And ſo, &c. Dated *September* 16. and Signed

Arch-Biſhop of Canterbury, &c.

Counties of

Berks
Bedford
Buckingham
Cambridge
Cornwall
Devon
Dorſet
Eſſex
Glouceſter
Southampton
Hertford
Huntington
Kent
Middleſex
Northampton
Northfolke
Oxon
Sommerſet
Suffolke
Surrey
Warwicke
Wilts.

Sept. 16. A Letter to the Lord Lieutenant of *Dorſetſhire.*

‘After our hearty commendation to your good Lordſhip, Whereas we underſtand, there have been delayes and difficulties in ſome places, in the execution of his Majeſties late Command, for putting in readineſs the Trained Bands and other Forces of that County, to march and to ſerve in the Common defence in this time of publick danger; which delayes have been occaſioned through ſome miſapprehenſion concerning the defraying of the charge of the Trained men to the place of ſervice when they march. We have therefore thought good for the preventing of

An. 1640.

‘further delay in matters of this importance, hereby to advertiſe ‘your Lordſhip, that not only the Cuſtoms and Laws of this Kingdom do require, that in a time of actual invaſion, every man ‘ought to ſerve in the common defence at his own charge; but ‘that the very Law of Nature doth teach and oblige us all thereunto, ‘without ſticking or ſtaying upon any terms or queſtions. And that ‘it hath been the cuſtome and practice within this Kingdom, both ‘in antient and modern times, (even but when a doubt or fear was ‘had of an invaſion) is very manifeſt. But this preſent danger is ‘paſt all manner of doubt, by reaſon of actual invaſion of the *Scottiſh* Rebels with ſo great an Army, and the ſame ſo far advanced, ‘that the whole Kingdom may be ſoon over-run, unleſs by a great ‘power they be repelled and beaten back. And whereas his Majeſties Subjects of the North parts of this Kingdom do cheerfully ‘hold together, and ſerve his Majeſty in this great occaſion at their ‘own charge, both with their bodies and fortunes, without trouble ‘to his Majeſty, we have therefore thought good, hereby to pray ‘and require your Lordſhip, to acquaint the Countrey with the ‘ſenſe of this Board in this particular, and that we doubt not, but ‘his Majeſties Subjects of that County, will in this occaſion ſhew as ‘much forwardneſs and zeal for the common ſafety, wherein we ‘are all ſo nearly concerned, as either is ſhewn now in the Northern ‘parts, or hath been practiſed in any other time of danger heretofore in this Kingdom; which we do hereby effectually recommend ‘to your Lordſhips care, and bid your Lordſhip very heartily ‘farewell.

From *White-Hall, September* 16. 1640. your Lordſhips very loving friends,

William Cant.	*Fra. Cottington.*
Guil. London.	*Fra. Windebanke.*
Arundel *and* Surrey.	*Tho. Rowe.*
Dorſet.	

To our very good Lord, the Lord Lieutenant of the County of *Dorſet,* and in his Lordſhips abſence, to his Deputy Lieutenants.

September 1640. King then at *York.*

To the Kings Moſt Excellent MAJESTY.

The humble Petition of Walter Belcanquall *Dean of* Dureſme, *and one of your Majeſties Chaplains.*

Dr. *Belcanquall's* Petition.

Humbly ſheweth,

‘That whereas your Petitioner lyeth under a great ſcandal for ‘your Majeſties Large Declaration, your Majeſty would be ‘graciouſly pleaſed, to require the Right Honourable the *Engliſh*

'Lords Commiſſioners for the *Scottiſh* Treaty, to call before them 'your Petitioner, and to give unto their Lordſhips a faithful and 'true Account of that ſervice.

And as he is bound, your Petitioner ſhall
ever pray for your Majeſties long Life
and happy Reign.

To the Kings Moſt Excellent MAJESTY.

The humble Petition of the diſtreſſed Inhabitants of the poor County of Northumberland.

September. Inhabitants of *Northumberland* do pay 300 *l.* a day to the *Scots* Army.

'Moſt humbly ſhewing to your moſt Sacred Majeſty what they 'preſented by a former Petition, wherein was humbly offered 'to your Majeſties gracious Conſideration, the great diſtreſs under 'which your Petitioners are by the burden of the *Scottiſh* Army, 'who by plundering ſome, and threatning to plunder others, have 'for ſome fourteen dayes laſt, compelled your Petitioners to ſubmit 'to their unreaſonable and inſupportable exactions of Three Hundred Pound a day, and a great proportion of Hay and Straw; by 'the latter whereof, thoſe Cattle, if any ſhall be left to your Petitioners, will be in hazzard to be ſtarved. All which exactions they 'expect to have from your Petitioners ſo long as they remain on 'this ſide *Tweed*. We have no ſuccour or relief to fly to, for the redreſs of theſe unexpected Miſeries, but to God and your Majeſty, 'moſt humbly beſeeching your Majeſty, in the ſorrows of our hearts, 'to afford us your Princely Compaſſion, in relieving us and our 'Countrey from this ſudden and unexpected Calamity; whereby 'your Majeſty will preſerve us and our Poſterities daily to pray, as in 'all humble duty we are bound, for your Majeſty.

To the Kings Moſt Excellent MAJESTY,

The humble Petition of the poor diſtreſſed Inhabitants of the County Palatine of Durham.

Who humbly ſhew,

September. The Inhabitants of *Durham* do pay 350 *l.* a day to the *Scots* Army.

'That ſince the Eleventh of this inſtant *September*, they have 'been under the burden of a Compoſition of 350 *l. per diem* to 'the *Scotch* Army, which they were enforc't to pay, to preſerve their 'Countrey from deſtruction: ſince which time, they have further 'taken from them Hay and Straw, for which they pay nothing:

‘which all together is ſo intolerable a burthen, as they are no way
‘able to bear it.

‘Therefore their moſt humble Suit to your Majeſty is, that either
‘by ſome directions from your Majeſty to the Lords now aſſembled,
‘or by ſome other means, as in your Princely Wiſdom ſhall be
‘thought moſt neceſſary, this inſupportable burden may preſently
‘be removed; delay being unto the Countrey an unavoidable de-
‘ſtruction.

And we according to our bounden duty
ſhall pray, &c.

To the Right Honourable the Lords of *England*, appointed Commiſſioners for the preſent *Meeting* at RIPPON.

The humble Petition of the Tenants belonging to the Biſhop and Dean and Chapter of Durham.

Moſt humbly ſheweth,

September. The Tenants of the Dean and Chapter of *Durham* their Complaint.

‘THat whereas they have paid to the *Scots* a great ſumm of Mo-
‘ney, that thereby the Inhabitants within that County might
‘be freed from any further trouble of the *Scots*, and that their Army
‘ſhould make no Waſte nor Spoil in their Countrey, nor to demand
‘no more Moneys to be paid to them till that time be expired: Yet
‘ſo it is, may it pleaſe your Honours, That the Commanders for the
‘*Scots* Army have cauſed one *Tobias Knowles* an *Engliſhman*, to ſend
‘forth his Warrants under his hand, to divers Pariſhes, thereby
‘commanding the Conſtables, Greves and Officers to pay to their
‘Collectors, the Rents due from your Petitioners to the Biſhop and
‘Dean and Chapter of *Durham* at *Michaelmas* next; and that they
‘ſhould pay the ſame at *Biſhop-waremouth* on *Tueſday* laſt, being the
‘twenty ninth of *September* laſt paſt, and they ſhould have a ſixth
‘part abated; and if they did refuſe to pay them that day, then that
‘they ſhould pay all their Rents to them the ſecond day of *October* in-
‘ſtant, without any abatement at their perils.

‘Their moſt humble Suit is, that your Honours would be graci-
‘ouſly pleaſed, to move the *Scots* Lords, that the poor Tenants may
‘be eaſed for paying the ſaid Rents, they being no way able; and the
‘Rents not yet due, and they not able to give them any diſcharge
‘therefore. And that their Officers may deſiſt from further trou-
‘bling the ſaid Tenants about the payment of the ſaid Rents.

And they ſhall daily pay, &c.

To the Kings Moſt Excellent MAJESTY.

The humble Petition of Sir Thomas Riddell *the elder, Knight.*

September 1640.
Sr. *Tho. Riddell's* Petition, of the damage he hath received by the *Scots.*

Humbly ſheweth,

'THat your Petitioner being an Inhabitant in *Gateſide* near *Newcaſtle* upon *Tine*, the *Scots* Army now of late ſince their coming thither, have taken and diſpoſed of all your Petitioners Corn, as well that in his Garners, being a great quantity, as alſo his Corn on the ground; and have ſpoiled and conſumed all his Hay, both of the laſt year and this years growth, have taken and do keep poſſeſſion of his two Milnes of great value, have ſpent his Graſs, and ſpoiled many Acres of his ground by making their Trenches in it; have waſted and diſpoſed of his Coals already wrought; have ſpoiled and broken his Engines, and utterly drowned and deſtroyed the beſt part of his Coal-Mines, have baniſhed his Servants and Overſeer of his Lands and Coal-Works; have plundered divers houſes of your Petitioners Tenants and Servants, and taken and ſpoiled their Goods, ſo that they are not able to pay your Petitioner any Rents, nor do him any ſervices. By all which, your Petitioner is already damnified 1500 *l.* And for all which premiſes the ſaid *Scots* have not given any ſatisfaction to your Petitioner nor his Tenants; whereby your Petitioner and his Poſterity are like to be ruinated and undone (moſt of your Petitioners Eſtate conſiſting in the ſaid Coalyerie) unleſs ſome preſent courſe be taken for your Petitioners relief.

'Your Petitioners humble requeſt is, That your Majeſty will be graciouſly pleaſed, to take the premiſes into your Gracious Conſideration, and of your wonted Clemency to afford your Petitioner ſuch remedy, as to your Highneſs's Wiſdom ſhall ſeem meet.

And your Petitioner ſhall daily pray for your Majeſty.

The Names of thoſe are fitteſt to treat and ſettle the Compoſitions for Cumberland *and* Weſtmorland.

For Cumberland.	*For* Weſtmorland.
Sr. *William Muſgrave.*	Sr. *Phillip Muſgrave.*
Sr. *Timothy Fetherſtonhaugh.*	Sr. *John Lowther*
Sr. *Thomas Dacres.*	Mr. *Dalſton* of *Ackeronbanck*, Eſq;
William Pennington, Eſq;	*Gawen Brathwaite*, Eſq;
Peter Sinehouſe, Eſq;	*Dudley*, Eſq;
Leonard Dikes, Eſq;	*Cleobarne*, Eſq;
Symond Muſgrave, Eſq;	*Crakenthorp*, Eſq;

Theſe Names were delivered unto the Earl of *Briſtoll* at *York* in his Lodging, by divers of the Gentlemen of both the foreſaid Counties on the   day of *September* 1640.

An. 1640.

The Names of the Committee for the County of Durham.

Sr. *William Bellaſis* Knight, High Sheriff of the County Palatine of *Durham.*
Sr. *Thomas Tempeſt*, Baronet.
Sr. *John Conyers*, Baronet.
Sr. *William Lambton*, Knight.
Jerrard Salvyn, Eſq;.
Thomas Swinburne, Eſq;
Nicholas Chaytor, Gent.
John Killinghall, Gent.
Richard Lilburne, Gent.

Theſe are named to be of the Committee for the County of *Durham.* Signed

Briſtoll.

An Account of the Payments and Arrears for entertainment of the Scots *Army by the County of* Durham *from the Eleventh of* September, *to the Sixteenth of* October 1640.

An Account of payments to the *Scots* Army.

Paid in Money	8500 *l.* or thereabout.
In Hay and Oats	0200 *l.*
The Clergy behind in the firſt, ſecond and third Seſſes	1000 *l.*
The Laity behind of the firſt, ſecond and third Seſſes	2000 *l.*
Summ is	11700 *l.*
To this add the Non-Solvents for Lands out of the Book of Rates, perſonal Eſtates and Impropriations	0550 *l.*
And it will make up the full payment of 350 *l. per diem*, according to the Agreement and doth amount unto the full ſumm of	12250 *l.*

And if there be any defect in the Arrears by Poverty or otherwiſe, it is to be ſupplyed out of the New Seſs, and by paying of ſuch Moneys for Proviſion, as they have given only Tickets for.

Proceedings at the Great Council of Peers aſſembled at *York* upon *Sept.* 24. 1640, in purſuance of the Kings Writ.

THis day his Majeſty came to the Deans Houſe at *York* near the *Minſter* about Nine of the Clock in the Forenoon, and being ſet under the State at the upper end of the Hall where the Great Council was kept, ſpake as followeth.

His Majeſties Speech to his Great Council of Peers aſſembled at *York*, *September* 24. 1640.

My Lords,

UPon ſudden Invaſions where the dangers are near and inſtant, it hath been the Cuſtom of my Predeceſſors to aſſemble the Great Council of the Peers, and by their Advice and Aſſiſtance, to give a timely remedy to ſuch Evils, which could not admit a delay ſo long, as muſt of neceſſity be allowed for the Aſſembling of the Parliament.

This being our Condition at this time, and an Army of Rebels lodged within this Kingdom, I thought it moſt fit to conform my ſelf to the practice of my Predeceſſors in like Caſes; that with your Advice and Aſſiſtance We might juſtly proceed to the Chaſtiſement of theſe Inſolencies, and ſecuring of my good Subjects.

In the firſt place, I muſt let you know, that I deſire nothing more, than to be rightly underſtood of my people. And to that end, I have of my ſelf reſolved to call a Parliament; having already given order to my Lord Keeper *to iſſue the* Writs *inſtantly, ſo that the Parliament may be aſſembled by the third of* November *next: Whither if my Subjects bring thoſe good affections, which become them towards me, it ſhall not fail on my part to make it a happy meeting. In the mean time, there are two points wherein I ſhall deſire your Advice, which indeed were the chief Cauſe of your meeting.*

Firſt, What anſwer to give to the Petition of the Rebels, and in what manner to treat with them. Of which, that you may give a ſure Judgement, I have ordered, that your Lordſhips ſhall be clearly and truly informed of the State of the whole buſineſs, and upon what reaſons the Advices that my Privy Council unanimouſly gave me, were grounded.

The ſecond is, How my Army ſhall be kept on foot and maintained, until the Supplies of a Parliament may be had. For ſo long as the Scotch Army *remains in* England, *I think no man will counſel me to disband mine: for that would be an unſpeakable loſs to all this part of the Kingdom, by ſubjecting them to the greedy appetite of the Rebels, beſides the unſpeakable diſhonour that would thereby fall upon this Nation.*

Then his Majeſty commanded the Petition of the *Scots* dated the fourth of *September* to be read; and the Anſwer thereunto the fifth of *September*. Alſo the Letter of the *Scots* to the Earl of *Lanerick*, dated at the Leaguer near *Newcaſtle*, the eighth of *September*, containing their demands; and the Anſwer thereunto.

All which are mentioned in order of time in theſe Collections, and therefore not now repeated again.

An. 1640.

After this was read a Letter to the Lord *Lanerick*, dated by the *Scots* at *Newcaſtle September* 23. 1640. deſiring his Lordſhip to procure them a ſpeedy Anſwer to their Petition and demands: and likewiſe the Petition to the ſame effect.

And that their Lordſhips might perceive and know, upon what Grounds and Reaſons the Lords of the Privy Council had unanimouſly adviſed to raiſe an Army againſt the *Scots*, his Majeſty commanded their particular demands made in their laſt Parliament, and acknowledged by the Lord *Lowdon* to be read. Which demands the Earl of *Traquaire* explained to the Peers for their better Information; and ſhewed, how ſome of them ſubverted the Fundamental Laws of that Kingdom; others the Prerogative and Dignity of his Majeſty derived from all his Predeceſſors, and whereof many were to the detriment of the Kings Profit, and prejudice of divers good Subjects there.

Commiſſioners appointed to treat with the *Scots*.

ALL which being heard and conſidered of by the Peers, it was at laſt reſolved (as touching the firſt Point propoſed by his Majeſty) "That certain of themſelves ſhould be ſent as Commiſſioners to Treat with Commiſſioners of theirs. The number agreed upon were Sixteen; *viz.*

Earl of Bedford.
Earl of Hertford.
Earl of Eſſex.
Earl of Salisbury.
Earl of Warwick.
Earl of Briſtoll.
Earl of Holland.
Earl of Berkſhire.

Viſcount Mandevile.
Lord Wharton.
Lord Pagget.
Lord Brooke.
Lord Pawlett.
Lord Howard.
Lord Savile.
Lord Dunſmore.

ANd becauſe the Commiſſioners for their better proceeding and information, deſired ſome ſuch Aſſiſtance to be preſent with them at the Treaty, as were either verſed in the Laws of *Scotland*, or had been formerly acquainted with the paſſages of this buſineſs, Theſe following were named and appointed Aſſiſtants by his Majeſty; *viz.*

Earl of Traquaire.
Earl of Morton.
Earl of Lanerick.

Mr. Secretary Vane.
Sir Lewis Steward.
Sir John Burrough.

AS touching the place of Meeting, it was at firſt deſigned to be at *York*; and afterwards ordered to be at *Northallerton*.

It was further ordered, That the Earl of *Lanerick* Secretary of *Scotland*, ſhould write his Letter to the *Scots* at *Newcaſtle*, ſignifying the reſolution of the King and Peers to treat with them at the day and place appointed, with the Names of the Commiſſioners.

Alſo to let them know, that they ſhould have ſufficient Safe-Conducts for their Commiſſioners; and likewiſe a releaſing of their

Priſoners for exchange of ours detained by them, and fair Quarter to be kept betwixt both Armies.

The Letter followeth in theſe words:

The Earl of *Lanerick*'s Letter to the *Scots* about the Treaty.

My Lords,

'According to his Majeſties appointment, the moſt part of the 'Peers of this Kingdom of *England*, met here at *York* this day, 'where his Majeſty did communicate unto them your Deſires and 'Petitions: And becauſe you do ſo earneſtly preſs for a ſpeedy Anſwer thereunto; his Majeſty with the advice of the Peers, hath 'nominated ſuch a number of them, for a Conference with you upon *Tueſday* next at *Northallerton*, whoſe Names are here underwritten: But withal, if you ſhall think the time too ſhort, and 'with conveniency you cannot come ſo ſoon thither, if betwixt this 'and *Sunday* you do acquaint his Majeſty therewith, he will take 'order for the delay thereof, for one day or two.

'And that you may without all fear or danger of Detention, ſend 'ſuch perſons unto the ſaid Conference as you ſhall think moſt fit, if 'betwixt this and *Sunday*, you ſend thither the Names of thoſe you 'mean to employ; his Majeſty will with all poſſible Diligence retain 'a Safe-Conduct under his own Royal Hand for them and their neceſſary Servants.

'His Majeſty hath likewiſe commanded me to let you know, that 'upon your releaſing of ſuch Officers, and others of his Subjects, as 'are detained by you, he will return all ſuch of yours, as are his 'Priſoners, either here or at *Berwick*. And hereafter reſolves, that 'fair Quarter ſhall be kept betwixt both Armies. Thus having reported his Majeſties pleaſure, I continue

Your Lordſhips Servant,

YORK, Septemb. 24.
1640.

Lanerick.

The ſame Commiſſioners were inſerted in this Letter, who were agreed upon at the Great Council, and are before mentioned.

Earl of Bedford.
Earl of Hertford, *&c.*

This Letter was ordered to be ſent by Mr. *John Bellaſis* Son to the Lord *Faulconbergh*, appointed for that purpoſe by his Majeſty and the Peers.

September 25, 1640.

Preſent

The Kings Moſt Excellent Majeſty,

Lord Keeper.
Lord Privy Seal, &c.

The Subjects matters to be conſidered by the Great Council of the Peers at *York*.

HIs Majeſty in the firſt place commanded the Petition of the Inhabitants of *Northumberland* to be read, complaining of divers unreaſonable and inſupportable Exactions of the *Scots.*

Alſo the Petition of the Inhabitants of the Biſhoprick of *Durham.*

Then the Petition of the Tenants to the Biſhop, Dean and Chapter of *Durham.*

All which are before mentioned.

Then his Majeſty cauſed the before mentioned Letter which the Earl of *Lanerick* had drawn up, to be read in full Council, bearing date the 24th of *September*, which was agreed upon and ordered to be ſent to the *Scots* at *Newcaſtle* by Mr. *Bellaſis.*

The Biſhop of *Durham* alſo having preſented to the Council the great Calamities which the Inhabitants of the Biſhoprick endured by reaſon of the *Scottiſh* Exactions, humbly beſought, that the Lords Commiſſioners would procure the *Scots* to forbear Acts of Hoſtility during the Treaty.

Whereupon his Majeſty gave order, that the Commiſſioners for the Treaty at *Rippon* ſhould take that particular into conſideration, and as they ſhould ſee opportunity to deal therein.

THe Incommodities which the Lords ſhould meet withal at *Northallerton*, being ſignified by the Earl of *Strafford*, the whole Council afterward concluded to change the place to *Rippon*, and the day of Meeting was to be the firſt of *October*.

THen his Majeſty moved the Lords to apply themſelves to the buſineſs of the day; which was to enter into debate of the ſecond Propoſition propoſed the day before by his Majeſty; *viz.*

How the Army ſhould be maintained until the Supplies of a Parliament might be had.

And that their Opinions might be more freely delivered, his Majeſty offered to retire and depart the Council. But the Peers humbly beſought his Majeſty, to continue his preſence amongſt them; for that by his great Wiſdom and particular knowledge of his affairs, they ſhould be the better directed to reſolve upon that which was moſt expedient to be done. Unto which their humble requeſt his Majeſty graciouſly aſſented.

And then his Majeſty deſired the Peers to enter into Conſideration,

1. Firſt, What, and how much, was fit to be had, for the maintenance of his Army. And,

Secondly, How it ſhould be raiſed or procured. Informing them, that it was only Money that was wanting: For as for other Neceſſaries, there was ſufficient proviſion made already. And that they might the better conceive what ſumm was requiſite, he referred them to the Relations of the Earl of *Strafford*, and others his Officers, that ſhould give them information of the true State of the Army: adding, that in his own opinion, no leſs ſumm than *Two Hundred Thouſand Pounds* would ſerve the turn.

Whereupon the Earl of *Strafford*, Lieutenant General of the Army, declared the State of it to be as followeth:

The State of the Kings Army.

'1. THat the Kings Army was in Arrear to *Yorkſhire* for one Fortnights Victuals.

'2. That there was in pay Nineteen or Twenty Thouſand Foot, and about Two and Twenty or Three and Twenty Hundred Horſe, beſides Three Regiments of *Scottiſh* Reformed Officers all in pay, which amounted to *Threeſcore Thouſand Pounds a Moneth.*

'3. That if this Army ſhould disband for want of Money to pay them, the County of *York* would be loſt in two dayes, and the whole Kingdom endangered.

'4. Laſtly, That to keep the Army together for three Moneths, no leſs would ſerve than the ſumm of *Two Hundred Thouſand Pounds.*

'HEreupon it was reſolved, That a Letter ſhould be written to the City of *London*, ſubſcribed by all the Peers preſent, for lending the foreſaid ſumm of *Two Hundred Thouſand Pounds*; which Letter was to be drawn by a ſelect Committee of the Council being nominated, as followeth:

Lord Keeper.
Lord Privy Seal.
Earl of Bedford.
Earl of Hertford.
Earl of Briſtoll.
Earl of Strafford.
Lord North.
Lord Goring.
Mr. Secretary Vane.
Lord Chief Juſtice Littleton.
Mr. Attorney.

A Letter from the Lords of the Great Council at *York* to the City of *London*.

AFter, &c. *Having been by his Majeſties Writ under the Great Seal of* England, *aſſembled here the twenty fourth of this inſtant Moneth, to our exceeding Joy and Comfort, before our entry into any Conſideration his Majeſty was pleaſed to declare his gracious reſolution for holding a Parliament at* Weſtminſter *the third of* November *next; to which Declaration his Majeſty was pleaſed to add ſo full aſſurance of his great deſire to be rightly underſtood by his people, and of his reſolution to relieve all the juſt grievances at this ſucceeeding Parliament, that we all reſt confident upon his Royal Word, that this whole Kingdom ſhall be firmly united in a loyal and hearty care for the preſervation of the true Religion eſtabliſhed here, the honour of his Moſt Sacred Majeſty, and the general good and happineſs of all his Majeſties loving Subjects. We are every way ſenſible of the great calamity, that cannot but*

An. 1640. *light upon both Kingdoms by the preſent diſtractions and diſtempers, and have for timely remedy therein, been (by his Majeſties great Wiſdom and Prudence) put into a way of Treaty with thoſe of* Scotland, *for ſuch an accommodation, as may tend to the honour of his Majeſty, and the perfect union of both Kingdoms; wherein as we reſt moſt aſſured, that his Majeſty will be no way wanting in his* Grace and Goodneſs, *to liſten to the juſt and reaſonable Demands of his Subjects of* Scotland; *ſo if they ſhall inſiſt upon terms diſhonourable for his Majeſty and the* Engliſh *Nation to condeſcend unto, we ſhall all hold our ſelves obliged in honour and duty to preſerve and defend this Kingdom from all invaſions and ſpoils, by any kind of enemy whatſoever. The Lords appointed by his Majeſty and the Great Council of the Peers are to meet with thoſe of* Scotland *on* Thurſday *next at* Rippon; *and we all are not out of hope, that all things may come to a happy and ſpeedy concluſion. In the mean time, taking into our ſerious conſideration the ſtate of* Newcaſtle, *the Commodities whereof are ſo neceſſary and behoveful for the City of* London, *and indeed for the whole Kingdom; the miſerable conditions of the Counties of* Northumberland, *and the Biſhoprick of* Durham; *the particulars whereof, the Lords deputed and entruſted with theſe our Letters and other Inſtructions, will fully acquaint you with: and withal finding that the ſafety of this great and conſiderable County of* York, *and the adjacent Counties, depend upon the holding together of his Majeſties Army; and knowing well, that although theſe Counties ſhould for the preſent firſt undergo the Calamity that would enſue thereon, yet the danger and miſery would ſoon undertake all other Counties of the Realm, We could not in our Judgements think it wiſdom, to adviſe his Majeſty to diſband our Forces, but much rather, to continue them together, till by the happy ſucceſs of this Treaty, or the great Wiſdom of the Parliament, ſome courſe might be taken for a firm Peace, or juſt War: the conſideration whereof, we ſhall, as in all things, humbly referr to that* Great and Honourable *Body now ſummoned, and which will undoubtedly, with* Gods Grace, *aſſemble at the day and place appointed. His Majeſty hath made it appear to us, that his Treaſure is exhauſted, and that he is altogether unprovided to keep his Forces together for ſo long a time, as the Parliament can ſettle ſome ſuch courſe, as they in their Wiſdoms ſhall think fitteſt. To the end therefore that the* Engliſh *Forces may not diſband till thoſe of* Scotland *do, we have all with an unanimous conſent reſolved, that it is neceſſary, that his Majeſty be ſupplyed with* Two Hundred Thouſand Pounds, *as well for the continuing of them together, as for the orderly diſmiſſing of them when it ſhall be time ſo to do, leſt in their return his Majeſties Subjects ſhould undergo any of thoſe inconveniencies, that Soldiers ſent away unſatisfied are apt to put upon them. We aſſuredly perſwade our ſelves, that the City of* London *is well able to ſupply his Majeſty with this ſumm; and we do not doubt, but (our hearts being all here united) the ſame affection will ſhew it ſelf in you of* London, *who are ſo concerned in the Danger, and ſo conſiderable in your ſelves. To theſe arguments, which we doubt not but you will ſeriouſly conſider, and fortifie with many of your own, we cannot but add our hearty, earneſt and unanimous deſires and affectionate requeſts, that you would not at this time be failing to ſo gracious a King, to the whole Kingdom, and to your ſelves; and to this purpoſe we have deputed their Lordſhips* Henry *Earl of* Mancheſter, Lord Privy Seal, Philip *Earl of* Pembroke *and* Montgomery, *Lord Chamberlain of his Majeſties Houſhold,* Jo. *Earl of* Clare, Ed. *Viſcount* Campden, *the Lord* Coventry, *and* George *Lord* Goring, *Vice-Chamberlain of his Majeſties Houſhold, members of this Great Council, who being aſſiſted by the principal Officers of his Majeſties revenues, ſhall treat and conclude with you of all particulars both for ſecurity and dayes of payment, ſuch as may beſt ſuit with his Majeſties real performance of the premiſes, we offer our ſelves to joyn in any further ſecurity in ſuch manner as ſhall be agreed upon by theſe Lords and your ſelves: all which we the rather offer to your serious conſiderations, in regard we do viſibly foreſee, that the disbanding of his Majeſties Army, may be the abſolute loſs of all thoſe adjacent Counties, and the endangering of the whole Kingdom, and that no other preſent means than by Loan of* Two Hundred Thouſand Pounds *from you, can be found, for the publick preſervation of the King and Kingdom. And ſo we bid you heartily farewell, and we reſt*

Your ever loving friends, *&c.*

Theſe Instructions were drawn up for the Lords deputed to treat with the City of London.

Inſtructions given to the Lords that were to treat with the City of *London* for the Loan of 200000 *l.*

'1. TO acquaint them with the Petitions from *Newcaſtle, Northumberland* and the Biſhoprick of *Durham*, with ſuch Circumſtances as they conceive material concerning them.

'2. To acquaint them with the Acts and proceedings of this Aſſembly of the Peers.

'3. The Security which they ſhall offer from the Peers, is to be by Bond.

'4. All other Peers (though not preſent at this Aſſembly) are to be deſired to engage themſelves as far forth as the Peers now aſſembled ſhall.

'5. The Lords deputed ſhall have authority to deſire, in the name of this Great Council, the Aſſiſtance of any Peer of the Realm for furtherance of the Buſineſs, wherein they are employed.

'6. The Lords deputed, to agree for times of Payment and Re-payment, wherein they are to take notice, that his Majeſties Occaſions will require Fifty Thouſand Pound to be paid by the twelfth of *October* next, One Hundred Thouſand Pound by the fifteenth of *November*, and the other Fifty Thouſand Pound by the firſt of *December*, and to draw the City as near as they can to theſe times.

'For the Dayes of Re-payment, they are to conferr with the Officers of his Majeſties Revenue.

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Engliſh Lords appointed by the Great Council of the Peers, to treat with the Commiſſioners of Scotland *at* Rippon *on* Thurſday October 1. 1640.

Earl of Bedford,
Earl of Hertford, *&c.* as are before mentioned.

To whom were added as Aſſiſtants,

Earl of Traquaire.
Earl of Morton.
Earl of Lanerick.
Mr. Secretary Vane.
Sr. Lewis Steward.
Sr. John Burough.

Scottiſh Commiſſioners.

Earl of Dunfermelin.
Lord Lowdon.
Sr. Patrick Hepburne.
Sr. William Dowglaſs.

Mr. Smith.
Mr. Wedderburne.
Mr. Henderſon.
Mr. Johnſton.

Sept. 29.
The Kings Commiſſion impowering the *Engliſh* Lords to treat with the *Scots*, as it paſſed under the Great Seal.

CHARLES by the Grace of God King of England, Scotland, France and Ireland, Defender of the Faith, &c. To our Truſty and well beloved Couſins and Councellors of our great Council now aſſembled, Francis Earl of Bedford, William Earl of Hertford, Robert Earl of Eſſex, William Earl of Salisbury, Robert Earl of Warwick, John Earl of Briſtoll, Henry Earl of Holland, and Thomas Earl of Berks; and to our right Truſty and right well beloved Councellors of our ſaid Great Council, Phillip Lord Wharton, William Lord Pagett, Edward Lord Kimboulton, Robert Lord Brooke, John Lord Paulett of Hinton St. George, Edward Lord Howard of Eſtricke, Thomas Lord Savile, and Francis Lord Dunſmore, Greeting: Whereas divers of our Subjects of Scotland have by their ſeveral Petitions humbly beſought Us, that We would be graciouſly pleaſed to grant unto them certain Demands, whereupon We let them know, That by the Advice of the Great Council, We would give anſwer thereunto; We repoſing ſpecial truſt and confidence in your great Wiſdoms and Fidelity, by the Advice of our ſaid Great Council, have given and granted unto you, and by theſe preſents do give and grant unto you or any Ten or more of you, full power and authority to treat with Charles Earl of Dumfermling, John Lord Lowdon, Sir William Dowglas of Caveris, Sir Patrick Hepburne of Waughton, John Smith, Alexander Wedderburne, Alexander Henderſon, and Archibald Johnſton, or any of them deputed by our ſaid Subjects of Scotland, or nominated on their behalf: and to take into your ſerious Conſideration the ſaid Demands, and to compoſe, conclude and end all differences ariſing thereupon, or otherwiſe as you or any Ten or more of you in your Wiſdoms ſhall think fit. And whatſoever you our ſaid Commiſſioners, or any Ten or more of you ſhall do in the premiſes, We do by theſe preſents ratifie and confirm the ſame. In Witneſs whereof, We have cauſed theſe our Letters to be made Patents. Witneſs Our Self at Our City of York, the Nine and Twentieth Day of September in the Sixteenth Year of Our Reign.

For the better management of this Treaty, certain Inſtructions were given to the Kings Commiſſioners of this Tenor:

Inſtructions for our Right Truſty and Right Well beloved Couſins and Councellors of our Great Council, the Earls of Bedford, Hertford, Eſſex, Salisbury, Briſtoll, Warwick, Holland *and* Berks, *and for our Right Truſty and well beloved Councellors of our Great Council, the Lords* Mandevile, Paget, Wharton, Brooke, Pawlett, Howard, Savile, *and* Dunſmore, *Barons and Councellors nominated and deputed by Us and the Great Council of Peers, now aſſembled by vertue of our Writ of Summons at our City of* York, *to meet and Treat of an Accommodation of Differences; and if poſſible, a firm peace, with ſuch Lords and others of* Scotland, *as ſhall be deputed and authorized to the ſame effect: Which Conference is appointed by Us to be held on* Thurſday *next at* Rippon *the firſt of* October 1640.

'First, You are for a ground and rule unto this preſent Treaty, to take the Articles of Pacification agreed upon, and ſigned by Us and them the laſt year at our Camp near *Berwick*. And in caſe they aſſent unto them, you are then to declare in our Name, that we are ſtill reſolved not to depart from any thing therein contained on our part.

'But if ſo you find upon Conference, that they will not lay the ſaid Pacification as a ground to the Treaty, you are then to hear their Reaſons, and to advertiſe Us and the Peers thereof.

'And whereas the *Scotch* Lords, by their Letter of the eighth of this inſtant *September* to the Lord *Lanerick*, have made ſeveral Demands:

'Firſt, That the laſt Acts of Parliament may be publiſhed in our Name; you are to let them know, that the Convention being convened without our Royal Authority, contrary to the Laws and Conſtitutions of that Kingdom, We may not Ratifie the ſame with our Royal aſſent; yet nevertheleſs ſuch are our Inclinations to peace and the preſervation of that our Kingdom, that we having taken into conſideration thoſe particular Acts, concerning ſuch and ſuch perſons, We will give our Conſent in a Parliament to be ſummoned by Us according to the Legal way: and for ſuch other Acts, as are either Derogatory to our Crown and Dignity, or alter the Fundamental Conſtitutions of the Parliament of that Kingdom, We have commanded the Earls of *Traquair*, *Morton* and *Lanerick*, to give you the beſt Informations herein they can.

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'2. To the ſecond demand, touching the Caſtle of *Edenburgh*, and other ſtrenghts of *Scotland*; You are to let them know, that as the laſt year, ſo now, We expect that they ſhall be reſtored. Which we mean to keep for the Defence of that Kingdom, as hath been done in the times of our Predeceſſours.

'3. Concerning the third Demand, that the *Scotch* in *England* and *Ireland* ſhould be freed from Oaths and Subſcriptions, You are to declare unto them, that the Subjects of each Nation are to be ſubject to the Laws of that Kingdom wherein they live.

'4. To the fourth, That the common Incendiaries who have been the Authors of this Combuſtion in his Majeſties Dominions, may receive their juſt Cenſure, You are to tell them that we conceive that all perſonal Animoſities and Diſputes touching the actions of private perſons, not being eaſie to be compoſed, It were much better and more Chriſtian to bury them on all hands, than to raiſe them again by ſuch Demands. But if they preſs particulars againſt any perſon, you are to hear them, and to report the ſame to Us, and the Great Council of the Peers.

'5. To the fifth, that their ſhips and Goods, with all the Damages thereof may be reſtored, You are to let them know, That the other points of the Treaty being accorded, We are graciouſly pleaſed that the Ships and Goods of our Subjects be reſtored.

'6. To the ſixth, That the Wrongs, Loſſes and Charges ſuſtained may be repaired, You are to underſtand from them, for what and from whom they intend their ſatisfaction.

'7. To the ſeventh, That the Declarations made againſt them as Traytours may be recalled, You are to let them know, that when the Treaty is agreed upon, and they conform themſelves as Dutiful and obedient Subjects, We ſhall then be graciouſly pleaſed to recall the ſaid Declarations.

'8. And for the removing of the Garriſons from the Borders, and Impediments that may ſtop Free-Trade, You may declare unto them, that this was not demanded by the Articles of Pacification. And though afterwards deſired by them, yet refuſed by us. Nevertheleſs when the *Scottiſh* Army and Forces ſhall be withdrawn out of this Kingdom, We ſhall be content to do therein, as our Great Council of the Peers now aſſembled ſhall adviſe us. And for the Freedom of Trade, We will then take ſuch order as ſhall content them.

'As touching the ſuſpenſion of Armes, We do give you power to move, or accept of any thing concerning the ſame, as you ſhall ſee cauſe upon the place, Taking the beſt care you can, for relieving of ſuch Counties as are under Contribution.

'Now the Articles of Pacification the laſt year, being the Rule to govern this Treaty by, and for theſe Articles and the particular anſwers to their Demands, You are then to endeavour to draw them as near to the ſame as you can, but not to break the Treaty, only to Report the Differences, with the reaſons that fall between you, to us, and our great Council of the Peers now aſſembled.

'Laſtly, We have commanded that the Earls of *Traquair*, *Morton*, *Lanerick*, Mr. Secretary *Vane*, with the aſſiſtance of Sr. *Lewis Steward*, and Sir *John Burough*, may be preſent at the Treaty between you and our Subjects of *Scotland*, at all your publick Debates, Meet-

16 *Caroli.*

‘ings and Conferences concerning the ſame. It is therefore our expreſs pleaſure, that they or any of them may object, debate, and propoſe what they (out of the knowledge and experience they have had of theſe affairs) ſhall conceive to conduce to our ſervice, and the peace of theſe our Kingdoms.

Soon after this the *Scots* appointed a ſelect Committee to Treat with the Lords Commiſſioners agreed on by his Majeſty and the Council, and ſignified the ſame to the ſaid Commiſſioners in this following Letter.

The *Scots* Letter to the *Engliſh* Commiſſioners.

Right Honourable,

THeſe are to ſignifie to your Lordſhips, that We have appointed the Earl of Dumfermlin, *the Lord* Lowdon, *the Sheriff of* Teviottdale, *Sr.* Patrick Hepburne *of* Wanchtowne, John Smith, *Mr.* Alexander Wedderburn, *Mr.* Alexander Henderſon, *and Mr.* Archibald Johnſton *to attend thoſe Noblemen, whom his Majeſty hath been pleaſed to nominate, for that Conference appointed by his Majeſty to be at* Rippon *on* Thurſday *next, they getting that ſafe-Conduct here encloſed under his Majeſties Royal hand, with ſubſcription of the Peers, returned with this Bearer; and that We have not (in this preparatory Treaty.) ſent a Number equal to thoſe Peers expreſſed in your Lordſhips Letters, the fewneſs of our number here, and the nature of our Commiſſion, being a Committee from the Parliament, and the greater part of the Peers of* Scotland *being abſent, will plead our excuſe. And to witneſs how much deſirous we are to obey all his Majeſties juſt Commandments, We have releaſed ſuch Officers and others, as were detained by us, being confident, that his Majeſty, (out of his Royal Juſtice* and Goodneſs*) will be graciouſly pleaſed to releaſe all ſuch as are impriſoned, or detained for our Cauſe in any place within his Majeſties Dominions; and that ſuch fair Quarter ſhall be condeſcended upon, and kept hereafter betwixt both Armies, as are in any Wars, till we attain a happy peace; That from the ſenſe of Royal benignity, we may be encouraged to the performing of every Duty can be required, or expected from good Subjects, In which Reſolution we remain*

Your Lordſhips

Newcaſtle Sept. 26.
1640.

Affectionate Friends to
ſerve you.

The Commiſſion.

‘WE Commiſſioners of the Parliament of *Scotland, under ſubſcribed*, Do by theſe preſents give full power and Commiſſion to *Charles* Earl of *Dunfermelin*, *John* Lord *Lowdon*, Sir *Patrick Hepburne* of *Wanchtown*, Sir *William Douglas* of *Caneris*, *John Smith*, Mr. *Alexander Wedderburn*, Mr. *Alexander Henderſon*, and Mr. *Archibald Johnſton*, to meet and Convene with the Noblemen Peers of *England*, appointed for the Conference anent his Majeſties Anſwer to our Demands, with power to them to Confer, Treat, and Demand, conform to the Inſtructions already given, or which ſhall be hereafter given, or ſent to them, and to report to Us at all occaſions.

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'ons. In witneſs whereof we have Subſcribed theſe preſents at *New-Caſtle* the laſt day of *Septemb.* 1640. Subſcribed

Rothes.
Caſſillis.
Lothyan.
Lindeſay.
Napier.
Home.
Sir *George Ker.*

Thomas Hope.
W. Riccarton.
W. Hamilton.
Hen. Kennedy.
G. *Porterfield.*
J. Sword.
J. Rutherford.

The Treaty at *Rippon.*

OCtober the firſt, being the day appointed, they met at *Rippon*, and the Earl of *Briſtol* opened the occaſion of the Conference and meeting at this time to this effect.

'IT is by his Majeſties ſpecial Commandment, that We give your Lordſhips this Meeting; We come authorized by his Majeſties Commiſſion, under the Great Seal of *England*.

'And by his Majeſties further permiſſion, We have been nominated and deputed by the great Council of Peers now met at *York*.

'Our ends and our Deſires, I conceive are the ſame, which are by Gods holy permiſſion, to endeavour to accommodate thoſe unhappy miſunderſtandings and Differences which are now on foot, in ſuch ſort as may moſt redound to the Glory of God, the Eſtabliſhment of true Religion, the Honour of the King, Soveraign to Us both, and the Peace and Tranquillity of both Nations.

At the day appointed, &c.

Rippon, Oct. 2. 1640.

The *Scottiſh* Commiſſioners at their firſt meeting took exceptions to the Aſſiſtants, and gave the effect thereof in Writing as followeth.

The *Scots* Commiſſioners except at the Aſſiſtants of the *Engliſh.*

'BEcauſe we doubt not but your Lordſhips are well acquainted with our proceedings, and the Reaſons of our Demands, and ſince by our Commiſſion We are not Warranted to Treat, but with the Noblemen named by his Majeſty, with the advice of the Peers, and are particularly Warranted to make exception againſt the Earl of *Traquair* for his Maleverſation in the matter of the Aſſembly and Parliament, and for which his Lordſhip, and all ſuch as have done evil Offices to divide betwixt the King and his Subjects, are demanded to be Cenſured; therefore we expreſly decline the Earl of *Traquaire*, and do not conceive that according to his Warrants granted to us in his Majeſties Letter and our Commiſſion, any man can aſſiſt at the Treaty but the Noblemen expreſſed in his Majeſties Letters.

The *Scotch* Commiſſioners being moved to ſet down certain Heads for Introduction to the Treaty, they exhibited a Paper of the tenour following.

Rippon, Oct. 2. 1640. Heads for introduction to the Treaty ſet down by the *Scots* Commiſſioners.

'1. WE conceive that ſince our humble deſires and demands 'are particularly expreſſed, the moſt convenient Order for bringing of matters ſpeedily to a wiſhed end, muſt be to 'Treat upon the very demands as they are expreſſed; And whatſoever from the Articles of the laſt Pacification, or any other grounds, 'may ſerve for expeding of matters, that it be brought in as *ſub venia*.

'2. If there be a Treaty of Pacification, and Armes ſhall ceaſe; 'It is neceſſary that your Lordſhips firſt take into your Conſideration, how our Army ſhall be maintained, until the Treaty be ended, 'and our peace ſecured.

'3. If it ſhall be found expedient that a greater number of Commiſſioners be ſent to the Treaty, from the Commiſſioners of the '*Scotch* Parliament, It is humbly craved, that the like ſafe-Conduct 'may be given to them, as is granted to us.

'4. A ſafe-conduct is likewiſe demanded to all ſuch as ſhall be 'ſent from the Commiſſioners of the Parliament to us, or from us 'to them upon all occaſions; and that the ordinary Poſt may be 'free for carrying of our Letters to *Edenburgh*, and from thence for 'giving of ſpeedy Advertiſement and Reſolutions, becauſe of the 'neceſſary intercouſe and correſpondence betwixt both the Committees.

'5. That (for the benefit of the Subjects of both Kingdoms) 'Trade, and free Commerce, of Importing and Exporting of Commodities be allowed, eſpecially that Victuals from *Scotland* and 'other places may be tranſported to *Newcaſtle*, for the better eaſe of 'the *Engliſh*, and more convenient entertainment of our Army.

Theſe Propoſitions the Lords Commiſſioners ſent to the King, and received direction to give them this Anſwer, which they did in writing as followeth.

To the Propoſition of the ſafe-Conduct and freedom of the Poſt way.

'HIS Majeſty is graciouſly pleaſed to grant the ſame, during 'the Treaty.

'Concerning the Aſſiſtants.

The Anſwer to the *Scots* exception of the Aſſiſtants.

'That in regard of the unequal condition which is conceived his 'Majeſties affairs will be put into, if his Majeſty ſhould not make 'choice of ſuch aſſiſtants as he conceiveth be verſed in them; We 'have order to offer it to your ſecond conſideration, and to let you ‘know, that the ſaid Aſſiſtants are not any way authorized to Conferr or Treat with the Commiſſioners of *Scotland*, nor to have any ‘voice or vote in the debating, or concluding of any thing; but to ‘give Us a right Underſtanding of ſuch things as can no otherwiſe ‘fall under our knowledge.

To this the *Scotch* Commiſſioners replyed the ſame day, as followeth.

The *Scots* Reply.

‘WE do thankfully acknowledge his Majeſties goodneſs in ‘granting the ſafe-Conduct, and opening the Poſt way, and ‘that we may at all occaſions make uſe thereof, we deſire that ſo ‘ſoon as may be, the ſame may be made known to the Poſts all ‘the way to *Berwick*, and Warrant given that there be no impediment to ſuch, as ſhall come and go.

‘Concerning the Aſſiſtants, the reaſons of our former Anſwer ‘permitteth us not to take any new Reſolution in our ſubſequent ‘Conſiderations: And ſince your Lordſhips do declare, that it is ‘not intended that they ſhall have any voice in debating, and all ‘points material are to be committed to Writ, If your Lordſhips ‘conceive their advice to be neceſſary, it may be given to your Lordſhips by them, although they aſſiſt not openly in the Treaty.

After this, the Commiſſioners on both ſides falling into ſpeech of a Ceſſation of Armes during the Treaty; The *Engliſh* Lords preſſed to have them particularize their Demands, and eſpecially to ſet down in writing what they expected upon their Propoſition of having their Army maintained during the Treaty.

This the *Scotch* Commiſſioners requeſted to have in Writing, which was given them as followeth.

The *Scots* Commiſſioners deſired to ſet down in writing, what maintenance they require for their Army during the Treaty.

IT is propounded to your Lordſhips, that you give a particular of all your demands under your hands, and eſpecially what you do expect for the Loſſes which you pretend to have ſuſtained; As likewiſe for maintenance of your Army during the Treaty, and how you intend or would adviſe, it ſhould be raiſed or ſatisfied unto you.

To which they made Anſwer the ſame day in writing, in theſe words.

The *Scots* Anſwer.

IT is our deſire unto your Lordſhips, that ſuch things which are preparative and neceſſary for the Treaty, may be diſtinguiſhed from the matters and parts of the Treaty it ſelf; And thus we ſhall be ready to give the particular of that our demand, concerning our Loſſes and Charges which we have ſuſtained, and of all our other demands, each one in their own place; And we are willing to anſwer preſently according to our Inſtructions, to that which is propounded by your Lordſhips, concerning the maintenance of our Army; for by them we are Warranted to demand the ſumm of *Forty thouſand pounds in the Month.* But concerning the way of raiſing thereof, neither are we inſtructed, nor do we preſume to adviſe; And your Lordſhips in your wiſdoms, can beſt conſider the wayes how this may be done, that we may the better proceed in the intended Treaty.

UNto this Propoſition the Earl of *Briſtol* (by order of the reſt of the *Engliſh* Lords Commiſſioners) demanded of the Commiſſioners of *Scotland*, whether the demand of *Forty thouſand pounds a Month* were poſitive, or ſuch as upon debate, and juſt reaſons they might mitigate.

This the *Scotch* Commiſſioners craved to have in Writing, and returned their Anſwer in writing, as followeth.

AS we have (according to our Inſtructions) ſhewn your Lordſhips what is required for the maintenance of our Army, ſo it is our deſire, that your Lordſhips may be pleaſed to expreſs, what ſumm your Lordſhips think to be a Competency; and that as your Lordſhips think meet to make Remonſtrance of our propoſition to his Majeſty, we alſo may be enabled to make your Lordſhips minds known to the Committee of Parliament that ſent us, for the better and more ſpeedy accommodation.

Rippon Octob. 5.
1640.

TO this Demand of the *Scotch* Commiſſioners, the Lords Commiſſioners of *England* (before they returned Anſwer) thought fit to ſend five of their own number, *viz.* the Earls of *Hartford*, *Briſtol*, and *Holland*, and the Lords *Wharton* and *Savil*, to acquaint the King and the Great Council of the Peers therewith, and to receive direction how to proceed therein.

Octob. 2. 1640. A Letter from the Commiſſioners at *Rippon* to the King.

May it pleaſe your Majeſty,

WE met with the Commiſſioners of Scotland *this morning, being* Friday *the ſecond of* October, *where the Earl of* Briſtol *made a ſhort Introduction. And in the firſt place we made your Majeſties Commiſſion under the Great Seal of* England *to be read. In the next place, we deſired to know how they came authorized. Whereupon they produced a Commiſſion from the Commiſſioners of their Parliament of* Scotland, *a copy whereof we ſend your Majeſty. After this the Lord* Lowdon *ſaid it was moſt needful to repeat their demands; for the concluſion of the late Parliament, their Printed Declarations, and their Letters to the Earl of* Lanerick *contained the ſubject and ſubſtance of all their demands. Hereunto after conſultation amongſt our ſelves, we replyed that if their demands had been ſet down in any Letter or Petition, we might have had certain grounds to Treat of; but to have relation to all their Printed Declarations, were to leave things to uncertainties. Hereunto they replyed, that the word Printed Declarations was in the Letter to the Lord* Lanerick, *which they cauſed to be read. After this they propounded this Queſtion, In what quality the Lords of their own Nation ſate there. Where-*

upon after private conſultation amongſt our ſelves, we declared, that we being nominated as Commiſſioners, humbly ſignified unto your Majeſty, that we being meer ſtrangers to the Laws and Conſtitutions of Scotland, *deſired the aſſiſtance and information of ſome ſuch as your Majeſty knew to be well verſed in thoſe affairs. So that in the matter it ſelf, it was upon our humble requeſt; but for the perſons they were nominated by your Majeſty, ſuch as your Majeſty held fit and beſt inſtructed in the Laws and Conſtitutions of that Kingdom. Whereupon the Lord* Lowdon, *in the name of the reſt ſaid, that they were limited by their Commiſſion to Treat with ſuch Lords as in your Majeſties name were ſignified unto them by the Earl of* Lanerick's *Letter to be Deputed to Treat with them and with no other. Whereupon deſiring that there might be no miſunderſtanding, we intreated them to ſet down in writing the contents of their Inſtructions in this particular. Which they did accordingly: and herewith we ſend it your Majeſty incloſed. Hereupon having debated amongſt our ſelves, and finding it neceſſary according to our duties to hold our ſelves preciſely to your Majeſties Inſtructions, and it appearing doubtful unto us, whether we might proceed without ſuch Aſſiſtants as your Majeſty hath aſſigned unto us by your Inſtructions under your hand, we held it fit to have recourſe unto your Majeſty therein to receive ſuch further inſtructions as your Majeſty in your Princely wiſdom ſhall be pleaſed to give us, which we ſhall not fail to purſue with all the Loyalty and Affection as your Majeſty may juſtly expect from*

Rippon Octob. 2.
1640.

Your Majeſties moſt humble and
obedient Subjects.

Since the writing of this Letter, the Commiſſioners of Scotland *deſired a meeting, although we had ſent to diſcharge it, until we had heard from your Majeſty. They have made ſome propoſitions to us, and have promiſed to deliver them unto us in writing. But fearing leſt we ſhould retard this diſpatch too long, we have ſent it away, and within few hours do hope to ſend unto your Majeſty what hath ſince occurred.*

The *Engliſh* Commiſſioners at the Treaty at *Rippon* made choice of Mr. *Fran. Palmes* a younger Son to Sir *Guy Palmes* to carry the Letter above mentioned to his Majeſty.

The KING's Letter to the Lords concerning the *Scots* Demands.

The King's Anſwer to the Lords.

Right Truſty and Right Well beloved Couſins, and Councellours of our great Council now Aſſembled, We perceive by your Letter of the ſecond of this month, That the Commiſſioners of Scotland *alledge, they are not warranted to Treat but with the Noblemen named by us with the advice of the Peers, for which cauſe beſides the exception they are warranted to make againſt the Earl of* Traquaire, *they decline him and conceive that by the Warrant granted them in our Letter and Commiſſion none are to aſſiſt at the Treaty, but the Noblemen expreſſed in our Letter. This we have*

have imparted to ſuch of our great Council as are left here, and by their Unanimous Advice we return this anſwer, That the Earl of Traquaire, *and the reſt, with the advice of our Peers appointed to aſſiſt you, were not any way authorized to conferr or Treat with the Commiſſioners of* Scotland, *nor to have any voice or vote in the debating or concluding any thing, but only to give you a right underſtanding of ſuch things as you could not otherwiſe be enabled to Treat of or debate, in regard of your being ſtrangers not only to the Laws and Cuſtomes of the Kingdom of* Scotland, *but altogether unacquainted in the paſſages of the Aſſembly and Parliament, without knowledge whereof the matters in difference cannot be ſo well cleared; And therefore by the advice of the Peers here Aſſembled, we hold it very reaſonable that the Earl of* Traquaire *ſhould be preſent, to whom all things that will require Debate are beſt known, and that you ſhould preſs them to admit thereof, giving this and ſuch other reaſons for it as you ſhall think fit.*

Neverthelesſ becauſe we are willing the Treaty ſhould go on with as little loſs of time as may be, We have by like Advice of our Peers, and to the intent we may the better diſcern what need there will be of ſuch Aſſiſtants, thought fit to give you this Direction, in caſe they refuſe, that then without Aſſiſtants you ſhould preſs the Commiſſioners of Scotland *to give you a particular of all their Demands under their hands, and eſpecially what they do expect for their loſſes which they pretend they have ſuſtained; And for maintenance of their Army during the Treaty, or how they Intend or would Adviſe how it ſhould be raiſed and ſatisfied unto them, of which you are to make report to us.*

For the ſafe-conduct which they deſire for ſuch only as ſhall be ſent to the Treaty from the Commiſſioners of the Scottiſh *Parliament, and for all ſuch as ſhall be ſent from the Commiſſioners unto them, or from them to the Commiſſioners upon all occaſions, with the freedom of the Poſt for carrying of all the Letters to and from* Edenburgh, *We are graciouſly pleaſed to grant the ſame during the time of all the Treaty.* Touching the Trade *or free* Commerce *of Importing and Exporting of Commodities, when the buſineſs is a little further admitted, we ſhall the better reſolve what anſwer to give therein as a thing more proper to the Concluſion than for the beginning of a Treaty.*

For the ceſſation of Arms you have our Inſtructions already, whereby we and our Council are of opinion that the Disbanding of both Armies were much better than a Ceſſation, which therefore we would have you propound and endeavour with them, and ſo we bid you heartily farewel.

York Octob. 3.
1640.

ON *Wedneſday* the ſeventh of *October* his Majeſty with the Advice of his Peers ordered to Transfer the Treaty from *Rippon* to the City of *York*, and Letters to that effect were ſent to the Lords Commiſſioners of *England*, and they were to certifie thoſe of *Scotland* thereof with the Reaſons, as firſt the want of Health in that place, ſecondly that it will be a means to expedite the Treaty by bringing it nearer to his Majeſty.

The Contents of this Letter was delivered by the Lord's Commiſſioners to the Scotch *Commiſſioners at* Rippon, October 8. 1640.

The King reſolves to transferr the Treaty from *Rippon* to *York*.

'THat his Majeſty in regard of the unhealthfulneſs of this place, and for the expediting of this Treaty, hath been induced to this Reſolution, That the Treaty be transferred from *Rippon* to *York*. His Majeſty alſo expects that the *Scottiſh* Commiſſioners ſhould ſend preſently for order to come thither; and that they procure abſolute and full power to conclude as well as to Treat, and that they ſhall find the like power there: and to this end his Majeſty hath ſent ſuch ſafe-conduct as they can deſire.

RIPPON, Octob. 8. 1640.

The anſwer of the *Scotch* Commiſſioners hereupon.

THE *Scottiſh* Commiſſioners being made acquainted with his Majeſties purpoſe herein, expreſſed their minds fully and largely concerning that matter in theſe words:

'Nothing is ſo greatly deſired of us and thoſe that ſent us, as that this Treaty may begin timely and end happily; this moved us in our laſt Propoſition to deſire to know what your Lordſhips did conceive to be a competency for the maintenance of our Army? and now his Majeſty being acquainted therewith, we deſire to know his Majeſties mind, that the Army being provided for in a competent manner, and ſo much being made known to thoſe that ſent us (according to the Inſtructions we have received from them, who make the maintenance of the Army previous to the Treaty) we may with all diligence ſhew them his Majeſties pleaſure, concerning the change of the place, and new power to us granted for concluding; and as we are warranted to give this Anſwer, ſo ſhall we not conceal our own thoughts about all this matter of the maintenance of the Army, and altering of the Treaty to *York*, and enlarging of our power.

'1. It is univerſally known that our Army was ſtayed in their march by his Majeſties ſpecial command, without which they might before this time, either have been better provided or further advanced in their Petition and intention, and that in hope of Proviſion to be made this way, they are kept from taking ſuch wayes and uſing ſuch means as might ſerve for their neceſſary maintenance, which yet are not to lay any burden on the Nation, or good people of *England*; (whoſe Weal and Happineſs we do ſeek as our own, and with whom we have determined, as we have declared, to ſtand and fall) but our meaning is, that neceſſary allowance being denyed to our Army, we take our ſelves to the Papiſts and Prelates with their Adherents our profeſſed Enemies, and the unhappy

'Inſtruments of all our trouble, Charges and hazard, theſe years 'by-paſt, who therefore in all equity ought to ſuffer in the ſame 'kind.

'2. We cannot conceal what danger may be apprehended in our 'going to *York*, and ſurrendring our ſelves and others who may be 'joyned with us, into the hands of an Army commanded by the 'Lieutenant of *Ireland*, againſt whom as a chief Incendiary (ac'cording to our Demands, which are the Subject of the Treaty it 'ſelf) we intend to inſiſt as is expreſſed in our Remonſtrance and 'Declaration, who hath in the Parliament of *Ireland* proceeded 'againſt us as Traitors and Rebels, (the beſt Titles his Lordſhip in 'his common talk doth honour us with,) whoſe Commiſſion is to 'ſubdue and deſtroy us, and who by all means and upon all occaſi'ons deſireth the breaking up of the Treaty of peace; the Army 'being commanded alſo by divers Papiſts, who conceive our pacifi'cation to be their ruine and diſſolution; and when there be divers 'Godleſs perſons doing the worſt office about his Majeſty, and wait'ing the occaſion of expreſſing their malice and revenge againſt us, 'and their own Nation.

'3. The whole power of the Committee of Parliament cannot 'be tranſmitted unto us, and the want of power neither hath been, 'nor needed it to be any hinderance to the ſpeedy progreſs and 'peaceable concluſion of the Treaty, ſince we have already in the 'beginning of the Conference ſhewed your Lordſhips what is the 'ſubject and ſubſtance of all our Demands.

The Treaty continued at *Rippon*.

The iſſue was, that his Majeſty altered his former Reſolution, and the Treaty was continued at *Rippon*.

The Lord *Herbert*'s advice to the King.

EDward Lord *Herbert*, commonly called the black Lord *Herbert*, unſatisfied with the *Scots* demands of 40000 l. *per menſem*, upon the hearing thereof, firſt adviſed the King to fortifie *York*, and ſecondly diſſwaded his Majeſty from yielding to that demand, and he alleadged his reaſons for both, *&c.* Touching his firſt Propoſition he ſaid;

'1. Firſt, That *Newcaſtle* being taken, it is neceſſary to fortifie '*York*, there being no other conſiderable place betwixt the *Scots* and '*London*, which might detain their Army from advancing forwards.

'2. Secondly, That reaſon of State having admitted Fortification 'of our moſt Inland Towns againſt Weapons uſed in former times, 'it may as well admit Fortification againſt the Weapons uſed in theſe 'times.

3. Thirdly, That Towns have been obſerved alwayes averſe to 'Wars and Tumults, as ſubſiſting by the peaceable wayes of Trade 'and Traffick. Inſomuch that when either great perſons for their 'private Intereſts, or the Commons for their Grievances, have taken 'Armes, Townſmen have been noted ever to continue in their ac'cuſtomed Loyalty and Devotion.

An. 1640.

‘4. Fourthly, That this agreeth with the cuſtome of all other Countreys, there being no Town of the greatneſs of *York* any where I know in Chriſtendom that hath not his Baſtions and Bulwarks.

‘As for the Charges, the Townſmen of *York* might undertake that by his Majeſties permiſſion; For ſince it is a Maxim of War, that every Town may Fortifie its circumference within the ſpace of two months, the expences cannot be great,

‘And for the manner of doing it, nothing elſe is needful, but that at the diſtance of every five and twenty ſcore Paces round about the Town, the Walls ſhould be thrown down, and certain Baſtions or Bulwarks of Earth be erected by the advice of ſome good Engineer.

‘For the performing whereof every Townſman might give his helping hand, digging and caſting up earth only, where the ſaid Engineer (according to a Line given) ſhould appoint. And for Ordnance, Ammunition and a Magazin, the Townſmen likewiſe for their Security might be at the Charges thereof in theſe dangerous times; It being better to imploy ſome money ſo to prevent the taking of the Town, than to run the hazard of being in that eſtate in which *Newcaſtle* men now are. I could add ſomething concerning an ancient Law or Cuſtome called *Murage*, by which money was raiſed for Fortifying of Inland Towns. But becauſe I know not of what validity this Law or Cuſtome is at this time, I ſhall referr the further Conſideration thereof to the learned in our Antiquities.

‘I will conclude therefore, with your Majeſties good, favour for the Fortifying of *York*, as aſſuring my ſelf that if for want of Fortification it fall into the *Scotchmens* hands, they will quickly Fortifie it as they have already done *Newcaſtle*.

His Lordſhip further ſpake concerning the ſecond Particular.

‘1. Firſt, That Treaties are like thin aiery things, and have no real being in themſelves, but in the Imaginations of thoſe who projected them, and might quickly diſſolve and come to nothing; And to give ſo great a ſumm of Money for the Treating only of a peace, might be loſs both of the money, time, and many advantages.

‘2. Secondly, That he never read that ever Prince bought a Treaty of his Subjects at ſo dear a rate; but it is true, that Princes have bought Peace at a great price of their Subjects, and that they have thought it a good purchaſe, and found means at laſt to bring them to Reaſon.

‘3. Thirdly, That it would reflect upon the Honour of his Majeſty abroad, when Foraign Nations ſhould hear of ſuch an affront given to his Majeſty and this Kingdom, that he could not find means to come to a Treaty with his Subjects for a peace, but by giving that money to defray the Charges of their Army, which ſhould pay his.

‘4. Fourthly, It is probable that the Citizens of *London*, when they ſhould hear that any of their money was imployed that way, would detain the reſt in their hands for defending themſelves.

‘5. Fifthly, If his Majeſty would try whether they meant really a Treaty or Invaſion, the Commiſſioners ſhould move for disbanding

‘the Armies on both ſides, all things elſe remaining in the ſtate they
‘now are, until the Treaty were ended; Howſoever the 40000 l.
‘*monthly* ſhould be kept rather for paying the Kings Army, and re-
‘inforcing it (if need were) than any other way whatſoever.

Octob. 16. 1640. **Articles agreed on for the maintenance of the *Scots* Army.**

THE Treaty produced little or no effect till the 16th of *October*, on which day theſe Articles were agreed upon for the maintenance of the *Scots* Army.

1. First, *That the* Scotch *Army now lying in the Counties of* Northumberland, *Biſhoprick of* Durham, *and Town of* Newcaſtle, *ſhall have for a competent maintenance the ſumm of* 850 l. per diem, *being the ſumm before agreed on by the Counties; and that the payment thereof ſhall begin upon the* 16th *of* October, *and to continue for two Months, in caſe the Treaty ſhall ſo long laſt; which payment to be made weekly upon the* Friday *of every Week, the firſt* Friday *being the twenty third day to be for the payment of the Week paſt.*

2. *The dayes of the returning of the Army to be numbred, within the dayes of the allowed maintenance.*

3. *That the* Scotch *Army ſhall content themſelves with the aforeſaid maintenance, and ſhall neither moleſt Papiſts, Prelates, nor their Adherents, nor any other perſons of whatſoever quality, during the time of payment, but ſhall keep themſelves free of all other Taxes and Plundrings not only during their abode, but in their returns, and ſuch ſecurity as is uſual ſhall be given for the performance of the ſame, and this to be ordered upon the condition of the Treaty.*

4. *That the Inhabitants of the ſaid Counties ſhall alſo have liberty, to return peaceably to their own dwellings, and ſhall be refuſed no Courteſie, it being alwayes preſuppoſed that the fit Lodging of their Army ſhall be allowed.*

5. *That the Army be furniſhed with Coals in a Regular way, and not at the pleaſure of the Souldiers, which is eſpecially recommended to the care of the* Scotch *Commiſſioners.*

6. *That there be a proviſion of Forrage at the prices to be ſet down in a Table, which muſt alſo contain the particular prices of all ſort of Victuals, and other neceſſaries for the Army, to be indifferently agreed upon by perſons nominated on both ſides.*

7. *That the Sea-Ports be opened, and there be free Trade and Commerce by Sea and Land, as in the time of peace; with this Proviſo, that with the Victuals no Armes nor Ammunition be imported into* Newcaſtle, *or any Harbour of* England, *and this Free Trade and Commerce to be preſently intimated, and not to be interrupted, but upon the warning of three Months, that there may be a ſufficient time allowed for Ships to return, and for the diſpoſing of their Commodities.*

8. *That Victuals and other Neceſſaries for the Army be free of Cuſtome; And that his Majeſties Cuſtome of Coals, and other Ware be left free to be levyed by his own Officers.*

9. *That all reſtraints be removed, and that there be a freedom to furniſh neceſſaries for both Armies, in ſuch ſort as is agreed on by the Articles, and liberty be granted for Milling, Brewing, Baking, and other things of that kind.*

10. *That the Arrears be compleatly paid to* Octob. 16. *and that ſuch rents as are anticipate, and not yet due, be allowed in the Arrears.*

11. *That there be a Ceſſation of Armes according to the particulars to be agreed upon.*

12. *As for ſecuring the ſumm of* 850 l. per diem *above ſpecified, there is a Committee appointed by the Great Council of the Peers, who have power to Treat with* Northumberland, *the Biſhoprick of* Durham, Newcaſtle, *and (if need require) with other adjacent Counties, that there may be a real performance of what is agreed on by us: And for that we find many Difficulties of raiſing the Contribution out of the Counties of* Northumberland, *the* Biſhoprick, *and Town of* Newcaſtle, *we have thought fit and neceſſary to add unto them the Counties of* Cumberland *and* Weſtmerland, *to aſſiſt towards the ſaid Contribution according to their abilities.*

13. *And further, the Lords will before their going from* York *ſettle a Committee who ſhall have charge to ſee the Contribution orderly raiſed and paid; and that there ſhall likewiſe be a Committee nominated of the Lords Commiſſioners, to whom either the* Scotch *Commiſſioners may addreſs, or the Committees of the Countrey may Weekly give an Accompt of the carriage of the buſineſs. And that from thence there may further Order be given for the due performance of that which is promiſed. Signed*

Bedford.
Briſtol.
Holland.
Berkſhire.
Ed. Mandevile.
Ph. Wharton.
Ro. Brook.
J. Paulet.
Ed. Howard.
Fr. Dunſemore.

Dumfermling.
Lowdon.
Patrick Hepburne.
W. Douglaſs.
J. Smith.
William Wedderbourn.
Alex. Henderſon.
Willam Johnſton.

The Committee appointed by the Eſtates of Parliament Reſident at *Newcaſtle* approves the within and above-written Articles.

Rothes.
Lowthian.
Balmerino.
Napier.

William Riccarton.
Tho. Hope.
Gibſon Dury.
J. Sword.

The *Scottiſh* Commiſſioners were not ſatisfied with the Security tendred them for the Raiſing of the ſaid Proviſion, which they expreſſed in the enſuing Paper to the *Engliſh* Lords, who imparted it to his Majeſty.

A Paper of the *Scotch* Commiſſioners to the *Engliſh* Lords about the Security for raiſing their Proviſion.

We make no queſtion of the abilities of the prime Gentlemen of the County, and will not doubt but your Lordſhips have made them willing; Yet now after the delayes of ſo many dayes, from the firſt to the 19th of this *Month*, and after the ſo often acknowledged neceſſity of the orderly proviſion of Maintenance, during the time of the Treaty, and our confident expectation thereof, We are ſorry that your Lordſhips have not (according to the profeſſion of the Will and power of thoſe Gentlemen) given unto us a real ſecurity, that we might have entred with your Lordſhips upon the Treaty, but that the performance of the Security is ſtill ſuſpended.

Divers other demands, as Free Trade by Sea and Land, and other particulars contained in our laſt Papers, the ſatisfaction whereof was alſo neceſſary before the Treaty, are not at all touched by your Lordſhips in your Anſwer.

Concerning the Diminution of the Army propounded by your Lordſhips, we have received no Inſtructions, neither ſhall it be neceſſary upon the reaſons expreſſed, becauſe competent Maintenance being ſecured, and the Seas opened, the Army we truſt ſhall be eaſily kept in order; And for removing Jealouſies and Doubts, we have made large Declarations, and given real proofs, wiſhing in like manner that no cauſe of ſuſpicion be given unto us by ſuch Propoſitions, ſeconding the bitter Speeches of ſome Incendiaries who Command in his Majeſties Army.

We therefore earneſtly intreat your Lordſhips to let us know at laſt what may be expected, at what time the promiſed Security ſhall be performed, and our previous demands ſatisfied, that we may have ſome certainty to ſhew to thoſe who ſent us, and who upon your Lordſhips Declaration do wait for it from us, and that we may proceed to the Treaty.

In concluſion that difference was accorded.

Remembrances *for the* Engliſh Lords Commiſſioners, *to put them in mind of ſuch things as have fallen in debate* about the demands of the *Scots*, *for the maintenance of their Army during the Treaty.*

Remembrances for the *Engliſh* Commiſſioners.

'1. THE firſt thing they are to endeavour is a *preſent Ceſſation of Armes.*

'2. They are by all honourable, ſafe and convenient means to find 'out ſome wayes for the relieving the Counties of *Northumberland* 'and Biſhoprick of *Durham* from the hard condition in which they 'now are.

'3. For the better effecting whereof, they are to conſider how '*Barwick* and *Carliſle* may be victualled out of *Scotland*, and the Ar'my at *Newcaſtle* in proportion, if victualled out of *England*.

'4. They are alſo for this purpoſe to take into conſideration the 'opening of a free paſſage and Trade between *Scotland* and *Newcaſtle* 'by *Land* and *Sea*, whereby the Army there may be better Victual'led from *Scotland*.

'5. If beſides the former means, there be urgent neceſſity, they 'are to take into conſideration, what other adjacent *Counties* ſhall Con'tribute, in what proportion, and in what manner.

'6. They are to remember the great detriment his Majeſty hath 'ſuſtained in his Revenue, by hindring the trade of *Coals*, to make 'what uſe they can thereof by leſſening the Contribution.

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‘7. They are to take into Conſideration the Leſſening of both *Armies.*

‘8. They are to take further care, that upon the leſſening or diſbanding the Armies, or otherwiſe there be no plundring of the Countrey, and that ſecurity be given for that purpoſe.

‘9. They are by all poſſible means, to haſten the *Treaty*, and that there be no unneceſſary delay therein.

‘10. For the better Encouragement of ſuch Counties as their Lordſhips ſhall think fit to move to a *Contribution*, they are to declare unto them, That his Majeſty and the Lords of the Great Council will recommend to the *Parliament*, as well the great Loſſes they have ſuſtained, as the charge they have or ſhall be at for the good and ſafety of the reſt of the Kingdom.

Theſe Remembrances not to be Concluding, but any other way to be taken that the Commiſſioners ſhall think fit.

The Lords Anſwer *to the* Scots *concerning the Maintenance of their Army.*

The *Engliſh* Commiſſioners Anſwer to the *Scots* concerning the maintenance of their Army.

‘First, Concerning the 850 *l. per diem*, we find it to be the utmoſt the Countrey can bear; And it is a Contribution fit for an Army only for ſafety and ſecurity, eſpecially where any other means by leſſening the King's Army or otherwiſe, is offered to remove all doubts and jealouſies, ſo that you may make your Army ſuitable to the means of maintaining it: beſides to give any greater allowance whereby a greater Army ſhall be ſuſtained, will cauſe a greater *diſtruſt* and apprehenſion in the whole Kingdom of *England*, and therefore we do adhere to our former propoſition.

‘As for allowance of *Coals* or Forrage, if any thing be left to the Soldiers diſcretion were to leave things to great uncertainty and occaſions of difference, but for money at reaſonable prices agreed upon, the Army is to be provided.

‘Concerning the day of payment to be the *firſt of October*, we have already endeavoured to ſettle with the Counties for the payment of *two months*, from the 16th of *October*, and it would overthrow our former endeavours.

‘Further, it is to be conceived no way prejudicial to the *Scotch* Army, ſince the ſame ſumm of 850 *l. per diem*, is to be made good unto them upon the *arrears*, even unto this day. For the opening of the Ports, his Majeſty is pleaſed to give way unto it, it being alwayes to be underſtood that no Armes or Ammunition be imported.

‘As for the dayes of returning the Army it is to be numbred within the dayes of Contribution; it is fit that the ſecurity of payment be ſettled in all particulars.

‘Whereas your Lordſhips propounded as a competency for the maintenance of an Army 30000 l. *per menſem* at 30 dayes the month, we leave unto your Lordſhips as a fitting competency, as we conceive, the continuance of thoſe *contributions*, which have been formerly ſettled by the County of *Northumberland* and the Bi-

‘ſhoprick

16 Caroli.

'ſhoprick of *Durham*, and the Town of *Newcaſtle*, amounting to the ſumm of 850 l. *per diem*, but ſo as for the raiſing of the ſaid ſumm of the Biſhoprick, *Dean* and *Chapter*, *Clergie* and *Papiſts*, ſhall be no otherwiſe Charged or Taxed, but by the ordinary way of Levying of the ſaid Contribution; and that the ſaid *Scotch* Army in reſpect of the ſaid 850 l. *per diem*, forbear to take any exaction, tax, Proviſion or *Forrage* whatſoever from the ſaid Counties, or any other place; as likewiſe leave Free to his *Majeſty* and all other the Cuſtomes of Coals, and all other, the true meaning being that for all pretences and demands whatſoever, the ſaid *Scotch* Army ſhall be fully ſatisfied, with the payment of the ſaid 850 l. *per diem*, and that the *Biſhop* and other *Clergy* men, and all other inhabitants of the *Biſhoprick* and *Northumberland*, return unto their dwellings, and to enjoy their own, without any moleſtation; and in regard of the ſaid Contributions paid by theſe Counties, the ſaid *Scottiſh* Army is to give ſecurity, that both whileſt they ſtay, and likewiſe when they ſhall disband or march back with their Army, they ſhall keep and ſave the ſaid Counties from all ſpoil and plundering, and that upon ſettling and perfecting the payment and contribution, there be preſently declared on both ſides *ceſſation of Armes* and certain limits and bounds, which neither ſide ſhall paſs in hoſtile manner; and for ſecuring of the ſaid payments all reaſonable ſatisfaction ſhall be given them, and the ſaid payments to begin from the 16th of *October*, 1640. and to continue for the ſpace of *two months*, if the Treaty ſhall ſo long laſt, and be paid weekly *parata*; and ſo ſoon as this accommodation for the maintenance of the *Scotch* Army, ſhall be ſettled and ſigned by the Commiſſioners on both ſides, there ſhall be a preſent Entry upon the *Treaty*.

The Scots Reply *to the* Lords Anſwer, *Concerning the* Maintenance of the Army.

The *Scots* Reply.

'AS with all due reſpect we acknowledge the benefit of the condeſcending to the Maintenance of our Army, are glad that your Lordſhips have begun to think on the competency, we repreſent that neither the 850 l. *per diem* which thoſe Countreys were moved to grant, nor the Thirty thouſand pounds moved by us, were conceived by us to be a full maintenance, the one being ſo much as we could with the conſent of the Countrey obtain, and the other joined with all other ſupplies that can be made by our ſelves being reckoned, is not a competency, and therefore leſt contrary to our hopes, the Army be put on worſe condition than before the Treaty, we deſire your Lordſhips to conſider that beſides the 850 *l. per diem*, they had the time paſt the benefit of the Cuſtomes and proviſion of *Coals*, and of ſuch proportion of *Forrage*; We indeed deſire that his Majeſties Cuſtomes may be left free, but we hope your Lordſhips will think on ſome ſupply of that want, and will alſo provide that the Army be ſtill furniſhed with *Coals* and other neceſſary *Forrage*. We do not deny the difference to be wide between the former Loan and allowed maintenance, but touching the point of *preſent* proviſion of the *Army*, which in caſe of neceſſity is principally 'and above all conſiderations to be looked into by us, the inequality betwixt that which we had, and which is now allowed, is very conſiderable; when competency ſhall be condeſcended unto, we ſhall content our ſelves therewith, and neither moleſt *Papiſts*, or *Prelates*, or their adherents, during the time of the payment of the maintenance; and as it was grievous unto us, that the *inhabitants* of *Newcaſtle* or any other whatſoever ſhould have left their dwellings, ſo ſhall we be glad of their *return*, and will refuſe them no kindneſs or courteſies, which can ſtand with the accommodation of the Army; we alſo promiſe what ſecurity is uſual in like caſes, that during the aboad of the Army, and in their return, none of theſe Counties ſhall be plundered or ſpoiled, but ſo far as is poſſible, be ſaved from all harm and damage; and withal it is ſuppoſed, that the dayes of our return be numbred within the compaſs of the time of our allowed maintenance; concerning the Ceſſation of Armes, and the limits of both Armies, we heartily agree unto both.

'It is declared that the ſecurity of payment promiſed by your Lordſhips be condeſcended in all particulars, that the payment of the maintenance to be agreed upon, begin the *firſt of October* and continue during the Treaty, until our peace be ſecured by Parliament; and that the ſaid payment be made *weekly*; that all arrearages which are reſting unpaid, preceding the firſt of *October* of the allowed maintenance, be agreed upon.

'That there be free trade by *Sea* and *Land* as in time of peace, and that Victuals and other neceſſaries for the Army be free of Cuſtome, that all reſtraints be moved and the Subjects of the Countrey made free to furniſh us with neceſſaries for our Army, and alſo all ſorts of Commerce allowed and liberties granted of *milling*, *brewing*, *baking* and other things of that kind.

'That the outrage or eruption of any *Souldier* be not accounted a *breach* of the Ceſſation, but that the Loſſes be repaired and the delinquent puniſhed.

'So ſoon as the maintenance ſhall be ſettled and ſecured, we ſhall be moſt willing to enter upon the Treaty it ſelf.

'Our conſtant deſires againſt all ſuſpicions and iealouſies, to obtain our own *demands*, and to have a firm and well-grounded *peace* concluded. And for the end the *Treaty* may be continued, and our hopes of ſupply by opening of the *Sea-Ports* and freedom of Trade by Sea and Land, doth ſo far prevail with us, that we reſolve rather to burthen our ſelves with a great part of the maintenance, and to accept of the 850 *l. per diem*, than that the Treaty ſhould be broken up, and the dangerous conſequences to both Kingdoms ſhould follow, which we earneſtly deſire for our parts to prevent.

'Although the beginning of the payment the firſt of *October*, hath been ſtill preſſed and expected by us, and transferring thereof to the 16th of *October*, importeth no ſmall prejudice; yet leſt in any point we ſhould croſs your Lordſhips Laudable endeavours already taken for the ſetling of the payment of the Biruns, and ſufficient ſecurity for afterwards, we receive alſo the conditions.

'And as we deſire there be no need of new Armes and Ammunition, ſo do we not crave liberty that any ſhould be imported during the the Treaty; in this point we are ſatisfied with the liberties of Trade and Commerce by Sea and Land, as in the time of peace, which ‘may be profitable to both Kingdoms, and prejudicial to neither of us.

‘Since both deſire and have accorded, that the *Security* be ſetled in the particulars, and ſigned before we entred upon the demands, it were fit we ſhould now agree upon all the particulars of the ſecurity that there be no more queſtion about it.

‘We deſire alſo your Lordſhips anſwer to ſuch particulars as is expreſſed in our payment given in yeſter-night, which are not yet anſwered; and that the point of *Ceſſation*, the Limits to be offered to both Armies, and the matter of *Coal and Forrage* may be made ſo plain and clear, that there be no miſunderſtanding.

Rippon, Octob. 17. 1640.

A Letter to the Gentlemen and Free-holders of the County of Northumberland *for their relief.*

Octob. 19. 1640.
A Letter to the Gentlemen and Free-holders of *Northumberland*.

After our hearty Commendations unto you, His Majeſty and the Great Council of Peers now aſſembled, much commiſerating the great Loſſes which your County hath ſuſtained by the Scottiſh *Army, and the utter plundering thereof which would in all probability follow, unleſs ſome preſent Remedy be taken for preventing of the ſame, commended it to the care of the Lord Commiſſioners remaining at* Rippon, *that ſome courſe might be taken for your Relief; who finding no other better way, thought fit, That all you of the ſaid County ſhould continue your former Contributions of* Three Hundred Pounds per diem; *which if you ſhall cheerfully and readily do, the ſaid Lords will ſo agree with the* Scottiſh *Commiſſioners, that you may be free in your Perſons, and ſafe in your Eſtates, during the continuance of that Contribution. And you ſhall likewiſe be recommended by his Majeſty and this Great Council to the now approaching Parliament, that you may have Reparation made you, not only for ſuch Contributions as now you ſhall agree unto, but for your former Contributions, and other loſſes ſuſtained by you from the* Scottiſh *Army. And ſince the Gentlemen here attending this Buſineſs for your County, would not conclude you without your own Conſents, We have thought fit, to let you receive from them the Advice and Direction of this Great Council, which for your own good and ſafety, We recommend unto you, and wiſh you to liſten unto, that greater inconveniencies fall not upon you. And ſo We bid you heartily farewell, and reſt*

Your loving friends,

York, October 19. 1640.

J. Finch, Matrevers,
Strange, Clifford.
Mowbray,

About the ſame time the Lords of the Great Council at *York* ſent another Letter to the Lord Mayor, Aldermen and Communalty of the City of *London, viz.*

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A ſecond Letter to the Lord Mayor of *London*, Octob. 19.

York, Octob. 19
A ſecond Letter to the Lord Mayor of *London.*

A*Fter our hearty Commendations to your Lordſhip and the reſt; By our Letters of the twenty fifth of* September *laſt, and by thoſe Lords which were the Bearers of them, We made known unto you, in what condition the Countie of* Northumberland *and the Biſhoprick of* Durham *ſtood, and how much it concerned the adjacent Counties, and in conſequence the whole Kingdom, that his Majeſty ſhould continue his Forces together, till by the happy ſucceſs of the preſent Treaty, or the great Wiſdom of the Parliament, ſome courſe might be taken for a firm Peace or juſt War: Being ſatisfied that his Majeſty was altogether unprovided of Money, for keeping of his Forces together, till the Parliament might have time to ſettle a Courſe therein agreeable to their Wiſdoms. And having all reſolved, That it was neceſſary for his Majeſty to be ſupplyed with the ſumm of* Two Hundred Thouſand Pounds, *as well for continuing his Forces together, as for orderly diſmiſſing of them, when it ſhould be fit ſo to do; We made it our hearty and affectionate requeſt unto you, that you would not at this time be wanting to aſſiſt his Majeſty, and oblige the whole Kingdom by lending that ſumm: for which we then offered (as we ſtill do, and ſhall be ever ready to perform) to joyn with his Majeſty in any ſuch Security, as ſhould be agreed upon by thoſe Lords and your ſelves. We then gave you our Reaſons and Opinions, how much it imported the publick preſervation both of King and Kingdom, aſſuring our ſelves, that the conſideration thereof, with your own affections and love of the publick, would incline you, to lend willing ears to our Requeſts, wherein we find we have not been deceived; your cheerfulneſs and forwardneſs herein, having been repreſented unto us by thoſe Lords that came unto you from this Great Council, for which we give your Lordſhip and the whole City very hearty thanks; his Majeſty making every day his Grace and Goodneſs ſo appear unto us, that we cannot but take infinite comfort in the knowledge and confidence of his gracious Reſolutions, of which we doubt not, but you and the whole Kingdom will very quickly find the comfortable and happy effects. We are now in a hopeful way of making this Treaty ſucceſsful to the Content of both Kingdoms. But in affairs of ſo great weight and importance, time and mature deliberation are requiſite, leſt by precipitate Counſels, the danger might be increaſed, inſtead of being prevented: ſo as we cannot yet find any reaſon, to adviſe the diſbanding his Majeſties Forces; eſpecially ſince by the Wiſdom of the Lords Commiſſioners deputed by his Majeſty and this Great Council to treat with thoſe of* Scotland, *care is taken for relieving the Counties of* Northumberland *and the Biſhoprick of* Durham, *by a Contribution to the* Scots *Army, during the Treaty; that ſo by a preſent Ceſſation of Arms, thoſe greater Inconveniencies may be avoided, which otherwiſe would light upon his Majeſties Subjects in thoſe parts. And as the keeping together of his Majeſties Forces till thoſe of* Scotland *disband, cannot but facilitate and advance the Treaty; ſo it were diſhonourable and unſafe, that his Majeſties Army ſhould not in the mean time be well provided for: therefore we once again earneſtly and heartily pray you, as you tender the publick good and ſafety, to make all poſſible ſpeed in ſupplying his Majeſty preſently with the remainder of the* Two Hundred Thouſand Pounds, *that it be not uſeleſs to his Majeſty and the Kingdom, by the too late furniſhing of it. For ſhould his Majeſty*

jeſty for lack of means to pay his Army, be inforced to diſſolve it, the whole Kingdom would be in apparent and eminent danger. The care of preventing this publick Danger, wherein we are all ſo deeply concerned, hath been the Cauſe of theſe our ſecond Letters, that you might truly underſtand the neceſſity of your ſpeedy aid and aſſiſtance. By thoſe Lords which we ſent unto you with our firſt Letters, we gave you notice of thoſe dayes of payment, which his Majeſties Occaſions did require, which were the 12th of this Month for Fifty Thouſand Pounds, the 15th of November for One Hundred Thouſand Pounds, and the firſt of December for the laſt Fifty Thouſand Pounds. And upon conſideration of the State of his Majeſties Army, we plainly foreſee, That if you ſhould fail his Majeſty, and our very earneſt deſires herein, it would be impoſſible for his Majeſty to hold his Forces together; which we all with one heart earneſtly wiſh and adviſe his Majeſty ſhould do. And cannot but again and again very affectionately commend the ſame to your Loves and Care. And ſo we bid you heartily farewell, and reſt

Your very loving friends.

York, October 19. 1640.

To our very Loving Friends, the Lord Mayor, the Aldermen and Commonalty of the City of *London*.

The Lords Commiſſioners to the King to tranſfer the Treaty to *London*.

May it pleaſe your Majeſty,

WE have thought it fit to give your Majeſty a perfect Account of the Eſtate of your affairs at this preſent, which we conceive will beſt be done, by tranſmitting unto your Majeſty the Papers themſelves, which go herein incloſed; your Majeſty will ſee, that the Scotch Commiſſioners are not fully and finally ſatisfied with the Security which we have been yet able to propound unto them for the raiſing of the Eight Hundred and Fifty Pounds a day, which was the Contribution formerly ſetled by the Countrey with them. But finding that they are very clearly dealt withal, and that all poſſible endeavours are uſed for their ſatisfaction in this point, they think it fit to repreſent the true State of the buſineſs to thoſe of Newcaſtle; and in the interim, although their Inſtructions be, not to enter into the main Treaty, until the Competency for the maintenance of their Army be fully ſecured; yet for the beginning of time, they are contented to enter upon a debate of their Demands, and ſo to prepare them, that they may be in a readineſs for a concluſion when they ſhall receive power; and this day (God willing) we ſhall give a beginning unto that work. But we entring into a due conſideration of the multitude of the Articles to be treated of, and of the intricacy and difficulty of many of them, and likewiſe, that divers of the ſaid Articles cannot be ſetled before the Parliament, the time whereof approacheth ſo faſt, that there will be few dayes left to be employed in the ſetling of this Treaty, before there will be a neceſſity for us to undertake our Journey towards the Parliament, we have holden it our Duties to repreſent this ſtraitneſs of time unto your Majeſty, and with it our moſt humble Opinion, that as you were formerly pleaſed, that this Treaty might have been transferred from Rippon to York; ſo you will be now pleaſed, that it be transferred from hence to London, without breaking or diſſolving of the Treaty; and that you would be pleaſed to give us Power to treat and ſettle the ſaid

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Removal with the Scotch *Commiſſioners. All which we muſt humbly ſubmit to your Majeſties great Wiſdom.*

One thing further we preſume to repreſent unto your Majeſty, which is the preſent opening of the Ports; being a thing as much deſired by your Majeſties Subjects of England, *as by the* Scots. *And that it is already agreed by the Articles of the Ceſſation, and likewiſe aſſented unto by your Majeſty by the Advice of the Peers, that both the Ports and Trade by Sea and Land might be ſet free upon the firſt entrance into the Treaty. Many other Reaſons there are, eſpecially concerning the Coal, which are repreſented unto us, both for the benefit of* London *and the whole Kingdom; by which it is made apparent unto us, that much more diſadvantage would redound unto your Majeſties good Subjects, than to the* Scots, *if any ſuch ſtop of Trade ſhould be continued. God have your Majeſty in his holy keeping.*

Your Majeſties moſt humble and moſt
obedient Subjects.

Rippon, Octob. 21. 1640.

All the Sixteen Commiſſioners ſigned this Letter.

To the King moſt Excellent Majeſty.

To this Letter of the Commiſſioners the King commanded the Lord Keeper to write an Anſwer as followeth:

My very good Lords,

The Kings Anſwer.

H*Is Majeſty calling this Day the* Great Council, *was pleaſed to acquaint them with* thoſe Papers *your Lordſhips ſent, together with a Letter to his Majeſty from your ſelves. Upon ſome Debate had, his Majeſty and my Lords commanded me to write thus much to your Lordſhips, that they held it moſt neceſſary, that a Ceſſation of Arms be abſolutely concluded and agreed on before his Majeſty or your Lordſhips depart hence. Upon which Ceſſation, and not before, the Ports to be opened, and free Trade permitted: but not for bringing in of Ammunition to* Newcaſtle, *as your Lordſhips may remember, was alwayes inſiſted upon. Their Lordſhips are likewiſe of opinion, that your Lordſhips ſhould endeavour to procure the* Scottiſh *Commiſſioners preſently to clear their demands, by delivering the particulars thereof in writing to your Lordſhips, and explaining them, ſo as it may be fully underſtood what it is they expect; and eſpecially in point of Satisfaction for their Coſts and Damages. This his Majeſty and the Lords believe will be a very eaſie work, and take but little time, ſince it is in effect offered by the* Scottiſh *Commiſſioners in one of their Papers dated the twentieth of this Month. This done, his Majeſty and my Lords will take into conſideration, the adjourning the Treaty to* London, *and let your Lordſhips receive his Majeſties pleaſure therein. I reſt*

Your Lordſhips moſt humble and affectionate ſervant,

York, Octob. 21. 1640.

Jo. Finch, C. S.

To

To the Lord Keeper, *October* 23.

The Lords Commiſſioners Letter to the Lord Keeper.

Our very good Lord,

WE have received your Lordſhips Letter, and give your Lordſhip many thanks for your Care in giving us ſo ſpeedy an Anſwer; we have now ſent our humble Advice to his Majeſty, that we all conceive it moſt conducing to his Majeſties ſervice, that the Treaty be transferred *to* London: *and do humbly beſeech his Majeſty, that we may receive power and directions to treat and ſettle with the* Scots *all particulars belonging to the ſame. We do intreat your Lordſhip, to afford your Aſſiſtance for the expediting of this Diſpatch; for if it be delayed, we ſhall not well be able to reach* York *to morrow night; which would fall out very prejudicial to us in point of time for our Journey to* London. *Thus we commit your Lordſhip to the protection of the Almighty, and reſt*

Your Lordſhips friends and ſervants.

Rippon, Octob. 23. 1640.

Signed by all the Lords Commiſſioners.

The Treaty transferred to *London.*

CHARLES REX.

RIght Truſty and right well beloved Couſins and Counſellours of our Great Council, and right Truſty and well beloved Counſellors of our ſaid Great Council, We greet you well. Whereas We have received your unanimous Advice, That it will moſt conduce to Our ſervice, that the preſent Treaty *with our Subjects of* Scotland, *be* transferred from Rippon *to* London, *We are ſo confident as well of your judgements and diſcretions, as of your fidelity to Our ſervice, That we cannot but condeſcend thereunto. And do therefore hereby give you or any Ten or more of you, full power and authority to treat and ſettle with our ſaid Subjects of* Scotland, *all particulars belonging to the ſaid Removal. For which this ſhall be your ſufficient Warrant. Given at our Court at* York *this Three and Twentieth day of* October *in the Sixteenth Year of our Reign.*

THe time of Meeting for the Parliament approaching, his Majeſties Commiſſioners concluded to adjourn the Treaty from *Rippon* to that City, and ſent the Powers and Directions to that purpoſe ſigned with his own hand to the ſaid Lords, by which he impowered any Ten or more of them, to treat and ſettle with his Subjects of *Scotland* all particulars concerning the ſaid Removal: his Majeſty leaving the Circumſtances to their Lordſhips Wiſdoms; only he recommended two things to their Care. Firſt, The ſetling the Ceſſation of Arms: and Secondly, The procuring from the *Scottiſh* Commiſſioners, as full and clear a ſetting forth of their Demands as poſſibly they could.

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IN the mean time his Majeſty did deliberate about the increaſe of his Forces at *Stockton* Caſtle, a place of great importance, ſcituate on the River of *Tees* the Border of the *Biſhoprick* and *Yorkſhire*, in regard the *Scots* had brought in more men to *Newcaſtle*, and placed more at *Durham*, than were at the beginning of the Treaty. However to avoid all ſuſpicion and jealouſie, his Majeſty was pleaſed to wave thoſe intentions.

Upon the twentieth of *October* a Ceſſation of Arms was agreed on by both parties upon theſe Articles.

Articles agreed on concerning the Ceſſation of Arms, betwixt the English *and* Scottish *Commiſſioners at* Rippon *the twenty ſixth day of* October 1640.

Ceſſation of Arms agreed on, *Octob.* 26.

‘1. THat there be a Ceſſation of Arms both by Sea and Land ‘from this preſent.

‘2. That all Acts of Hoſtility do henceforth ceaſe.

‘3. That both parties ſhall peaceably retain, during the Treaty, ‘whatſoever they poſſeſs at the time of the Ceſſation.

‘4. That all ſuch perſons who live in any of his Majeſties Forts ‘beyond the River of *Tees*, ſhall not exempt their Lands which lye ‘within the Counties of *Northumberland* and the *Biſhoprick* from ſuch ‘Contribution, as ſhall be laid upon them for the payment of the ‘850 *l.* a day.

‘5. That none of the Kings Forces upon the other ſide of *Tees*, ‘ſhall give any impediment to ſuch Contributions, as are already ‘allowed for the Competency of the *Scotch* Army, and ſhall take no ‘Victuals out of the bounds, except that which the Inhabitants and ‘Owners thereof ſhall bring voluntarily to them: And that any ‘reſtraint or detention of Victuals, Cattle and Forrage which ſhall be ‘made by the *Scots* within thoſe bounds for their better maintenance, ‘ſhall be no breach.

‘6. That no Recruits ſhall be brought unto either Army from the ‘time of the Ceſſation, and during the Treaty.

‘7. That the Contribution of 850 *l.* a day, ſhall be only raiſed ‘out of the Counties of *Northumberland*, the *Biſhoprick*, Town of ‘*Newcaſtle*, *Cumberland* and *Weſtmorland*; and that the not payment ‘thereof ſhall be no breach of the Treaty; but the Counties and ‘Town ſo failing, it ſhall be left to the *Scotch* power to raiſe the ſame, ‘but not to exceed the ſumm agreed upon, unleſs it be for the charges ‘of driving to be ſet by the Commiſſioners of the Forrage.

‘8. That the River of *Tees* ſhall be the bounds of both Armies, ‘excepting alwayes the Town and Caſtle of *Stockton*, and the Village of *Eggscliffe*: And that the Counties of *Northumberland* and ‘the Biſhoprick of *Durham* be the Limits, within the which the ‘*Scottiſh* Army is to reſide; ſaving alwayes Liberty for them to ſend ‘ſuch Convoyes, as ſhall be neceſſary for the gathering up only of ‘the Contributions which ſhall be unpaid by the Counties of *Weſtmorland* and *Cumberland*.

'9. If any perſons commit any private Inſolencies, it ſhall be no breach of the Treaty, if (upon Complaint made by either party) reparation and puniſhment be granted.

'10. If Victuals be deſired upon that price which ſhall be agreed upon, and ready Money offered for the ſame, and refuſed; it ſhall be no breach of the Ceſſation, to take ſuch Victuals, paying ſuch price.

'11. No new Fortifications to be made during the Treaty, againſt either party.

'12. That the Subjects of both Kingdoms, may in their Trade and Commerce freely paſs to and fro, without any Paſs at all; but that it be particularly provided, that no member of either Army ſhall paſs without a formal Paſs under the hand of the General, or of him that commandeth in Chief.

Bedford.
Briſtoll.
Holland.
Berkſhire.
Ed. Mandevile.
Ph. Wharton.
Ro. Brook.
J. Paulett.
Ed. Howard.
F. Dunſmore.

Dunſermeling.
Lowdon.
Patrick Hepburne.
William Douglaſs.
J. Smith.
William Wedderburn.
Alex. Henderſon.
William Johnſtown.

At Newcaſtle.

THe Committee appointed by the Eſtates of Parliament reſident at *Newcaſtle* do approve the within written Articles.

Rothes.
Lowthian.
Balmerino.
Napier.

W. Riccartown.
Tho. Hope.
Gibſon Durie.
Ja. Sword.

The Reaſons of the Lord Commiſſioners for giving of their Advice to his Majeſty for the Confirmation of the Treaty at Rippon, *the* 17th *day of* October 1640.

The Commiſſioners reaſons for their advice to his Majeſty to confirm the Treaty.

'ON the twenty ſeventh of *October* the Lords Commiſſioners returned to *York*, and in the Afternoon waited upon the King in his Great Council of the Peers. The Earl of *Briſtoll* by direction of the Lords, gave a ſhort account of the proceedings in the Treaty. And then were read both the Articles for the Ceſſation of Arms, and the Articles of eaſing of the Counties under the *Scottiſh* power, and for a Competency for the Maintenance of the *Scottiſh* Army during the Treaty. After the Narration and Examination of ſome particular Articles, It was declared by his Majeſty and the Peers then preſent, That the Commiſſioners had

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'had in all things proceeded punctually according to their In-'ſtructions.

'His Majeſty then demanded of the Lords, Whether they would 'counſel him to confirm the ſaid Treaty, and required them, 'that they would therein give their Advice. Whereunto it was 'replyed in the name of the Commiſſioners, that as they had ſerved 'his Majeſty in this Treaty with exact fidelity, ſo in their Advice 'and Counſels they would be glad to ſerve him according to their 'Conſciences: the firſt being an Act of pure Obedience, the other 'of their Judgements and Opinions. And therefore they humbly 'beſought his Majeſty, that they might retire and conferr among 'themſelves: Which his Majeſty was graciouſly pleaſed to aſſent un-'to. Upon their debating and weighing of the particulars of 'the ſaid Treaty, they found that it could not but be held deroga-'tory to the honour of the King and Kingdom, to treat at all with 'Subjects, and ſuch as had already actually poſſeſſed themſelves of 'ſeveral Provinces of this Kingdom. They found likewiſe many of 'the Articles unfit to have been condeſcended unto by any Army, 'that had been but in a probable condition of defence. They there-'fore thought it not fit for them, abſolutely to give the King any 'ſuch advice, unleſs they might jointly with it obtain his Majeſties 'leave, to make unto him a Declaration of ſuch Reaſons and Mo-'tives, as induced them to give the ſaid Advice; which being aſ-'ſented unto by his Majeſty, they cauſed a ſhort Declaration to be 'read, to the effect of that which followeth.

'That they muſt crave his Majeſties leave, to reduce into his Me-'mory, thoſe Reaſons and Motives, which firſt induced the Lords 'of the Great Council to adviſe his Majeſty to admit of a Treaty, 'then of a Ceſſation of Arms, and laſtly of a Competency towards 'the maintenance of the *Scottiſh* Army, thereby to ſave the Coun-'treys under the the *Scotch* power from plundering. For that the 'ſame Motives, which had produced the former unanimous Counſel 'of the Peers, were likewiſe now to be the grounds of their preſent 'advice, which they held fit to be ſet down by way of Declaration, 'for the better Juſtifying of this their advice, both towards his 'Majeſty, and towards the World.

'They then declared, that at the firſt aſſembling of the Great 'Council, his Majeſty propounded two things unto them; the one, 'How his Majeſties own Army might be held together, until it 'might be helped by thoſe Supplies which were hoped for by Parlia-'ment? The Peers with great alacrity and affection fell preſently in-'to debate, how a conſiderable Supply might ſpeedily be raiſed. 'And conceiving no means ſo effectual, as by a Loan of *Two Hundred* '*Thouſand Pounds* by the City of *London*; they cheerfully and unani-'mouſly offered their Security by Bond, to be joyned with ſuch as 'ſhould be offered on his Majeſties behalf, if need ſhould ſo require. 'And to that effect they wrote their Letters to the Mayor and Citi-'zens of *London*, and diſpatched away divers of the Peers, to ſo-'licite and take care of the ſaid Loan.

'The ſecond Propoſition made by his Majeſty was, What anſwer 'he ſhould give unto the *Scots*, and in what way he ſhould treat with ‘them? having formerly promiſed an Anſwer to their Petition ‘preſently upon the meeting of the Great Council. Hereunto the ‘Peers made anſwer, that they could not well give any advice herein, without a perfect information of the State of his Majeſties Affairs, and the preſent condition of his Army; which points falling ‘then naturally under debate, it was upon examination found, that ‘the *Scotch* Army had paſſed the River of *Tyne*; and that upon diſputing the paſſage at *Newburn*, our Horſe were put to the worſt, and ‘had retired in diſorder. That his Majeſties Army of Foot then in ‘*Newcaſtle*, had likewiſe retired from thence unto *York*; whereby ‘that Town fell the next day into the hands of the *Scots* without reſiſtance: ſo likewiſe did the whole Countries of *Northumberland* and ‘the *Biſhoprick*; which were preſently drawn into Contribution, ‘*Newcaſtle* paying *Two Hundred Pounds per diem*; *Northumberland* ‘*Three Hundred Pounds*, and the *Biſhoprick Three Hundred and Fifty*. ‘And it was declared by Mr. Secretary *Vane*, that theſe Contributions were not condeſcended unto by the Countreys, until they were ‘put out of all hope of Protection by the Kings Forces. For he delivered it in the Great Council, that the chief Gentlemen of the ‘*Biſhoprick* addreſſing themſelves unto him, he carryed them to his ‘Majeſty, who was pleaſed to referr them to the Lord Lieutenant; ‘who poſitively declared unto them, that they could not expect any ‘relief from his Majeſty; and therefore left them to make the beſt ‘Conditions they could for themſelves and their Eſtates.

‘The Lord Lieutenant likewiſe declared in the Great Council, ‘That it was not poſſible to keep the Counties of *Cumberland* and ‘*Weſtmorland* out of the *Scottiſh* power, whenſoever they ſhould ‘endeavour to take them in: And for the Town of *Newcaſtle*, he ‘ſaid it was not to be gotten out of the *Scots* hands this Winter, although his Majeſty had an Army of One Hundred Thouſand Men. ‘He further declared, That (unleſs it were by the Difficulties of ‘an Army to march in Winter) the *Scotch* Army could not be hindered from paſſing forwards into *England*; for that the Paſſages of ‘the River of *Tees*, which is the Boundary of *Yorkſhire*, was not to ‘be defended, being in many places fordable by Forty Horſes in Front; ‘neither could the ſaid Army be kept from marching up unto *York*, ‘without the adventuring to give them Battle; which his Lordſhip ‘ſaid he would not adviſe: neither conceives he his Majeſties Army ‘for the preſent, to be in a fitting poſture to fight. For although it ‘conſiſted of a conſiderable number, and very good bodies of men; ‘yet, for want of uſe of their Arms, he held it not fit to rely upon ‘them, eſpecially where ſo much was to be hazarded, and ſo little ‘to be gained.

‘Upon theſe grounds, the Great Council formerly gave their ‘Advice unto his Majeſty for the Treaty concerning a Ceſſation of ‘Arms, and eaſing of the Counties under the *Scotch* power, by ſetling ‘a Competency by agreement. And upon the ſame grounds, the ‘Commiſſioners (finding no Cauſe by any Alteration in his Majeſties affairs for the better, but rather ſome doubts and uncertainties ‘about the Supplies from the City of *London* (as was publickly declared unto the Great Council of the Peers) and that there was ‘not means for the payment of the Army for one Fortnight longer) ‘the ſaid Commiſſioners upon theſe grounds, (as likewiſe, there

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'being no reaſon to queſtion his Majeſties powers granted unto them 'under the Great Seal of *England*, by which they had treated and 'concluded the Articles by them ſigned, did give their Advice to his 'Majeſty, to Confirm the ſaid Articles, and all that had been ſigned 'and condeſcended unto by the ſaid Commiſſioners; conceiving it 'to be great Wiſdom in a Prince (in caſes of Neceſſity) to diſpenſe 'with the ſtrict rules of Honour, for the ſafety and preſervation of 'his Eſtate and people.

'And upon the ſame reaſons, the reſt of the Peers there preſent, 'concurred in their Advices unto his Majeſty. And thereupon his 'Majeſty was pleaſed the ſame day, in the preſence of the ſaid Great 'Council, to confirm under his Hand and Signet, all that had paſſed 'and been agreed upon betwixt his Majeſties Commiſſioners and the 'Commiſſioners of the *Scotch* Army.

A Plot diſcovered by the Arch-Biſhop of *Canterbury* to the King.

WHileſt the King was at *York* in the Month of *September*, the Arch-Biſhop of *Cant.* thought fit to acquaint his Majeſty by Letter of a great Plot and Deſign tending to the deſtruction of his Majeſty and Proteſtant Religion; which being a thing of great concern, the Author thinks fit to communicate the ſame as it is confirmed by the Arch-Biſhop of *Canterbury*'s own Hand-writing.

Here followeth Sir *William Boſwell*'s firſt Letter, which he ſent to the Arch-Biſhop of *Canterbury* concerning the Plot.

Sir *William Boſwell*'s firſt Letter to the Arch-Biſhop of *Canterbury* concerning the Plot.

May it pleaſe your Grace,

Sir *William Boſwell*'s firſt Letter to the Arch-Biſhop of *Canterbury* concerning the Plot.

*T*HE *offers* (*whereof your* Grace *will find a* Copy) *here encloſed towards a further and more particular Diſcovery, were firſt made unto me at the ſecond hand, and in ſpeech, by a friend of good Quality and worth in this place; but ſoon after (as ſoon as they could be put into order) were avowed by the Principal Party; and delivered me in Writing by both together, upon promiſe and Oath, which I was required to give, and gave accordingly, not to reveal the ſame to any other man living but your* Grace, *and by your* Graces *hand unto his Majeſty.*

In like manner they have tyed themſelves not to declare theſe things unto any other but my ſelf, until they ſhould know how his Majeſty and your Grace *would diſpoſe thereof. The Principal giving me withal to know, that he puts himſelf and this Secret into your* Graces *Power, as well becauſe it concerns your* Grace *ſo nearly after his Majeſty, as that he knows your Wiſdom to guide the ſame aright, and is aſſured of your* Grace's *Fidelity to his Majeſties Perſon, to our State and to our Church.*

Firſt, Your Grace *is humbly and earneſtly prayed, to ſignifie his Majeſties pleaſure (with all poſſible Speed) together with your* Graces *Diſpoſition herein, and purpoſe to carry all with ſilence from all but his Majeſty until due time.*

Secondly, When your Grace *ſhall think fit to ſhew theſe things unto his Majeſty, to do it immediately, not truſting to Letters, or permitting any other Perſon to be by or in Hearing; And to entreat and counſel his Majeſty as in a caſe of Conſcience to keep the ſame wholly and ſolely in*

his

16 Caroli.

his own Boſome, from the knowledge of all other Creatures living but your Grace; until the buſineſs ſhall be clear, and ſufficiently in his Majeſties and your Graces hands to effect.

Thirdly, Not to Enquire or Demand the Names of the Parties from whom theſe Overtures do come, or any further Diſcoveries and Advertiſements in Purſuit of them which ſhall come hereafter, until due ſatisfaction ſhall be given in every part of them. Nor to bewray unto any Perſon but his Majeſty in any meaſure or kind, that any thing of this nature, or of any great Importance is come from me.

For as I may believe theſe Overtures are Verifiable in the way they will be laid, and that the Parties will not ſhrink; ſo I make account that if never ſo little a glimpſe or ſhadow of theſe Informations ſhall appear by his Majeſties or your Graces Speech or Carriage unto others, the means whereby the buſineſs may be brought beſt unto Tryal will be utterly diſappointed; and the Parties who have in Conſcience towards God, and Devotion to his Majeſty, affection to your Grace, and Compaſſion of your Countrey, diſcloſed theſe things, will run a preſent and extream hazard of their Perſons and Lives. So eaſily it will be conjectured (upon the leaſt occaſion given upon his Majeſties or your Graces parts) who is the diſcoverer; by what means and how he knows ſo much of theſe things, and where he is: theſe are the points, which together with the offers they have preſſed me eſpecially to repreſent moſt ſeriouſly unto your Grace.

For my own particular having moſt humbly craved pardon of any Errour or Omiſſions, that have befaln me in the Meſſaging of this buſineſs, I do beſeech your Grace to let me know;

Firſt, Whether, and in what order I ſhall proceed hereafter with the Parties.

Secondly, What points of theſe Offers I ſhall chiefly and firſt put them to enlarge and clear.

Thirdly, What other points and Enquiries I ſhall propoſe unto them, and in what manner.

Fourthly, How far further I ſhall ſuffer my ſelf to hear and know theſe things.

Fifthly, Whether I ſhall not rather take the Parties Anſwers and Diſcoveries ſealed up by themſelves, and having likewiſe put my own Seal upon them, without queſtioning what they contain, ſo to tranſmit them to his Majeſty or your Grace.

Sixthly, whether I may not inſinuate upon ſome fair occaſions, that there will be a due regard held of them and their Service, by his Majeſty and your Grace, when all Particulars undertaken in theſe General Offers, and neceſſary for Perfection of the diſcovery and work intended, ſhall be effectually delivered to his Majeſty or your Grace.

Upon theſe Heads, and ſuch other as his Majeſty and your Grace ſhall think proper in the buſineſs, I muſt with all humility beſeech your Grace to furniſh me with Inſtructions, and Warrant for my Proceedings under his Majeſties hand with your Graces atteſtation, as by his Majeſties goodneſs and royal diſpoſition is uſual in like caſes.

May it pleaſe your Grace to entertain a Cypher with me upon this occaſion, I have ſent the Counter-part of one here encloſed: In the vacant ſpaces whereof your Grace may inſert ſuch Names more, with Numbers to them, as you think requiſite.

If theſe Overtures happily ſort with his Majeſties and your Graces mind, and ſhall accordingly prove effectual in their operation, I ſhall think my

An. 1640.

ſelf a moſt happy man to have had my Oblations in ſo Pious a Work for my moſt Gracious Soveraign and Maſter: more particularly, in that your Grace *under his Majeſty ſhall be,* Opifex rerum & mundi melioris origo. *Which I ſhall inceſſantly begg in my Prayers at his hands, who is the giver of all good things, and will never forſake or fail them, who do not firſt fail and fall from him,* The God of all mercy and peace, with which I ſhall remain ever

Your Graces moſt Dutiful and
obliged Servant,

William Boſwell.

I have not dared more to truſt this buſineſs without a Cypher, but by a ſure hand, for which I have ſent this Bearer my Secretary Expreſs, but he knoweth nothing of the Contents hereof.

Sr. *William Boſwell*'s Endorſement, *For your Grace.*
Hague in *Holland*, *Sept.* 9. 1640. *Stil. loci.*

The Arch-biſhops Endorſement with his own hand.
Received Sept. 10. 1640. *Sir* William Boſwell'*s Letter about the Plot againſt the King.*

Andreas ab Habernfield his Letter to the Arch Biſhop of *Canterbury* concerning the Plot revealed to him, Dated at the *Hague Septemb.* 14. *New Stile*, 1640. which he ſent encloſed in Sir *William Boſwell*'s firſt Letter, *Septemb.* 14. 1640.

Andreas ab Habernfeld his Letter to the Arch-Biſhop of *Canterbury.*

Moſt Illuſtrious and moſt Reverend Lord,

ALL my Senſes are ſhaken together as often as I revolve the preſent buſineſs, neither doth my underſtanding ſuffice (to conceive) what wind hath brought ſuch horrid things, that they ſhould ſee the Sun-ſhine by me; for beſides expectation this good man became known unto me, who when he had heard me diſcourſing of theſe Scottiſh ſtirs, *ſaid, that I knew not the* nerve *of the buſineſs, that theſe things which are commonly ſcattered abroad are ſuperficial. From that hour he every day became more familiar to me, who acknowledging my Dexterity herein with a full breaſt poured forth the burdens of his Heart into my boſome, ſuppoſing that he had diſcharged a burden of Conſcience wherewith he was preſſed. Hence he related to me the Factions of the* Jeſuits, *with which the whole earthly world was aſſaulted, and ſhewed, that I might behold how through* their poyſon, Bohemia *and* Germany *were devoured, and both of them maimed with an irreparable wound; that the ſame Plague did creep through the Realms of* England *and* Scotland, *the matter whereof revealed in the adjacent writing he diſcovered to me: which things having heard, my Bowels were contracted together, my Loyns trembled with horrour that a* *pernicious Gulf ſhould be prepared for ſo many thouſands of ſouls, with words moving the Conſcience; I inflamed the mind of the man, he had ſcarce one hour concocted my admonitions but* he diſcloſed all the ſecrets, *and he gave free liberty that I ſhould treat with thoſe whom it concerned, that they might be informed hereof. I thought no delay was to be made about the things; the ſame hour went to Sr.* William Boſwell *the King's Leger at the* Hague, *who being tyed with an* Oath of Secrecy *to me, I communicated the buſineſs to him, I admoniſhed him to weigh theſe things by the ballance, neither to deferr but act, that thoſe who were in danger might be ſpeedily ſuccoured; He as becomes an honeſt man, mindful of his duty, and having nearer looked into the buſineſs, refuſed not to obey the monitions; moreover he forthwith cauſed that an Expreſs ſhould be diſpatched, and ſent word back again what a moſt acceptable oblation this had been to the King, and your Grace, for which we rejoiced from the Heart, and we judged that a ſafe and favourable Deity had interpoſed it ſelf in this buſineſs, whereby you might be preſerved.*

Now that the verity of the things related might be confirmed, ſome principal heads of the Conſpiracy were purpoſely pretermitted, that the knowledge of them might be extorted from the circumvented Society of the Conſpirators.

Now the things will be ſpeedily and ſafely promoted into Act if they be warily proceeded in at Bruxels. *By my advice, that day ſhould be obſerved wherein the Packet of Letters are diſpatched, which under the title of, To* Monſ. Strario *Arch-Deacon of* Cambray, *tyed with one Cover are delivered to the Poſt-maſter; ſuch a Packet may be ſecretly brought back from him, yet it will be unprofitable becauſe all the incloſed Letters are written Characteriſtically: likewiſe another Packet coming weekly from* Rome, *which is brought under this Subſcription,* To the moſt Illuſtrious Lord Count *Roſetti Legat for the time; theſe are not to be neglected; to whom likewiſe Letters writ in the ſame Character are included; That they may be underſtood,* Read *is to be conſulted with. The forenamed day of diſpatch ſhall be expected: In* Read's *Houſe an accumulated Congregation may be circumvented, which ſucceeding, it will be your Graces part to order the buſineſs. The inteſtine Enemy being at length detected by* Gods *Grace, all bitterneſs of mind which is cauſed on either ſide may be aboliſhed, delivered to Oblivion, deleted and quieted, the enemy be invaded on both parts: thus the King and the Kings Friends and both Kingdoms near to danger ſhall be preſerved, delivered from iminent danger.*

Your Grace likewiſe may have this Injunction by you, if you deſire to have the beſt advice given you by others, that you truſt not overmuch to your Purſevants, for ſome of them live under the ſtipend of the Popiſh party; How many Rocks and how many Scylla's, how many diſpleaſed Charybdes appear before your Grace, in what a dangerous Sea the Cockboat of your Graces life, next to Shipwrack is toſſed, your ſelf may judge, the Foredeck of the Ship is ſpeedily to be driven to the Harbour.

All theſe things I whiſper into your Graces ear, for I know it bound with an oath of Secreſie, therefore by open Name I would by theſe preſents become known to your Grace,

Your Graces moſt Obſervant and
moſt Officious,

Hague Sept. 14. S. N. 1640.

Andrew Habernfeld.

An. 1640.

Andreas ab Habernſeld a Chaplain (as ſome affirm) to the Queen of *Bohemia*, his Endorſement hereon,

Illuſtriſſimo ac Reverendiſſimo Dom. Domino Gulielmo Archiepiſcopo Cantuarienſi, Primati & Metropolitano totius Regni Angliæ, Domino meo.

The Arch-Biſhops Endorſement with his own hand,

Received Octob. 14. 1640. Andreas ab Habernfield *his Letters ſent by Sir* William Boſwell *about the Diſcovery of the Treaſon.*

The General Overture and Diſcovery of the Plot ſent with Sir William Boſwell's *firſt Letter*, Sept. 6. 1640. *Foraign Stile.*

The general diſcovery of the Plot by *A. Habernſeld.*

THE King's Majeſty and Lord Arch-Biſhop of *Canterbury* are to be ſecretly informed by Letters,

‘1. That the King's Majeſty and Lord Arch-Biſhop are both of them in great danger of their lives.

‘2. That the whole Common-wealth is by this means endangered, unleſs the miſchief be ſpeedily prevented.

‘3. That theſe *Scottiſh* troubles are raiſed, to the end, that under this pretext the King and Arch-Biſhop might be deſtroyed.

‘4. That there is a means to be preſcribed, whereby both of them in this caſe may be preſerved, and this tumult ſpeedily compoſed.

‘5. That although theſe *Scottiſh* tumults be ſpeedily compoſed, yet that the King is endangered, and that there are many wayes by which deſtruction is plotted to the King and Lord Arch-Biſhop.

‘6. That a certain Society hath conſpired, which attempts the death of the King and Lord Arch-Biſhop, and Convulſion of the whole Realm.

‘7. That the ſame Society every week depoſits with the Preſident of the Society, what intelligence every of them hath purchaſed in eight dayes ſearch, and then conferr all into one Packet, which is weekly ſent to the Director of the buſineſs.

‘8. That all the Confederates in the ſaid Conſpiracy may verily be named by the Poll, but becauſe they may be made known by other means, it is thought meet to deferr it till hereafter.

‘9. That there is a ready means whereby the Villany may be diſcovered in one Moment, the chief Conſpirators circumvented, and the primary members of the conjuration apprehended in the very Act.

10. That very many about the King, who are accounted moſt faithful and intimate, to whom likewiſe the more ſecret things are intruſted, *are Traytors to the King*, corrupted with a Foraign Penſion, who communicate all ſecrets of greater or leſſer moment to a Foraign power.

11. Theſe and other moſt ſecret things which ſhall be neceſſary to be known for the ſecurity of the King, may be revealed if theſe things ſhall be acceptable to the Lord Arch-Biſhop.

‘12. In the mean time, if his Royal Majeſty, and the Lord Arch-Biſhop deſire to conſult well to themſelves, they ſhall keep theſe things only ſuperficially communicated unto them, moſt ſecretly under deep ſilence, not communicating them ſo much as to thoſe whom they judge moſt faithful to them, before they ſhall receive by name in whom they may confide, for elſe they are ſafe on no ſide. Likewiſe they may be aſſured, that whatever things are here propoſed are no Figments, nor Fables, nor vain dreams, but ſuch real verities which may be demonſtrated in every ſmall tittle, for thoſe who thruſt themſelves into this buſineſs are ſuch men who mind no gain, but the very Zeal of Chriſtian Charity ſuffers them not to conceal theſe things, yet both from his Majeſty and the Lord Arch-Biſhop ſome ſmall Exemplar of Gratitude will be expected.

‘All theſe premiſes have been Communicated under good Faith, and the Sacrament of an Oath, to Mr. *Leiger* Embaſſador of the King of Great *Britain* at the *Hague*, that he ſhould not immediately truſt, or communicate theſe things to any Mortal, beſides the King and the Lord Arch-Biſhop of *Canterbury*.

Subſcribed, *&c.*

Preſent *&c.*

Hagæ Com. Sept. 6. 1640.
In the ſtile of that place.

Detectio, &c. offerenda Sereniſſimæ Regiæ Majeſtati Britanniæ & Dom. Archiepiſcopo Cantuarienſi, &c. Sept. 6. 1640.

The Arch-Biſhop's own Endorſement,
Received Sept. 10. 1640. *The Plot againſt the King.*

The Arch-Biſhop of *Canterbury*'s Letter to the King concerning the Plot, with the Kings direction in the Margin, written with his own hand.

The Arch-Biſhops Letter to the King concerning it.

May it pleaſe your Majeſty,

AS great as the ſecret is which comes herewith, yet I chooſe rather to ſend it in this ſilent covert way, and I hope ſafe, than to come thither, and bring it my ſelf. Firſt, becauſe I am no way able to make haſte enough with it. Secondly, becauſe ſhould I come at this time and antedate the meeting Sept. 24. *there would be more jealouſie of the buſineſs, and more enquiry after it, eſpecially, if I being once there, ſhould return again before that day, as I muſt if this be followed, as is moſt fit.*

I beſeech your Majeſty read theſe Letters as they are Endorſed, *&c.* 1, 2, 3, *&c.*

Ye had reaſon ſo to do.

The Danger it ſeems is imminent, and laid by God knows whom, but to be executed by them which are very near about you (for the great honour which I have to be in danger with you, or for you, I paſs not, ſo your Sacred Perſon and the State may be ſafe.) Now may it pleaſe your Majeſty, This information is either true, or there is ſome miſtake in it: if it be true, the perſons which make the diſcovery will deſerve thanks and reward; if there ſhould be any miſtake in it, your Majeſty can loſe nothing but a little ſilence.

It is an unanſwerable Dilemma.

I concur totally with you in opinion, aſſuring you that no body doth or ſhall know of this buſineſs, and to ſhew my care to conceal it, I received this but this Afternoon, and now I make this diſpatch before I ſleep.

The buſineſs (if it be) is extream foul, The diſcovery thus by Gods Providence offered, ſeems fair. I do hereby humbly beg it upon my knees of your Majeſty, that you will conceal this buſineſs from every Creature and his name that ſends this to me. And I ſend his Letters to me to your Majeſty, that you may ſee his ſence both of the buſineſs and the Secreſie. And ſuch Inſtructions as you think fit to give him, I beſeech you let them be in your own hand for his Warrant without imparting them to any. And if your Majeſty leave it to his diſcretion to follow it therein in the beſt way he can, that in your own hand will be inſtruction and warrant enough for him. And if you pleaſe to return it herewith preſently to me, I will ſend an Expreſs away with it preſently.

Herewith I ſend his Warrant as you adviſe, which indeed I judge to be the better way.

I like your anſwer extream well, and do promiſe not to deceive your Confidence, nor make you break your word.

In the mean time I have by this Expreſs returned him this anſwer, that I think he ſhall do well to hold on the Treaty with theſe men with all care and ſecreſie, and drive on to the diſcovery ſo ſoon as the buſineſs is ripe for it, that he may aſſure himſelf and them, they ſhall not want reward, if they do the ſervice; That for my part he ſhall be ſure of ſecreſie, and that I am moſt confident your Majeſty will not impart it to any. That he have a ſpecial eye to the Eighth and Ninth Propoſition.

I have ſent all back, I think theſe Apoſtyles will be warrant enough for you to proceed, eſpecially when I expreſly command you to do ſo.

Sir, For Gods ſake and your own ſafety, ſecreſie in this buſineſs: And I beſeech you ſend me back this Letter, and all that comes with it, ſpeedily and ſecretly, and truſt not your own Pockets with them, I ſhall not eat nor ſleep in quiet till I receive them. And ſo ſoon as I have them again and your Majeſties Warrant to proceed, no diligence ſhall be wanting in me to help on the diſcovery.

In this I am as far from condemning your Judgement as ſuſpecting your fidelity. C. R.

This is the greateſt buſineſs that ever was put to me, And if I have herein propoſed or done any thing amiſs, I moſt humbly crave your Majeſties pardon. But I am willing to hope I have not herein erred in Judgement, and in fidelity I never will.

Theſe Letters came to me (ſaith the Arch-Biſhop) on Thurſday, Septemb. 10. *at Night, and I ſent theſe away according to the Date hereof, being extreamly wearied with writing this Letter, copying out theſe other which come with this, and diſpatching my Letters back to him that ſent theſe, all in my own hand; once again ſecreſie for* Gods *ſake, and your own: To his moſt bleſſed protection I commend your Majeſty and all your affairs, and am*

Your Majeſties moſt humble and
faithful Servant,

* The King's Hand and Date.

**York 13th.*

Lambeth Sept. 11. 1640.

William **Cant.**

* The Arch-Biſhop's Poſtſcript.

* *As I had ended theſe, whether with the labour or Indignation or both I fell into an extream faint ſweat, I pray God keep me from a Feaver, of which three are down in my Family at* Croyden.

Theſe Letters came late to me, the Expreſs being beaten back by the wind.

The Arch-Biſhops Indorſement with his own hand,

Received from the King, Sept. 16. 1640. *For your Sacred Majeſty, Yours Apoſtyled, The Kings anſwer to the Plot againſt him*, &c.

Sir *William Boſwell*'s ſecond Letter to the Arch-Biſhop of *Canterbury*.

May it pleaſe your Grace,

THis Evening late I have received your Graces Diſpatch, with the Encloſed from his Majeſty, by my Secretary Oveart, *and ſhall give due Account with all poſſible ſpeed of the ſame according to his Majeſties and your Graces Commands, Praying heartily that my endeavours which ſhall be moſt Faithful may alſo prove Effectual to his Majeſties and your Graces Content, with which I do moſt humbly take leave, being alwaies*

Sir *W. Boſwell*'s ſecond Letter to the Arch-Biſhop of *Canterbury*.

Your Graces moſt Dutiful and
Humble Servant,

Hague 24th of *Septemb.*
1640. *Stil. Angl.*

William Boſwell.

The Arch-Biſhop's Endorſement.

Rec. Sept. 30. 1640. *Sir* William Boſwell *his Acknowledgement that he hath received the Kings Directions and my Letters.*

Sir *William Boſwell*'s third Letter to the Arch-Biſhop, ſent with the larger Diſcovery of the Plot.

May it pleaſe your Grace,

UPon Receipt of his Majeſties Commands, with your Graces Letters of 9 *and* 18 Sept. *laſt, I dealt with the Party to make good his offers formerly put in my hand, and tranſmitted to your Grace: This he hopes to have done by the encloſed, ſo far as will be needful for his Majeſties ſatisfaction; yet if any more Particular Explanation of Diſcovery ſhall be Required by his Majeſty or your Grace, He hath promiſed to add thereunto, whatſoever he can remember and knows of truth. And for better Aſſurance and Verification of his Integrity, he profeſſeth himſelf ready (if required) to make Oath of what he hath already declared, or ſhall hereafter declare in the buſineſs.*

Sir *W. Boſwell*'s third Letter to the ſame perſon.

His name he Conjures me ſtill to conceal, though he thinks his Majeſty and your Grace, by the Character he gives of himſelf, will eaſily imagine who he is, having been known ſo generally through Court and City, as he was for three or four years in the Quality and Employment he acknowledgeth (by his declaration encloſed) himſelf to have had.

Hereupon he doth alſo redouble his moſt humble and earneſt Suit unto his Majeſty and your Grace to be moſt Secret and Circumſpect in the buſineſs, that he may not be ſuſpected to have diſcovered, or had a hand in the ſame.

I ſhall

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I ſhall here humbly beſeech your Grace to let me know what I may further do for his Majeſties Service, or for your Graces particular behoof; that I may accordingly endeavour to approve my ſelf as I am

Your Graces moſt Dutiful and
obliged Servant,

Hague Octob. 15. 1640.

William Boſwell.

The Arch-Biſhop's Endorſement,

Rec. Octob. 14. 1640. *Sir* William Boſwell *in Proſecution of the great buſineſs. If any thing come to him in Cyphers, to ſend it to him.*

Which ſaid larger Diſcovery here followeth,

A large particular Diſcovery of the Plot and Treaſon againſt the King, Kingdom and Proteſtant Religion, and to raiſe the Scottiſh Wars.

A larger diſcovery of the Plot.

Moſt Illuſtrious and Reverend Lord,

‘WE have willingly and cordially perceived, that our offers have been acceptable both to his Royal Majeſty, and likewiſe to your Grace. This is the only Index to us, That the bleſſing of God is preſent with you, whereby a ſpur is given, that we ſhould ſo much the more cheerfully and freely utter and detect thoſe things whereby the hazard of both your lives, the ſubverſion of the Realm and State both of *England* and *Scotland*, the tumbling down of his moſt Excellent Majeſty from his Throne is intended. Now leſt the diſcourſe ſhould be enlarged with ſuperfluous circumſtances, we will only premiſe ſome things which are meerly neceſſary to the buſineſs.

‘They may firſt of all know, that this good man, by whom the enſuing things are detected, was born and bred in the Popiſh Religion, who ſpent many years in Eccleſiaſtical dignities. At length being found fit for the expedition of the preſent deſign, by the Counſel and Mandate of the Lord Cardinal *Barbarino*, he was adjoyned to the aſſiſtance of Maſter *Cuneus* (*Cun*) by whom he was found ſo diligent and ſedulous in his office, that hope of great promotion was given to him; yet he, led by the inſtinct of the good Spirit, hath, howſoever it be, contemned ſweet promiſes, and having known the vanities of the Pontifician Religion (of which he had ſometimes been a moſt ſevere defender) having likewiſe noted the malice of thoſe who fight under the Popiſh Banner, felt his Conſcience to be burthened; which burden that he might eaſe himſelf of, he converted his mind to the Orthodox Religion. Soon after, that he might exonerate his Conſcience, he thought fit, that a deſperate Treaſon machinated againſt ſo many ſouls, was to be revealed, and that he ſhould receive eaſe if he vented ſuch things into the boſom of a friend; which done, he was ſeriouſly admoniſhed by the ſaid friend, that he ſhould ſhew an example of his converſion and cha-

16 *Caroli.*

'rity, and free ſo many innocent ſouls from imminent danger. To whoſe monitions he willingly conſented, and delivered the following things to be put in writing, out of which the Articles not long ſince tendered to your Grace, may be clearly explicated and demonſtrated.

'1. Firſt of all, That the hinge of the buſineſs may be rightly diſcerned, it is to be known, that all thoſe factions with which all Chriſtendom is at this day ſhaken, do ariſe from the Jeſuitical offſpring of *Cham*, of which four Orders abound throughout the world.

'1. Of the firſt order are Eccleſiaſticks, whoſe office is to take care of things promoting Religion.

'2. Of the ſecond order are Politicians, whoſe office it is by any means to ſhake, trouble, reform the ſtate of Kingdoms and Republicks.

'3. Of the third Order are Seculars whoſe property it is to obtrude themſelves into Offices with Kings and Princes, to inſinuate and immix themſelves in Court-buſineſſes, bargains and ſales, and to be buſied in Civil affairs.

'4. Of the fourth order are intelligencers, (or ſpies) men of inferiour condition, who ſubmit themſelves to the ſervices of great men, Princes, Barons, Noble-men, Citizens, to deceive (or corrupt) the minds of their Maſters.

'2. A Society of ſo many Orders, the Kingdom of *England* nouriſheth: for ſcarce all *Spain*, *France* and *Italy* can yield ſo great a multitude of Jeſuites as *London* alone; where are found more than fifty *Scottiſh* Jeſuites. There the ſaid Society hath elected to it ſelf a ſeat of iniquity, and hath conſpired againſt the King, and the moſt faithful to the King, eſpecially the Lord Arch-Biſhop of *Canterbury*, and likewiſe againſt both Kingdoms.

'3. For it is more certain than certainty it ſelf, that the fore-named Society hath determined to effect an univerſal Reformation of the Kingdom of *England* and *Scotland*. Therefore the determination of the end, neceſſarily inferrs a determination of means to the end.

'4. Therefore to promote the undertaken villany, the ſaid Society dubbed it ſelf with the title of, The Congregation of propagating the faith; which acknowledgeth the Pope of *Rome* the head of the Colledge, and Cardinal *Barbarino* his ſubſtitute and Executor.

'5. The Chief Patron of the Society at *London*, is the Popes Legat, who takes care of the buſineſs; into whoſe boſome, theſe dreggs of Traytors weekly depoſite all their intelligences. Now the Reſidence of this Legation was obtained at *London* in the name of the *Roman Pontiſe*, by whoſe mediation it might be lawful for Cardinal *Barbarino*, to work ſo much the more eaſily and ſafely upon the King and Kingdom. For none elſe could ſo freely circumvent the King, as he who ſhould be palliated with the Popes Authority.

'6. Maſter *Cuneus* did at that time enjoy the Office of the Popes Legate, an univerſal inſtrument of the conjured Society, and a ſerious promoter of the buſineſs, whoſe ſecrets, as likewiſe thoſe of all the other intelligencers, the preſent good man, the communicator of all theſe things, did receive and expedite whither the buſineſs required.

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‘*Cuneus* ſet upon the chief men of the Kingdom, and left nothing unattempted, by what means he might corrupt them all, and incline them to the Pontifican party: he inticed many with various inticements, yea he ſought to delude the King himſelf with gifts of Pictures, Antiquities, Idols, and of other vanities brought from *Rome*, which yet would prevail nothing with the King.

‘Having entred familiarity with the King he is often requeſted at *Hampton Court*, likewiſe at *London*, to undertake the cauſe of the *Palatine*, and that he would interpoſe his Authority, and by his interceſſion perſwade the Legat of *Colen*, that the *Palatine* in the next Diet to treat of peace, might be inſerted into the conditions, which verily he promiſed, but performed the contrary. He writ indeed, that he had been ſo deſired by the King concerning ſuch things, yet he adviſed not that they ſhould be conſented to, leſt peradventure it might be ſaid by the *Spaniard*, that the Pope of *Rome* had Patronized an Heretical Prince.

‘In the mean time, *Cuneus* ſmelling from the Arch-Biſhop moſt truſty to the King, that the Kings mind was wholly pendulous (or doubtful), reſolved that he would move every ſtone, and apply his forces, that he might gain him to his party: Certainly confiding, that he had a means prepared, for he had a command to offer a Cardinals Cap to the Lord Arch-Biſhop in the name of the Pope of *Rome*, and that he ſhould allure him alſo with higher promiſes, that he might corrupt his ſincere mind. Yet a fitting occaſion was never given whereby he might inſinuate himſelf into the Lord Arch-Biſhop (for the *Scorpion* ſought an egg). Free acceſs was to be impetrated by the Earl and Counteſs of *Arundel*, likewiſe by Secretary *Windebanke*: The interceſſion of all which being neglected, he did fly the company or familiarity of *Cuneus*, worſe than the Plague: He was likewiſe perſwaded by others of no mean rank, well known to him, neither yet was he moved.

‘7. Another alſo was aſſayed who hindred acceſs to the deteſtable wickedneſs, Secretary *Cook*, he was a moſt bitter hater of the Jeſuites, from whom he intercepted acceſs to the King; he entertained many (of them) according to their deſerts, he diligently enquired into their factions; by which means every incitement breathing a magnetical (attractive) power to the Popiſh party, was ineffectual with him; for nothing was ſo dear unto him that might incline him to Wickedneſs: hereupon being made odious to the Patrons of the Conſpiracy, he was endangered to be diſcharged from his Office; it was laboured for three years ſpace, and at laſt obtained. Yet notwithſtanding there remained on the Kings part a knot hard to be untyed, for the Lord Arch-Biſhop by his conſtancy, interpoſed himſelf as a moſt hard rock.

‘When *Cuneus* had underſtood from the Lord Arch-Biſhops part, that he had laboured in vain, his malice and the whole Societies waxed boyling hot: ſoon after ambuſhes began to be prepared, wherewith the Lord Arch-Biſhop together with the King ſhould be taken.

‘Likewiſe a ſentence is paſſed againſt the King (for whoſe ſake all this buſineſs is diſpoſed) becauſe nothing is hoped from him, which might ſeem to promote the Popiſh Religion (but eſpecially when he had opened his mind, that he was of this opinion, that every one might be ſaved in his own Religion, ſo as he be an honeſt pious man.)

‘8. To perpetrate the Treaſon undertaken, the Criminal execution * at *Weſtminſter* cauſed by ſome writings of Puritans, gave occaſion of the firſt fire; which thing was ſo much exaſperated and exaggerated by the Papiſts to the Puritans, that if it remained unrevenged, it would be thought a blemiſh to their Religion, the flames of which fire, the ſubſequent Book † of Prayers encreaſes.

‘9. In this heat a certain *Scottiſh* Earl, called * *Maxwell*, if I miſtake not, was expedited to the *Scots* by the Popiſh party; with whom two other *Scottiſh* Earles, Papiſts, held correſpondency: he ought to ſtir up the people to Commotion, and rub over the injury afreſh, that he might enflame their minds, precipitate them to Armes, by which the hurtful diſturber of the *Scottiſh* liberty might be ſlain.

‘10. There, by one labour, ſnares are prepared for the King: for this purpoſe the preſent buſineſs was ſo ordered, that very many of the *Engliſh* ſhould adhere to the *Scots*; That the King ſhould remain inferiour in Armes, who (thereupon) ſhould be compelled to crave aſſiſtance from the Papiſts; which yet he ſhould not obtain, unleſs he would condeſcend unto conditions, by which he ſhould permit univerſal liberty of the exerciſe of the Popiſh Religion; for ſo the affairs of the Papiſts would ſucceed according to their deſire. To which conſent, if he ſhould ſhew himſelf more difficult, there ſhould be a preſent remedy at hand: For the King's Son growing now very faſt to his youthful age (who is educated from his tender age, that he might accuſtome himſelf to the Popiſh party) the King is to be diſpatched; for an *Indian* Nut ſtuffed with moſt ſharp poyſon, is kept in the Society (which *Cuneus* at that time ſhewed often to me in a boaſting manner) wherein a poyſon was prepared for the King, after the example of his Father.

‘11. In this *Scottiſh* Commotion, the Marqueſs of *Hamilton* was often diſpatched to the *Scots* in the name of the King, to interpoſe the Royal authority, whereby the heat of minds might be mitigated, returned notwithſtanding as often without fruit, and without ending the buſineſs: His Chaplain at that time repaired to us, who communicated ſomething ſecretly with *Cuneus*. Being demanded of me in jeſt, whether alſo the Jews agreed with the *Samaritans*, *Cuneus* thereunto anſwered, Would to God all Miniſters were ſuch as he: what you will may be hence conjectured.

‘12. Things ſtanding thus, there arrived at *London* from Cardinal *Richlieu*, Mr. *Tho. Chamberlaine*, his Chaplain and Almoner, a *Scot* by Nation, who ought to aſſiſt the Colledge of the confederate Society, and ſeriouſly to ſet forward the buſineſs, to leave nothing unattempted, whereby the firſt heat might be exaſperated. For which ſervice he was promiſed the reward of a Biſhoprick: He Cohabited with the Society four months ſpace; neither was it lawful for him firſt to depart, until things ſucceeding according to his wiſh, he might be able to return back again with good news.

‘13. Sir *Toby Matthew* a Jeſuited Prieſt, of the order of Politicians, a moſt vigilant man of the chief heads, to whom a bed was never ſo dear, that he would reſt his head thereon, refreſhing his body with ſleep in a Chair for an hour or two, neither day nor night ſpared his machinations; a man principally noxious, and himſelf the plague of the King and Kingdom of *England*; a moſt impudent

* When *Prin*, *Baſtwick* and *Burton* had their ears cut off in the Pillory, and *Prin* ſtigmatized.

† The Common-Prayer Book ſent into *Scotland* implying Tranſubſtantiation in the Sacrament.

*Or *Maxfield*.

‘man, who flies to all banquets, and feaſts, called or not called, never quiet, alwayes in action, a perpetual motion; thruſting himſelf into all converſations of Superiours; he urgeth Conferences familiarly, that he may fiſh out the minds of men; whatever he obſerveth thence, which may bring any commodity or diſcommodity to the part of the Conſpirators, he communicates to the Popes Legat; the more ſecret things he himſelf writes to the Pope, or to Cardinal *Barbarino*. In ſumm he adjoyns himſelf to any mans company, no word can be ſpoken that he will not lay hold on, and accommodate to his party. In the mean time, whatever he hath fiſhed out, he reduceth into a Catalogue, and every Summer carryeth or conveyeth it to the general Conſiſtory of the Jeſuites politicks, which ſecretly meets together in the Province of *Wales*, where he is an acceptable gueſt. There Counſels are ſecretly hammered which are moſt meet for the convulſion of the Eccleſiaſtick and politick eſtate of both Kingdoms.

‘14. Captain *Read* a *Scot*, dwelling in *Long-acre* ſtreet, near the Angel Tavern, a Secular Jeſuite; in his houſe the buſineſs of the whole Plot is concluded, where the Society which hath conſpired againſt the King, the Lord Arch-Biſhop and both Kingdoms meet together, for the moſt part every day: but on the day of the Carriers (or Poſts) diſpatch, which is ordinarily *Friday*, they meet in greater numbers; for then all the Intelligencers aſſemble and conferr in common, what things every of them hath fiſhed out that week; who that they may be without ſuſpicion, ſend their ſecrets by *Toby Matthew* or *Read* himſelf, to the Popes Legate, he tranſmits the compacted packet which he hath purchaſed from the Intelligencers to *Rome*.

‘With the ſame *Read*, the Letters brought from *Rome* are depoſited under feigned Titles and Names, who by him are delivered to all to whom they appertain, for all and every of their names are known to him.

‘Upon the very ſame occaſion Letters are brought hither under the Covert of Father *Philips*; (he notwithſtanding being ignorant of things) from whom they are diſtributed to the Conſpirators.

‘There is in that very houſe a publick Chapel, wherein an ordinary Jeſuite Conſecrates, and dwells there. In the ſaid Chapel Maſſes are daily Celebrated by the Jeſuites; and it ſerves for the Baptizing of the Children of the houſe, and of ſome of the Conſpirators.

‘Thoſe who aſſemble in the forenamed houſe, come frequently in Coaches or on Horſe-back in Lay-mens habits, and with a great Train, wherewith they are diſguiſed, that they may not be known, yet they are Jeſuites, and conjured members of the Society.

‘15. All the Papiſts of *England* contribute to this Aſſembly, leſt any thing ſhould be wanting to promote the undertaken deſigns, upon whoſe Treaſury one Widow, owner of the houſes wherein Secretary *Windebanke* now dwelleth, dead above three years ſince, beſtowed Forty Thouſand Engliſh Pounds, ſo likewiſe others contribute above their abilities, ſo as the buſineſs may be promoted unto its deſired end.

‘16. Beſides the foreſaid Houſes, there are Convents kept alſo in other more ſecret places, of which verily they confide not even 'among themſelves, for fear leſt they ſhould be diſcovered. Firſt, every 'of them are called to certain Inns, (one not knowing of the other); 'hence they are ſeverally led by ſpies to the place where they ought 'to meet, otherwiſe ignorant where they ought to aſſemble, leſt per'adventure they ſhould be ſurprized at unawares.

'17. The Counteſs of *Arundel*, a ſtrenuous She-Champion of the 'Popiſh Religion, bends all her Nerves to the Univerſal Reformati'on; whatſoever ſhe hears at the King's Court that is done ſecretly 'or openly in words or deeds, ſhe preſently imparts to the Popes Le'gat, with whom ſhe meets thrice a day, ſometimes in *Arundel* 'Houſe, now at the Court, or at *Tart*-Hall. He ſcarce ſucks ſuch 'things by the Claw.

See more of this large Diſcovery in the Hiſtories of Mr. *L'Eſtrange* and Mr. *Sanderſon*.

The Concluſion of the whole Diſcovery endeth in theſe words;

The concluſion of the Diſcovery.

'THeſe things being thus ordered, if every thing be laid to the bal'lance, it will ſatisfie in ſpecial all the Articles propounded; 'wherein,

'1. The Conſpiracy againſt the King and Lord Arch-Biſhop is 'detected, and the means whereby ruine is threatned to both demon'ſtrated.

'2. The Imminent dangers to both Kingdoms are rehearſed.

'3. The Riſe and Progreſs of that *Scotiſh* Fire is related.

'4. Means whereby theſe *Scotiſh* troubles may be appeaſed are ſug'geſted; for after the *Scots* ſhall know by whom and to what end 'their minds are incenſed, they will ſpeedily look to themſelves, nei'ther will they ſuffer the Forces of both parts to be ſubdued, leſt a 'middle Party interpoſe, which ſeeks the Ruine of both.

'5. With what Sword the Kings Throat is aſſaulted, even when 'theſe ſtirs ſhall be ended, *Cuneus* his Confeſſion, and a viſible De'monſtration ſheweth.

'6. The Place of the Aſſembly in the Houſe of Captain *Read* is 'nominated.

'7. The day of the eight dayes diſpatch by *Read* and the Legat is 'preſcribed.

'8. How the names of the Conſpirators may be known.

'9. Where this whole Congregation may be circumvented.

'10. Some of the principal unfaithful ones of the King's Party are 'notified by name; many of whoſe names occur not, yet their habi'tations are known, their names may be eaſily extorted from *Read*.

'If theſe be warily proceeded in, the ſtrength of the whole buſi'neſs will be brought to Light, ſo the Arrow being foreſeen, the dan'ger ſhall be avoided; Which that it may proſperouſly ſucceed, the 'Omnipotent Creator grant.

The Arch-Biſhops Indorſement with his own hand,

Received Octob. 14. 1640. *The Narration of the great Treaſon, concerning which the Diſcoverer promiſeth to Sir* William Boſwell *to diſcover, which is againſt the King and State.*

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WHereas the ſaid large diſcovery gives a particular Character of Sr. *Toby Mathew* an *Engliſh* man, a Jeſuite and Prieſt, we ſhall offer to the Conſideration of the Reader the Popes Bull granted unto him, a Copy of which was found among the Papers of Mr. Secretary *Windebanke*. By which Bull it doth appear, that Count *Roſſetti* the Popes *Nuntio* was committed to take the Care and Tutelage of Sr. *Toby*; hoping that the *Nuntio*, aſſiſted by his Counſels, would produce no ſmall fruits to the Catholick Church through the help of the female *Amazons* there, to reſtore the Authority of the See Apoſtolick in the Kingdom of *England*: the Copy whereof followeth.

The Popes Bull to Sr. *Toby Mathew*.

Dilecto Filio Tobiæ Matheo, Societat. Jeſu Sacerdoti, Urbanus Papa VIII.

DIlecte Fili, ſalutem & Apoſtolicam benedictionem. Ardens animarum zelus quo jam à tot annis in vinea domini laborando ſtrenuum te militem exhibuiſti, promeretur ut tuæ virtuti debitam laudem reddamus. Sanè magna cum exultatione audivimus labores quos ſuſtines ut ſedis Apoſtolicæ amplitudinem augeas, & quo charitatis zelo omnibus omnia fias, ut omnes lucrifacias. Decet certè te virum Apoſtolicum, magni Apoſtoli exemplo doctum, ut Judæis fias tanquam Judæus, & iis qui ſunt ſine lege, tanquam ſis ſine lege, dummodo ſedis Apoſtolicæ dignitatem promoveas: ideo cùm in magnam Britanniam mittere ſtatuerimus dilectum filium Comitem Roſſetti, *noſtrum & Sedis Apoſtolicæ cum poteſtate Legati à latere Nuntium, juvenem zelo Dei accenſum, Apoſtolicæ ſolicitudini noſtræ ſatisfactum credidimus, ſi eum tuæ curæ committeremus. Juſſimus igitur ut tibi communicet inſtru-*

Pope Urbane VIII. *to his beloved Son* Tobias Mathew *Prieſt, and one of the Order of the Jeſuites.*

BEloved Son, Health and Apoſtolical Benediction. Your burning zeal for the ſalvation of ſouls, by which for ſo many years you have approved your ſelf a diligent and faithful Workman in our Lords Vineyard, deſerveth its due praiſe and grateful remembrance from us. The truth is, the account of thoſe troubles that you have gone thorough for the enlargement of the greatneſs of the Apoſtolical See, and that charitable zeal, whereby you have become all things to all men, that you may gain ſome, we have heard with a great deal of rejoycing. It becometh indeed ſuch an Apoſtolical man (in imitation of the Grand Apoſtle) for the glory and dignity of the Apoſtolical See, to become as a Jew to the Jews, and as one without Law to thoſe who are without Law: Therefore when we had reſolved to ſend our beloved Son Count *Roſſetti* (a young man full of divine zeal) into *Britain* with power and authority of our Legate *à Latere* and *Nuntio* of the Apoſtolical See, we did account our ſelves freed and acquitted of all our Apoſtolical anxiety and duty, when we had recommended him to your care: and upon that account we have commanded him to communicate to you all thoſe inſtructions

ctiones ſibi datas, & à dilecto filio & Nepote noſtro, Franciſco *Sanctæ Reverendiſ. Eccleſiæ Card.* Barbarino *ſubſcriptas, Téque ab eo quo pro ſede Apoſtolica zelo ardes rogamus, & in quantum opus eſt, tibi mandamus, ut prædictum filium, & Nuntium noſtrum, in omnibus dirigas, moveas, inſtruas, lapſus & errores ejus, (qui per juventutem facilè accidere poſſunt) corrigas (ut ſedis Apoſtolicæ decor inviolatus permaneat) & ut denique in omnibus ei te Angelum cuſtodem præbeas. Magnam certè ſpem concepimus prædictum filium & Nuntium tuis conſiliis adjutum, non parvos in Eccleſia Catholica fructus producturum. Labora igitur, dilecte fili, opus fac Evangeliſtæ, miniſterium tuum imple, Catholicos zelo Dei accende, ipſos comforta, ſed præcipuè Amazones illas quæ (ut à dilecto filio* Georgio Conneo *audivimus) die ac nocte ſtrenuè decertant pro dignitate ſedis Apoſtolicæ. Non diffidimus de Domino, neque de potentia ejus, quia ſicut occaſione unius fœminæ, authoritas Sedis Apoſtolicæ in Regno Angliæ ſuppreſſa fuit, ſic nunc per tot Heroicas fœminas (illas imitantes quæ à* Galileo *ſequebantur Dominum) ſocietatem ejus aſſiduè ſequentes, brevi in eodem Regno reſtituenda ſit. Adhortare igitur illas ut opus aggreſſum viriliter proſequantur, & de ſede Apoſtolica (quæ devoti fœminei ſexus peculiarem Curam gerit) bene mereri pergant. Rogamus patrem Domini noſtri Jeſu Chriſti, ut tibi Spiritum ſanctum ſuum mittat, qui te in omnibus & per omnia cuſtodiat. Apoſtolicam noſtrámque benedictionem, dilecte fili, iterum atque iterum tibi impertimur. Datum* Romæ *apud S.* Petrum, *ſub annulo Piſcatoris pridie idus Maij.*

inſtructions which are given to him, and ſubſcribed by our beloved Son and Nephew, the moſt Reverend Cardinal *Franciſco Barbarino*; and we conjure you by that zeal and reſpect you have for the dignity of the Apoſtolical See, yea, we charge and command you, that (ſo far as it is needful) you not only direct, adviſe and inſtruct our foreſaid Son and *Nuntio* in all things, but that you correct all his eſcapes and errors (which by reaſon of his youth he may eaſily be guilty of) that the glory and Dignity of the Apoſtolical See, may remain chaſte and inviolate; and in ſhort, that in all things, you be to him an Angel-Guardian. We have indeed aſſured our ſelf of a plentiful harveſt from the labours of our foreſaid Son and *Nuntio* (by the help of your counſel) in the Catholick concern. Go on therefore beloved Son, do the work of an Evangeliſt, fulfil your Miniſtry, enkindle the Catholicks with a divine zeal: comfort them all, but chiefly thoſe *Amazones* and *Virago's* for the Catholick cauſe, who (as we have had an account from our beloved Son *George Conneo*) night and day do champion-like fight for the glory and dignity of the Apoſtolical See. We neither diſtruſt God nor his power; for as the authority of the Apoſtolical See was ſuppreſſed in the Kingdom of *England* by the power and influence of one Woman, ſo now we hope by the help of ſo many heroick and noble ſpirited Women, in a ſhort time to have it reſtored in that Kingdom to its antient right and glory again: Pray therefore exhort and encourage them, to proſecute with a Maſculine ſpirit the *deſign on foot*, and to go on in meriting from the Apoſtolical See, which hath an extraordinary and peculiar care and concern for that *devouter Sex*. We beſeech the Father of our Lord Jeſus Chriſt to ſend you

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you his holy Spirit to direct and preſerve you in all things. *Beloved Son*, we ſend you again and again both the Apoſtolical and our Benediction. Given under our Signet at *Rome* in St. *Peter's Palace, prid. id. Maij.*

WE will make bold with Mr. *L' Eſtrange*'s Hiſtory, *page* 181. who after a large Account of the Diſcovery by *Habernefeld's* means of the Plot, writeth further to the effect following:

An objection anſwered relating to the diſcovery, by Mr. *L' Eſtrange.*

'THey who will diligently compare this Information with what hath conformably occurred in the preceding parts of theſe Annals, and ſhall withal well conſider the practices both antient and modern of thoſe pragmatical ſpirits, will find cauſe enough to think there was in it ſomewhat more than fiction: and that it may make ſome impreſſion upon faith, without ſetting it upon the rack. Only one Objection I ſhall rid out of the way, which may ſeem to diſcredit the truth thereof. And it is this,

'The Arch-Biſhop of *Canterbury* ſtands aſperſed in common fame, as a great friend (at leaſt) and Patron of the Romiſh Catholicks, if he were not of the ſame belief: And it were a Policy miſ-becoming ſuch ſubtile Serpents cauſeleſly to plot the death of their ſo eminent well-wiſher. To which I anſwer, by conceſſion; True it is, he had too much and long favoured the Romiſh faction; but as upon what account he favoured them, is uncertain; ſo was it but the Romiſh faction (not the Romiſh faith) he favoured. He tampered indeed to introduce ſome Ceremonies bordering upon Superſtition, diſuſed by us, and abuſed by them; from whence the Romaniſts collected ſuch a diſpoſition in him to their Tenets, as they began not only to hope, but in good earneſt to cry him up for their Proſelyte. Upon this Hypotheſis, this ſuppoſition, they grew exceſſive proud and inſolent, as well they might) knowing how grand a Confident and Truſtee he was of the Kings (had not their perſwaſion miſled them. But the Arch-Biſhop finding that his tacite reſervedneſs in point of Opinion, and former compliance with the Papiſts, was no longer expedient for his deſigns, and did begin to create ill boading Jealouſies in another party, reſolved to ſpeak out, and unbeguile them both. And firſt in the year 1637. openly at the Council Table, he paſſionately complained to the King of their audacious reſort to *Denmark-Houſe*; uſing ſome expreſſions of vehemency; more particularly againſt the haughty deportment of Mr. *Walter Montague* and Sr. *Tobias Mathew*. But that which moſt deſpighted them, was his publiſhing the next year the Relation of his Conference with the Jeſuite *Fiſher*; wherein he declared himſelf ſo little theirs, as he hath for ever diſ-abled them from being ſo much their own, as they were before; it being the exacteſt Maſter-piece of Polemique Divinity of all extant. Pity it is, his thoughts which were in other affairs a thought too high, had ſo fatal a diverſion from his ſtudies. But what one is excellent in every thing? Now the Arch-Biſhop thus profeſſedly owning the Proteſtant Cauſe, and having ſo potent an influence upon the King, it was no wonder if he became formidable to the *Romaniſts*, as *Hannibal* was to the *Romans*; (and where *Hannibal* was, there his Enemies judged the

'the *Life* and *Soul* of the *Carthaginian* ſtrength to reſide; and ſo by 'conſequence his deſtruction, the main concernment of their in'tereſt.

WHereas the large Diſcovery before mentioned takes notice, that the Pope had given a Command to his *Nuntio* ſent into *England*, to make offer of a Cardinals Cap to the Arch-Biſhop of *Canterbury* in the Name of the Pope; which offer, till this diſcovery, was not known: but the Arch-Biſhop in his Diary (found among his Papers in the *Tower* about two years after the ſaid diſcovery) doth make ſome mention concerning the ſame: *viz.* Auguſt 4. 1633, *At* Greenwich, ſaith he, *there came one to me ſeriouſly, and that avowed Ability to perform it, and offered me to be a Cardinal.*

And likewiſe *Auguſt* 17. *Saturday*, I had a ſerious offer made me again to be a Cardinal. I was then from Court, but as ſoon as I came thither (which was *Wedneſday Auguſt* 21.) I acquainted his Majeſty with it: But my Anſwer again was, That ſomewhat dwelt within me, which would not ſuffer that, till *Rome* were otherwiſe than it is.

The Arch Biſhop having refuſed the Cardinals Cap, and the King having opened his mind ſo far, as that he was of opinion, that every one might be ſaved in his own Religion, ſo as he be an Honeſt and Pious man; they haſtened to paſs Sentence againſt the King, who was to be cut off by Poyſon.

Sr. Kenelme Digby *and Mr.* Walter Mountague *their examinations at the Barr of the Houſe of Commons, concerning the Popes* Nuntio, *and the Papiſts Contribution to the War againſt the* Scots, *&c.*

Sr. *Kenelme Digby* and Mr. *Mountague* examined by the Parliament.

IN *January* 1640. Sr. *Kenelme Digby* was called into the Houſe of Commons, and being demanded ſeveral Queſtions concerning the Inſtructions diſperſed to the Papiſts throughout *England* to lend Money to maintain the War againſt the *Scots*, and what Money was levied thereupon, and who were the Collectors, and how the Popes *Nuntio* came to be the chief man employed therein.

The Anſwer which he returned was to this purpoſe; 'That he 'did conſider before whom he did appear, and in whoſe preſence he 'ſpake, the graveſt and wiſeſt Aſſembly in the whole World, whoſe 'Majeſty is ſo great, that it might well diſorder his thoughts, and 'impede his expreſſions; That he was ſuddenly ſurpriſed with unex'pected Queſtions; and apprehended there might be ſome diſlike in 'that honourable Houſe, of that which once he did conceive was an 'Act of Service and Merit. But ſince he is askt of things apart, he 'ſhall humbly repreſent what he can remember upon this occaſion, 'and what may be ſatisfactory to the Houſe. So he related the beginning of the buſineſs, and took along the Series as it went from ſtep to ſtep.

'About two years ſince (ſaid he) my ſelf with ſome others had 'a meeting concerning this buſineſs upon my Lord of *Traquair*'s 'coming out of *Scotland*, and repreſenting to the King ſome pro-

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‘ceedings there much to the diſadvantage of his Majeſties affairs,
‘inſomuch that his Majeſty with the advice of his Council, declared
‘a War againſt the *Scots*. And his Majeſty did generally intimate,
‘that his Neceſſities did require to be ſupplyed in the going on with
‘the War. This intimation of his Majeſty was communicated to
‘the ſeveral Judges of the Kingdom, to the Societies of the Inns of
‘Court, to the Judges and others of the Civil Law, and to the City
‘of *London* likewiſe; and more eſpecially to the Clergy of *London*.
‘Having theſe Examples before our eyes, we conſidering our ſelves
‘as dutiful Subjects though Recuſants, might as Subjects in this
‘caſe follow the good examples of Loyalty to our Prince, which the
‘Learned and others of the Land had done before us. The Queen
‘hereupon was pleaſed to recommend to thoſe who were Catholicks
‘of this Kingdom, to ſhew themſelves as forward as others were in
‘ſerving of the King; and to each Catholick to ſpeak to his acquaintance
‘to do the like. I was one of thoſe her Majeſty ſpake unto;
‘whereupon I confeſs I did both in example and ſpeeches with
‘others, encourage them to make what Contribution they could.
‘But how to convey this Money that ſhould be thus contributed to
‘the Army, I found it very difficult; conſidering it was to be gathered
‘in ſeveral places of the Nation, and I had but little Correſpondency
‘among the Catholicks of this Kingdom; there was a Gentleman
‘that did take upon him to ſupply that care of mine; and that was
‘Seigneur *Con*, who was Reſident here from the Pope I conceive to
‘attend the Queen; whoſe acquaintance with the particular Perſons
‘of the Recuſants was beyond any others; and meetings were
‘generally kept at his Houſe, in order to the advancement of this
‘buſineſs: he alſo took upon him to name the perſons in every County
‘who ſhould be the Collectors of the Money: and therefore we
‘diſcourſed of Motives to induce them freely to contribute, (The
‘chief whereof was, that his Majeſties Grace and Goodneſs had been
‘much extended to Catholicks, conſidering how ſharp and Penal
‘the Laws were againſt them) and ſo to ſeek by way of gratitude
‘upon this occaſion to make return anſwerable. Other Motives there
‘were, which were drawn by Siegn. *Con*, which I was not acquainted
‘with; but he told me, he had ſent down ſuch Motives and Instructions
‘as he thought were fit inducements upon that occaſion. And
‘as to the Queſtion, What perſons I conſulted withal, there were at
‘the meeting ſeveral times Sr. *John Winter* the Queens Secretary,
‘Sr. *Baſil Brookes*, Mr. *Mountague*, and one Mr. *Foſter*, who was a
‘perſon Seigneur *Con* had particular confidence in. For the particular
‘ſumms received, I am not able to give a particular account,
‘for my attendance was not long upon that ſervice. I remember
‘*Ten Thouſand Pounds* at one time paid into the Exchequer, and
‘*Two Thouſand Pounds* at another time (for which Tallies were
‘ſtruck) collected from Recuſants in theſe Southern parts; and
‘Sir *Baſill Brookes* was nominated Treaſurer; he kept the account,
‘and managed the buſineſs. He ſaid he had dealt clearly and candidly
‘with the Parliament, and declared as much as he knew in
‘this buſineſs.

'Mr. *Walter Mountague* being afterwards called in and examined at the Bar of the Houſe of Commons, did acknowledge much of what was ſaid by Sr. *Kenelme Digby* for the Motives and inducements to the raiſing of theſe Moneys; and that the whole tranſaction of the buſineſs was at Seigneur *Con*'s houſe; and ſaid, that it is true, he is called the Popes *Nuntio*; but Mr. *Mountague* did not believe he was Commiſſionated by the Pope in that capacity; but rather that he comes from the Pope particularly to attend the Queens perſon, in order to matters of their Religion in reference to her Majeſty alone.

About two dayes after Sr. *Kenelme Digby* was again called into the Houſe, and demanded in what capacity Seigneur *Con* came into *England*, and how it came to paſs, he coming immediately from the Pope, ſhould be the principal in that buſineſs, and ſhould ſo willingly undertake the engagement of two Kingdoms in a bloody War?

To this he made anſwer, 'How his acquaintance came to be ſo great in the Nation he could not tell; but ſure he was, that his intereſt was greater than any intereſt Sr. *Kenelme Digby* had to advance the buſineſs; for the application was great unto him from Catholicks all over the Nation; that he doth not know of any particular Authority or Juriſdiction he had by any power from the Pope over the Catholicks of *England*, but as they ſay, he is a *Nuntio* or *Legat* of the Popes; though *Nuntio* is a word doth imply a different ſenſe; for if he do but come to keep a Civil Correſpondency between the Pope and the Queen, in that caſe he may be ſaid to be a *Nuntio*: But whether he was an Agent, ſo as to carry any Juriſdiction from the Pope, he doth not know, he cannot ſpeak it poſitively: he was willing to keep himſelf ignorant as much as he might of many things, having much leſs acquaintance with Catholicks, than is imagined he had. But as for Count *Rozetti*, he hath heard ſay, that he came with ſome Juriſdiction from the Pope; but had heard him (*Rozetti*) likewiſe ſay at *White-Hall*, that he did particularly renounce any ſuch Juriſdiction in *England* as was reported he had from the Pope.

Mr. *Mountague* was again interrogated upon theſe Queſtions, and made anſwer much to the purpoſe that Sr. *Kenelme Digby* had done.

TO promote the aforeſaid Contribution, the Queen wrote this Letter to be communicated to all the Roman Catholicks in *England*.

The Queens Letter to the Papiſts about Contributions.

Henrietta Maria R.

WE have ſo good a belief of the Loyalty and affection of his Majeſties Catholick Subjects, as we doubt not but upon this Occaſion that hath called his Majeſty into the Northern parts for the Defence of his Honour and Dominions, they will expreſs themſelves ſo affected as We have alwayes repreſented them to his Majeſty: So in this Common Conſent which hath appeared in the Nobility, Judges, Gentry and others, to forward his Majeſties ſervice by their Perſons and Eſtates, We have

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made no difficulty to anſwer for the ſame Correſpondency in his Catholick Subjects as Catholicks, notwithſtanding they have already concurred to this his Majeſties ſervice according to the quality whereof they are, when others of the ſame quality were called upon: For We believe that it became Us, who have been ſo often intereſſed in the ſolicitation of their benefits, to ſhew Our ſelves now in the perſwaſion of their Gratitudes. Therefore having already by his Majeſty by other means recommended to them this earneſt deſire of Ours to aſſiſt and ſerve his Majeſty by ſome conſiderable ſumm of Money freely and cheerfully preſented, We have thought fit (to the end that this Our deſire may be the more publick and more authoriſed) hereby to give you Commiſſion and direction to diſtribute Copies under Our hand of this teſtification thereof unto thoſe that have met in London *by Our direction about this buſineſs, and unto the ſeveral Collectors of every County. And as We preſume, the ſumm they will raiſe, will not be unworthy Our preſenting to the King; ſo ſhall We be very ſenſible of it as a particular reſpect to Our ſelves, and will endeavour in the moſt efficacious manner we can, to improve the merit of it, and to remove any apprehenſion of prejudice that any (who ſhall employ themſelves towards the ſucceſs of this buſineſs) may conceive: By this they may be aſſured that We will ſecure them from all ſuch objected Inconveniencies. And We are very confident, that this Our firſt Recommendation will be ſo complyed withal, as may not only afford us particular ſatiſfaction, but alſo facilitation towards their own Advantages.*

IN purſuance of her Majeſties Letter, Mr. *Walter Mountague* and Sr. *Kenelme Digby* wrote to ſome of the principal of that Party as followeth:

Mr. *Mountague* & Sr. *Kenelme Digby*'s Letter on the ſame occaſion.

IT is ſufficiently already known to every one, what extraordinary Graces and protections we owe the Queens Majeſty, to whoſe favourable interceſſion we muſt aſcribe the happy moderation we live under: So as we doubt not, but an occaſion of the expreſſion of our Gratitudes will very joyfully be embraced by every body in this preſent eſtate of his Majeſties affairs. We have already by our former Letters endeavoured to prepare you to a cheerful aſſiſtance of his Majeſty in his declared Journey to the Northern parts, for the ſecuring of this Kingdom, and ſuch other purpoſes as his Royal Wiſdom ſhall reſolve of, that ſo you may really demonſtrate your ſelves as good Subjects as God and Nature requires of you. Now her Majeſty hath been graciouſly pleaſed to recommend unto us the expreſſions of our duties and zeal to his Majeſties ſervice, by ſome conſiderable Gift from the Catholicks, and to remove all ſcruples (that even well affected perſons may meet with,) ſhe undertakes to ſecure us and all that ſhall employ themſelves in this buſineſs, from any inconvenience that may be ſuſpected by their or our forwardneſs and declaration in this kind. It will eaſily appear to every body, how much it imports us in our ſenſe of his Majeſties deſires, to preſs every body to ſtrain himſelf even to his beſt abilities in this propoſition, ſince by it we ſhall certainly preſerve his gracefulneſs to us, and give good Characters of our devotion to the King and State, of whoſe benignity we have all reaſon to give teſtimonies, and to endeavour to produce Arguments for the proſecution and encreaſe of it.

Now for the beſt expedition of this buſineſs (which is the chief Circumſtance that importeth in it) we have thought fit to recommend it to your

your Nominations of ſuch perſons as ſhall in your opinions be agreed for the ableſt and beſt diſpoſed in every ſeveral County, not only to ſolicite, but collect ſuch voluntary Contributions, as every bodies Conſcience and duty ſhall proffer. And we ſhall deſire you to give us an account of what acceptation this finds; which we cannot but expect very ſucceſsful and anſwerable to the forwardneſs we meet with here about London; *for which we ſhall offer up our prayers to God.*

W. Mountague,

Ke. Digby.

ANother Letter was ſent from thoſe aſſembled at *London* to ſome of the Romiſh Clergy, with inſtructions incloſed to be delivered by them to ſuch perſons as they concerned in order to the ſame buſineſs.

A Letter from ſome aſſembled at *London*, about the ſame buſineſs.

THe incloſed Advices and Motives being ſo ample, as you will perceive by peruſing them, it will not be needful that we enlarge our ſelves upon any particulars concerning the conduct of the buſineſs which they direct the way in: this therefore ſerveth only to convey them to you (as we are intreated by thoſe that have met here, and have undertaken to do) and deſire you to repair immediately unto thoſe perſons unto whom they be directed, and to deliver the ſame unto them in the name of all the Noble-men and Gentry (together with our ſelves) aſſembled here at London *by the Queens commandment, to ſet forward this work. And we pray you aſſure them in the moſt efficacious manner you can (engaging all our Credits for the Truſt thereof) that it is the ſenſe of us all, both Eccleſiaſtical and Lay perſons, that beſides the diſcharging of their and our duties to God and the King, it mainly importeth the good of the Catholicks, to have their buſineſs take good ſucceſs. Therefore intreat them to deal Actively and Efficaciouſly and ſpeedily according to theſe Advices and Motives. We are ſo well perſwaded of their devotion to put forward ſo pious a work, that we doubt not, but they will be as well ſatisfied in the needfulneſs of the thing, and be as ready to employ themſelves in it, receiving the aſſurance thereof, and perſwaſions thereunto, only from our hands, as if they came by all the formal ways that can be imagined, which in a buſineſs of this nature cannot be expected. And although the Advices and Motives be directed only to the Lay Gentlemen, yet we deſire you (and have anſwered for you) that you will employ your ſelves, and all thoſe that depend upon you, ſincerely to ſolicite and diſpoſe all their minds that you have relation unto, as powerfully as you can, to contribute cheerfully and bountifully upon this occaſion; which as it is the firſt that ever we laboured in of this kind, ſo we hope in God it will be the laſt; there being no probability of ſo preſſing and urgent Neceſſity to occurr any more.*

The Remonſtrance of both Houſes of Parliament unto the King, delivered by the Lord Keeper, January 29. 1640.

May it pleaſe your Majeſty,

Concerning Prieſts and Jeſuites.

'YOur Loyal Subjects, the Lords and Commons now aſſembled by your Majeſties Writ in the High Court of Parliament, humbly repreſent unto your gracious conſideration, That *Jeſuites* and *Prieſts* ordained by Authority from the *See* of *Rome*, remaining in this Realm, by a Statute made in the twenty ſeventh year of Queen *Elizabeth*, are declared Traytors, and to *ſuffer as Traytors.*

27 Eliz. c. 2.

'That this Law is not ſo rigorous, as ſome apprehend, or would have others to believe; for that it is reſtrained to the *natural born* Subjects only, and doth not extend to any ſtrangers at all.

1 Jac. c. 4.

'That it is enacted in the firſt year of King *James*, That all Statutes made in the time of Queen *Elizabeth* againſt Prieſts and Jeſuites, be put in due and exact execution.

'And for further aſſurance of the due execution of theſe Laws, the Statute of the third year of King *James* invites men to the diſcovery of the offendors, by rewarding them with a conſiderable part of the forfeiture of the Recuſants eſtate.

'So that the Statute of Queen *Elizabeth* is not only approved, but by the Judgement of ſeveral Parliaments in the time of King *James* of happy memory, adjudged fit and neceſſary to be put in execution.

'That conſidering the ſtate and condition of this preſent time, they conceive this Law to be more neceſſary to be put in ſtrict execution, than at any time before; and that for divers weighty and conſiderable reaſons: *viz.* for that by divers *Petitions* from the ſeveral parts of this Kingdom, *Complaints* are made of the great encreaſe of Popery and Superſtition, and the people call earneſtly to have the Laws againſt Recuſants put in Execution; *Prieſts* and *Jeſuites* ſwarm in great abundance in this Kingdom, and appear here with ſuch boldneſs and confidence, as if there were no Laws againſt them.

'That it appears unto the Houſe of Commons by proof, That of late years about the City of *London*, Prieſts and Jeſuites have been *diſcharged out of Priſon*, many of them being condemned of High Treaſon.

'They are credibly informed, That at this preſent the *Pope hath a Nuntio* or Agent reſident in this City, and they have a juſt cauſe to believe the ſame to be true.

'The Papiſts, as publickly, and with as much confidence and importunity reſort to *Maſs* at *Denmark-Houſe* and at *St. James's*, and the Embaſſadors Chappels, as others do to their Pariſh Churches: They conceive the not putting of theſe Statutes in execution againſt Prieſts and Jeſuites, is a principal cauſe of the encreaſe of Popery.

'That the putting of theſe Laws in execution, tendeth not only to the preſervation and advancement of the true Religion eſtabliſhed in this Kingdom, but alſo the ſafety of your Majeſties Perſon, 'and ſecurity of the State and Government, which were the principal cauſes of the making of the Laws againſt Prieſts and Jeſuites, as is manifeſtly declared in the Preamble of the Laws themſelves, which are the beſt Interpreters of the minds of the Makers 'of them.

'And becauſe the words being penned by the Advice and Wiſdom 'of the whole State, are much more full and clear, than any particular mans expreſſion can be; they were therefore read as they 'are vouched; thoſe of the twenty ſeventh year of Queen *Elizabeth* 'being thus: *viz.*

'That the Prieſts and Jeſuites come hither, not only to draw the 'Subjects from their true obedience to the Queen; but alſo to ſtir 'up Sedition, Rebellion and open Hoſtility within the Realm, to the 'great endangering of the ſafety of her Royal Perſon, and to the 'utter ruine, deſolation and overthrow of the whole Kingdom, if 'not timely prevented: and the tenour of the words of the third 'year of King *James* are in this manner: *viz.*

'Whereas divers Jeſuites and Prieſts do withdraw many of his 'Majeſties Subjects from the true ſervice of Almighty God, and 'the Religion eſtabliſhed within this Realm to the *Romiſh* Religion, 'and from their loyal obedience to his Majeſty; and have of late ſecretly perſwaded divers Recuſants and Papiſts, and encouraged and 'emboldned them to commit moſt damnable Treaſons, tending to 'the overthrow of the whole State and Common-wealth; if God of 'his goodneſs and mercy had not within few hours of the intended 'execution thereof, revealed and diſcloſed the ſame.

'The Houſes did further inform, that ſome Jeſuites and Prieſts 'had been executed in the time of Queen *Elizabeth* and King *James* 'of happy memory; and when any of them have received mercy, it 'was in ſuch a time, and upon ſuch Circumſtances, as that the ſame 'might be extended to them without danger; whereas now of late, 'there hath been a great apprehenſion of endeavours by ſome ill 'Agents to ſubvert Religion: and at this preſent both Kingdoms 'have a general expectation of a thorough reformation.

'And there is already found ſo ill a conſequence of the late Reprieve of *John Goodman* the Prieſt; that the Houſe of Commons 'having ſent to the Citizens of *London* for their aſſiſtance in the advancement of Money, for the preſent and neceſſary ſupply of his 'Majeſties Army, and the relief of the Northern Counties; upon 'this occaſion, they have abſolutely denyed to furniſh the ſame: 'and how far the like diſcontent may be effuſed into other parts of 'the Kingdom, to the interruption of the levying of the Subſidies, 'the Houſes leave to your Majeſties conſideration. It is found that *Goodman the Prieſt* hath been twice formerly committed and diſcharged: 'That his reſidence now about *London*, was in abſolute contempt of 'your Majeſties Proclamation, as the Houſes are credibly informed, 'that he hath been ſometimes a Miniſter in the Church of *England*, 'and conſequently is an *Apoſtate*: both Houſes are very ſenſible, that 'any man ſhould preſume to intercede with your Majeſty in a caſe of 'ſo high a nature.

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'They humbly deſire, that a ſpeedy courſe may be taken for the 'due execution of the Laws againſt the Prieſts and Jeſuites, that all 'miſchiefs before mentioned may be timely remedied by your Ma'jeſties great Wiſdom.

'And Laſtly, That *Goodman* the Prieſt be left to the Juſtice of 'the Law.

To which the King makes anſwer to this effect.

The Kings Anſwer.

That it was againſt his mind, that Popery or Superſtition ſhould any way encreaſe within this Kingdom; that he will reſtrain the ſame, by cauſing the Laws to be put in execution.

That he is reſolved to provide againſt Jeſuites and Papiſts, by ſetting forth a Proclamation ſpeedily, commanding them to depart the Kingdom within one Month; of which if they fail, or ſhall return, then they ſhall be proceeded againſt according to Law.

Concerning the Popes Nuntio (Roſſetti) *he hath no Commiſſion, but only to retain Correſpondency between the Queen and the Pope, in things requiſite for the exerciſe of her Religion, which is warranted to her by the Articles of Marriage, which gave her a full liberty of Conſcience: yet he hath perſwaded her, that ſince the miſunderſtanding of that perſons condition gives offence, ſhe will within a time convenient remove him.*

Moreover, he will take ſpecial care to reſtrain his Subjects from reſorting to Maſs at Denmark-Houſe, St. James'*s*, *and the Chappels of Embaſſadors.*

Laſtly, Concerning Goodman, *becauſe he will avoid the inconvenience of giving ſo great diſcontent to his people, as his mercy may produce; therefore he doth remit his particular caſe to both Houſes. But he deſired them to take into their conſiderations, the inconvenience that may upon this occaſion fall upon his Subjects, and other Proteſtants abroad; eſpecially, ſince it may ſeem to other States to be a ſeverity.*

When the Author of theſe Collections came to the Preſs with this his Second Part, he had no intention to have gone further than to the third of *November* 1640. but finding his Collections to end as the King and his Nobles came from *York* after the Great Council there broke up and arrived at *London* immediately before the Parliament met; and finding the King in his Speech the firſt day at the opening of the Parliament, to take notice of the Proceedings at the Great Council, and at the Treaty at *Rippon*, the Author hath adventured to give an Account of ſome Proceedings of that Parliament during the firſt ſix Months, where many Speeches were made concerning the State and Condition of the Kingdom, and the Grievances the People had undergone: ſome of which Speeches you have at large, and Abſtracts of others of them, with ſome few Remarkable Paſſages in the Parliament during that time.

The Kings Majeſties Speech at the Opening of the Parliament at *Weſtminſter*, *Novemb.* 3. 1640.

The Kings Speech at the opening of the Parliament.

My Lords,

T*He knowledge I had of the deſires of my* Scottiſh *Subjects, was the cauſe of my calling the laſt Aſſembly of Parliament: wherein had I been believed, I ſincerely think, that things had not fallen out as now we ſee. But it is no wonder, that men are ſo ſlow to believe that ſo great a Sedition ſhould be raiſed on ſo little Ground. But now my Lords and Gentlemen, the Honour and Safety of this Kingdom lying ſo near at the ſtake, I am reſolved to put my ſelf freely and clearly on the love and affection of my* Engliſh *Subjects, as theſe of my Lords as did wait on me at* York, *very well remember I there declared.*

Therefore my Lords, I ſhall not mention mine own Intereſt, or that ſupport I might juſtly expect from you, till the Common ſafety be ſecured; though I muſt tell you, I am not aſhamed to ſay, thoſe Charges I have been at, have been meerly for the ſecuring and good of this Kingdom, though the ſucceſs hath not been anſwerable to my deſires: therefore I ſhall only deſire you to conſider the beſt way both for the Safety and Security of this Kingdom; wherein there are two Parts chiefly conſiderable. Firſt, The Chaſtiſing out of the Rebells; *and Secondly, That other, in ſatisfying your juſt Grievances, wherein I ſhall promiſe you to concur ſo heartily and clearly with you, that all the World may ſee my Intentions have ever been and ſhall be to make this a Glorious and Flouriſhing Kingdom. There are only two things that I ſhall mention to you; Firſt, The one is to tell you, that the Loan of Money which I lately had from the City of* London, *wherein the Lords that waited on me at* York *aſſiſted me, will only maintain my Army for two Months from the beginning of that time it was granted. Now my Lords and Gentlemen, I leave it to your conſiderations, what Diſhonour and Miſchief it might be, in caſe for want of Money, my Army be disbanded before the Rebells be put out of this Kingdom. Secondly, The ſecuring the Calamities the Northern People endure at this time, and ſo long as the Treaty is on foot: And in this I may ſay, not only they, but all this Kingdom will ſuffer the harm: therefore I leave this alſo to your conſideration, for the ordering of theſe great affairs, whereof you are to treat at this time. I am ſo confident of your love to me, and that your care is for the Honour and Safety of the Kingdom, that I ſhall freely and willingly leave to you where to begin. Only this, that you may the better know the State of all the affairs, I have commanded my Lord Keeper to give you a ſhort and free Account of theſe things that have happened in this Interim, with this Proteſtation, That if this Account be not ſatisfactory as it ought to be, I ſhall whenſoever you deſire, give you a full and perfect Account of every particular. One thing more I deſire of you, as one of the greateſt means to make this a happy Parliament, That you on your parts, as I on mine, lay aſide all ſuſpicion one of another, as I promiſed my Lords at* York; *It ſhall not be my fault, if this be not a happy and good Parliament.*

An. 1640.

The Kings Majeſties Speech in Parliament the fifth of November 1640. when he declared his Approbation of *William Lenthall* of *Lincolns-Inn*, Eſq; to be Speaker.

My Lords,

I *Do expect, that you will haſtily make relation to the Houſe of Commons of thoſe great affairs for which I have called you hither at this time, and ſo the truſt I have repoſed in them; and how freely I put my ſelf on their Love and Affections at that time: And that you may know the better how to do ſo, I ſhall explain my ſelf as concerning one thing I ſpake the laſt day: I told you, that the Rebels muſt be put out of this Kingdom. Its true, I muſt needs call them ſo, ſo long as they have an Army that do invade us: And although I am under Treaty with them, and I under my Great Seal do call them my Subjects, and ſo they are too: But the State of my Affairs in ſhort is this; It's true, I did expect when I did will my Lords and Great Ones at* York, *to have given a Gracious Anſwer to all their Grievances; for I was in good hopes by their Wiſdoms and Aſſiſtances, to have made an end of that buſineſs. But I muſt tell you, that my Subjects of* Scotland *did ſo delay them, that it was not poſſible to end there: therefore I can no wayes blame my Lords that were at* Rippon, *that the Treaty was not ended; but muſt thank them for their pains and Induſtry: and certainly had they as much power as affections, I ſhould by that time have brought theſe diſtempers to a happy Period: ſo that now the Treaty is tranſported from* Rippon *to* London, *where I ſhall conclude nothing without your knowledge, and I doubt not but by your approbation: for I do not deſire to have this great Work done in a Corner; for I ſhall lay open all the ſteps of this Miſunderſtanding, and Cauſes of the great difference between me and my Subjects of* Scotland; *and I doubt not but by your aſſiſtance, to make them know their duty, and to make them return whether they will or no.*

* Since Lord Chancellor to King *Charles* the ſecond, and was with the King at *Oxford* during the War.

Mr. *Edward Hide*, Of a crying Grievance in the North.

* Mr. Edward Hide, *Of a Crying Grievance in the* North.

My Lords,

‘I Am commanded by the Knights, Citizens and Burgeſſes of the Houſe of Commons, to preſent to your Lordſhips a great and crying Grievance, which though it be complained of in the preſent preſſures, but by the Northern parts, yet by the Logick and conſequence of it, it is the Grievance of the whole Kingdom. The Court of the Preſident of the North, or as it is more uſually called, the *Courts of York*, which by the ſpirit and ambition of the Miniſters truſted there, or by the natural inclination of Courts to enlarge their own Power and Juriſdiction, hath ſo prodigiouſly broken down the Banks of the firſt Channel in which it ran, as it hath almoſt overwhelmed that Countrey under the Sea of Arbitrary power, and involved the people in a Labyrinth of diſtemper, oppreſſion and poverty.

‘My Lord of *Strafford* came to that Government, in *December 4 Caroli*, and ſince the Commiſſion hath been three ſeveral times renewed. But into that Commiſſion of the 8 and 13 years of the King's Raign, a new clauſe was inſerted for the granting, ſequeſtring and eſtabliſhing poſſeſſions according to inſtructions, which crowded in a Maſs of new exorbitant and intolerable power; our complaint is againſt this Commiſſion it ſelf, and againſt the whole body of thoſe inſtructions.

‘The ninth Inſtruction requires an obedience to ſuch Ordinances and determinations, as be or ſhall be made by the Council Table, or High Commiſſion Court. A grievance of ſo tranſcendent a nature, that your Lordſhips noble Juſtice will provide a Remedy for it, with no leſs care than you would reſcue the life and blood of the Common-Wealth. There are among them in the whole 58 inſtructions, ſcarce one that is not againſt, or beſides the Law.

‘Whether his Majeſty may cantonize out a part of his Kingdom to be tryed by Commiſſion, though according to the rules of Law, ſince the whole Kingdom is under the Laws and Government of the Court eſtabliſhed at *Weſtminſter*, and by this reaſon the ſeveral parts of the Kingdom may be deprived of that priviledge, will not be now the queſtion; That his Majeſty cannot by Commiſſion erect a new Court of *Chancery*, or a proceeding according to the rules of the *Star-Chamber* is moſt clear to all who have read *Magna Charta*, which allowed no proceedings, *niſi per legale judicium Parium, & per legem terræ.*

* Geo. Lord Digby, Of Grievances in the Weſt.

* He was with the King at *Oxford* during the War.

Geo. Lord *Digby*, Of Grievances in the *Weſt.*

Mr. Speaker,

‘YOU have received now a ſolemn account from the moſt of the Shires of *England*, of the ſeveral grievances and oppreſſions they ſuſtain, and nothing as yet for *Dorſetſhire.*

‘It's true Mr. *Speaker*, the County of *Dorſet* hath not digeſted its complaints into that formal way of Petition, which others (I ſee) have done. But the County of *Dorſet* have intruſted their Complaints to my Partner and my delivery of them by word of mouth, unto this Honourable Houſe, and there was given unto us in the County-Court the day of our election, a ſhort memorial of the heads of them, which was read in the hearing of the Free-holders there preſent, who all unanimouſly with one voice ſignified upon each particular, that it was their deſire, that we ſhould repreſent them to the Parliament, which with your leave I ſhall do, and theſe they are.

‘1. The great and intolerable burthen of *Ship-money*, touching the legality whereof they are unſatiſfied.

‘2. The many great abuſes in preſſing of Souldiers and raiſing moneys concerning the ſame.

‘3. The multitude of Monopolies.

‘4. The new Canon, and the Oath to be taken by Lawyers, Divines, *&c.*

‘5. The Oath required to be taken by Church-Officers, to preſent according to Articles new and unuſual.

‘Beſides this, there was likewiſe preſented to us by a very conſiderable part of the Clergy of that County, a note of remembrance containing theſe two particulars.

‘Firſt, The impoſition of a new Oath, required to be taken by all Miniſters and others: which they conceive to be illegal, and ſuch as they cannot take with a good conſcience.

‘Secondly, The requiring of a pretended benevolence, but in effect a *Subſidy*, under the penalty of ſuſpenſion, excommunication and deprivation, all benefit of appeal excluded.

This is all we had particularly in charge.

* *Sir* Jo. Culpepper, *Of Grievances in* Kent, *Monopolies*, &c.

* He was with the King at *Oxford* during the War.

Sir *Jo. Culpepper*, Of Grievances in *Kent*, Monopolies, *&c.*

Mr. Speaker,

‘I Stand not up with the Petition in my hand as others have done before me, I have it in my Mouth, and in charge from them that ſent me hither to preſent the Grievances of the County of *Kent*.

‘1. The great encreaſe of Papiſts by the remiſs Execution of thoſe Laws which are made to ſuppreſs them.

‘2. The intruding and countenancing of divers new Ceremonies in matters of Religion, as placing the Communion Table Altarwiſe, and bowing or cringing to or towards the ſame.

‘3. A great Grievance by the Military Charges; 1. of Coat and Conduct Money. 2. The Inhanſing of the price of Gun-Powder, whereby the Trained Bands are diſcouraged in their Exerciſing. 3. The laſt Summer was Twelve Month a Thouſand of our beſt Armes were taken from the Owners and ſent into *Scotland*; The Compulſory way was this, if you will not ſend your Armes you ſhall go your ſelves, this had not wont to be done to the Trained Bands, a Militia of great ſtrength and Honour, and of no charge to the King.

‘The next Grievance is the *Canons*, beſides the *Oath &c.* made by a Convocation that ended with the Parliament, yet afterwards the ſame men without any new Election were ſhuffled into a Sacred *Synod*, and without Parliament aſſumed unto themſelves Power to make Laws, to grant Benevolence and to meddle with our Freehold concerning the ſame.

‘The next *Grievance* is *Ship-money*, this cries aloud, it ſtrikes the Firſt-born of every Family, I mean our Inheritance. If the Laws give the King Power in any danger of the Kingdom whereof he is Judge, to impoſe what and when he pleaſe, we owe all that is left to the goodneſs of the King.

‘There is one Grievance more, but it compriſeth many, it is a neſt of Waſps or ſwarm of Vermin which have over-crept the Land, I mean the Monopolies and Pollers of the People; theſe like the Frogs of *Egypt* have gotten Poſſeſſion of our Dwellings, they ſup in our Cup, they dip in our Diſh, they ſit by our Fire, we find them in the Waſh-Houſe and Powdring-Tub, they ſhare with the Butler in his Box; They have Marked and Sealed us from Head to Foot, they will not abate us a pin; theſe are the *Leaches* that have ſucked the Common-Wealth ſo hard that it is almoſt become Hectical.

* Mr. Waller, *Of Ship-money, Judges, and Intermiſſion of Parliaments.*

* He was ſentenced to ſuffer death for adhering to K. *Charles* I.

Mr. *Waller*, Of Ship-money, Judges, and Intermiſſion of Parliaments.

My Lords,

'THE Articles againſt Judge *Crawley* you have heard read, and they have told you how theſe *Brothers of the Coif* are become *fratres in malo,* how theſe Sons of the Law have torn out the Bowels of their Mother.

'This Impoſition of *Ship-money* ſpringing from a pretended neceſſity, was it not enough that it was now grown Annual, but they muſt intail it upon the State for ever, at once making neceſſity inherent to the Crown, and ſlavery to the Subject? Neceſſity, which diſſolving all Law, is ſo much more prejudicial to his Majeſty, than to any of us, by how much the Law has inveſted his Royal State with a greater power, and ampler fortune; for ſo undoubted a truth it hath ever been, that Kings as well as Subjects are involved in the confuſion which neceſſity produceth.

'That this was a ſuppoſititious impoſed neceſſity, and ſuch as they could remove when they pleaſed; at the laſt Convention in Parliament, a price was ſet upon it, *for twelve Subſidies you ſhall reverſe this ſentence*; It may be ſaid, So much Money would have removed the preſent neceſſity; but here was a Rate ſet upon future neceſſity, For Twelve Subſidies you ſhall never ſuffer neceſſity again, you ſhall for ever aboliſh that Judgement; here this Myſtery is revealed, this viſor of neceſſity is pulled off, and now it appears this Parliment of Judges had very frankly and bountifully preſented his Majeſty with Twelve Subſidies to be Levyed on your Lordſhips, and the Commons. Certainly there is no priviledge which more properly belongs to a Parliament, than to open the Purſe of the Subject, and yet theſe Judges, who are neither capable of ſitting among us in the Houſe of Commons, nor with your Lordſhips, otherwiſe than as your aſſiſtants, have not only aſſumed to themſelves this Priviledge of Parliament, but preſumed at once to make a preſent to the Crown of all that either your Lordſhips or the Commons of *England* do, or ſhall hereafter poſſeſs.

'On every County a ſhip is Annually impoſed, and who would not expect, but our Seas by this time ſhould be covered with the number of our Ships; Alas, my Lords, the daily complaints of the decay of our Navy tell us how ill *Ship-money* hath maintained the Soveraignty of the Seas, and by many Petitions which we receive from the Wives of thoſe miſerable Captives at *Algier* (being between four and five thouſand of our Countreymen) it doth evidently appear that to make us ſlaves at home is not the way to keep us from being made ſlaves abroad; ſo far has this Judgement been from relieving the preſent, or preventing the future neceſſity, that as it changed our real propriety into the ſhadow of a propriety, ſo of a feigned it hath made a real neceſſity.

'Our known Diſcontents at home have been a concurrent cauſe to invite our Neighbours to viſit us ſo much to the expence and trouble of both theſe Kingdoms.

An.1640.

‘And here my Lords, I cannot but take notice of the moſt ſad effects of this oppreſſion, the ill influence it has had upon the ancient reputation and valour of the *Engliſh* Nation: and no wonder, for if it be true that oppreſſion makes a wiſe man mad, it may well ſuſpend the Courage of the Valiant. The ſame happened to the *Romans*, when for renown in Armes they moſt excelled the reſt of the world; the ſtory is but ſhort, 'Twas in the time of the *Decemviri* (and I think the chief troublers of our State may make up that number:) the *Decemviri*, My Lords, had ſubverted the Laws, ſuſpended the Courts of Juſtice, and (which was the greateſt grievance both to the Nobility and People) had for ſome years omitted to aſſemble the Senate, which was their Parliament; This ſayes the Hiſtorian, did not only deject the *Romans*, and make them deſpair of their Liberty, but cauſed them to be leſs valued by their Neighbours: The *Sabines* take the advantage and invaded them: and now the *Decemviri* are forced to call the long deſired Senate, whereof the people were ſo glad, that *Hoſtibus belloque gratiam habuerunt:* This aſſembly breaks up in diſcontent; nevertheleſs the war proceeds, Forces are raiſed, led by ſome of the *Decemviri*, and with the *Sabines* they meet in the Field: I know your Lordſhips expect the event; my Authors words of his Countreymen are theſe, *ne quid ductu aut auſpicio Decemvirorum proſperè gereretur, vinci ſe patiebantur.* They choſe rather to ſuffer a preſent Diminution of honour, than by Victory to confirm the Tyranny of their new Maſters. At their return from this unfortunate expedition, after ſome diſtempers and expoſtulations of the people, another Senate, that is a ſecond Parliament is called, and there the *Decemviri* are queſtioned, deprived of their Authority, impriſoned, baniſhed, and ſome loſe their lives; and ſoon after this vindication of their Liberties, the *Romans* by their better ſucceſs made it appear to the world, that liberty and courage dwell in the ſame breſt, and are never to be divorced. No doubt, my Lords, but your Juſtice ſhall have the like effect upon this diſpirited people; 'Tis not the reſtauration of our ancient Laws alone, but the reſtitution of our ancient Courage which is expected from your Lordſhips.

* Afterwards Lord Chancellour of *England* to K. *Charles* II.

Mr. *Ed. Hide*, Of Grievances by Judges in the caſe of Ship-money.

* Mr. Edward Hide *of Grievances by Judges in the caſe of Ship-money.*

My Lords,

‘THere cannot be a greater Inſtance of a Sick and Languiſhing Common-Wealth, than the buſineſs of this day; Good God how have the Guilty theſe late years been puniſhed, when the Judges themſelves have been ſuch delinquents! 'Tis no marvel that an Irregular, Extravagant, Arbitrary Power like a Torrent hath broke in upon us, when our Banks and our Bullworks, the Laws, were in the Cuſtody of ſuch Perſons. Men who had loſt their Innocence could not preſerve their courage, nor could we look that they who had ſo viſibly undone us, themſelves ſhould have the Vertue or Credit to reſcue us from the oppreſſion of other men. 'Twas ſaid by one who alwayes ſpoke excellently, That the twelve Judges were like the twelve Lyons under the Throne of *Solomon*, 'under the Throne in obediences, but yet *Lyons:* Your Lordſhips ſhall this day hear of ſix, who (be they what they will be elſe) were no Lyons, but who upon vulgar Fears delivered up the Pretious Forts they were truſted with, almoſt without aſſault, and in a tame eaſie Trance of Flattery and Servitude, loſt and forfeited (ſhamefully forfeited) that Reputation, awe and Reverence, which the Wiſdom, Courage and Gravity of their venerable Predeceſſors had contracted and faſtned to the places they now hold.

Lord Digby, *Of Frequent Parliaments.*

Lord *Digby*, Of Frequent Parliaments.

Mr. Speaker,

'Surely there is no man but will conclude with me, that as the want of Parliaments hath been the *Cauſa Cauſarum*, of all the miſchiefs and diſtempers of the preſent times: ſo frequency of Parliaments is the ſole Catholick Antidote, that can preſerve and ſecure us for the future from the like danger.

'Let me yet draw my diſcourſe a little nearer to his Majeſty himſelf, and tell you that the frequency of Parliament is moſt eſſentially neceſſary to the power, the ſecurity, the Glory of the King.

'There are two wayes of powerful rule, either by fear or love, but one is of a happy and ſafe rule, that is by love.

'To which *Camillus* adviſed the *Romans*, let a Prince conſider what it is that moves a people principally to affection, and dearneſs towards their Soveraign, he ſhall ſee that there needs no other Artifice in it, than to let them enjoy unmoleſted what belongs unto them of right, and a wiſe Prince that would be happy, will fervently labour to regain Love.

* *Sir* Benj. Rudyard, *Of frequent Parliaments.*

* A Servant to K. *Charles* I. and Surveyor General in the Court of Wards.

Sir *Benj. Rudyard*, Of Frequent Parliaments.

'It hath been boaſted, that the King ſhould never Call a Parliament till he had no need of his people; theſe were words of Diviſion, and malignity. The King muſt alwayes according to his occaſions have uſe of his peoples power, hearts, hands, purſes. The people will alwayes have need of the Kings Clemency, Juſtice, Protection: And this reciprocation is the ſtrongeſt, the ſweeteſt Union.

'It hath been ſaid too of late, That a Parliament will take away more from the King, than they will give him. It may well be ſaid, that thoſe things which will fall away of themſelves, will enable the Subject to give him more than can be taken any way; *Projects* and *Monopolies* are but leaking Conduit-pipes; The *Exchequer* it ſelf at the fulleſt, is but a Ciſtern, and now a broaken one; frequent Parliaments only are the Fountain: and I do not doubt but in this Parliament, as we ſhall be free in our advices, ſo ſhall we be the more free of our Purſes, that his Majeſty may experimentally find the real difference of better Counſels, the true ſolid grounds of raiſing and eſtabliſhing his greatneſs, never to be brought again (by Gods bleſſing) to ſuch dangerous, ſuch deſperate perplexities.

Lord Digby, *Of Intermiſſion and breaking of Parliaments.*

Lord *Digby*, Of Intermiſſion and breaking of Parliaments.

‘AS it cannot be denyed, Mr. *Speaker*, that ſince the Conqueſt,
‘there hath not been in this Kingdom a fuller concurrence of all
‘Circumſtances, to have made a Kingdom happy, than for theſe
‘twelve years laſt paſt; ſo it is moſt certain that there hath not been
‘in all that deduction of Ages ſuch a conſpiracy (if one may ſo
‘ſay) of all the Elements of miſchief, to bring a flouriſhing King-
‘dom (if it were poſſible) to ſwift ruine and deſolation.

‘I will be bold to ſay (and I thank God, we have ſo good a King,
‘under whom we may ſpeak boldly of the abuſe by ill Miniſters,
‘without reflection upon his perſon) That an accumulation of all
‘the publick Grievances ſince *Magna Charta*, put one upon another,
‘unto that hour in which the *Petition of Right* paſt into an Act of
‘Parliament; would not amount to ſo oppreſſive, I am ſure not to
‘ſo deſtructive a height and magnitude, to the rights and property
‘of the Subject, as one branch of our beſlaving, ſince the *Petition of*
‘*Right*.

‘The branch I mean is the Judgement concerning *Ship-money*,
‘this being a true repreſentation of *England* in both aſpects. As for
‘unmatcht oppreſſion and enthralling of free Subjects in a time of the
‘beſt Kings Reign, and in memory of the beſt Laws enacted in favour
‘of Subjects liberty, let any man find a truer cauſe than the *ruptures*
‘and *intermiſſion of Parliaments*. Let him and him alone be againſt
‘the ſettling of an inevitable way, for the frequent holding of them.

‘’Tis true Sir, Wicked Miniſters have been the proximate cauſes
‘of our miſeries; but the want of Parliaments the primary and the
‘efficient cauſe.

‘Ill Miniſters have made ill times, but that Sir hath made ill Mi-
‘niſters.

* With the King at *Oxford* and ſlain at *Newberry* Fight.

* *Lord* Faulkland, *Of Uniformity.*

Lord *Faulkland*, Of Uniformity.

‘HE is a great ſtranger in *Iſrael* who knows not, that this King-
‘dom hath long laboured under many and great oppreſſions,
‘both in Religion and liberty: and his acquaintance here is not great,
‘or his ingenuity leſs who doth not both know and acknowledge, that
‘a great if not a principal cauſe of both theſe, have been ſome Bi-
‘ſhops and their adherents.

‘A little ſearch will ſerve to find them to have been the deſtruction
‘of unity, under pretence of Uniformity, to have brought in Super-
‘ſtition and ſcandal, under the titles of reverence and decency, to have
‘defiled our Church by adorning our Churches, to have ſlackned the
‘ſtrictneſs of that union which was formerly between us and thoſe of
‘our Religion beyond the Sea; an action as unpolitick as ungodly.

‘We ſhall find them to have tythed Mint and Aniſe, and have
‘left undone the weightier work of the Law; to have been leſs
‘eager upon thoſe who damn our Church, than upon thoſe,
‘who, upon weak conſcience and perhaps as weak reaſons
‘(the diſlike of ſome commanded Garment, or ſome uncom-
‘manded poſture) only abſtained from it: Nay, it hath been more
‘dangerous for men to go to ſome Neighbours Pariſh, when they
‘had

‘had no Sermon in their own, than to be obſtinate and perpetual Recuſants; while Maſſes have been ſaid in ſecurity, a Conventicle hath been a crime, and which is yet more, the conforming to Ceremonies hath been more exacted, than the conforming to Chriſtianity; and we ſhall find them to have been like the Hen in *Eſop*, which laying every day an Egg, with ſuch a proportion of Barley, her Miſtris encreaſing her proportion in hopes ſhe would encreaſe her Eggs, ſhe grew ſo fat upon that addition, that ſhe never laid more: ſo though at firſt their preaching were the occaſion of their preferment, they after made their preferment the occaſion of their not Preaching.

* *Mr.* Bagſhaw, *About Epiſcopacy.*

* He was with the King at *Oxford* during the War.

Mr. *Bagſhaw*, about Epiſcopacy.

‘I Do diſtinguiſh and ſuppoſe a twofold Epiſcopacy, the firſt in *Statu puro*, as it was in the primitive times: the ſecond in *ſtatu corrupto*, as it is at this day, and is ſo intended and meant in the *London-Petition*. Now I hold that Epiſcopacy in this latter ſence is to be taken into conſideration, as a thing that trencheth not only upon the right and liberties of the Subject (of which I ſhall have occaſion to ſpeak hereafter) but as it is now, it trencheth upon the Crown of *England* in theſe four particulars, wherein I know this houſe will willingly hear me.

‘Firſt, It is maintained by the Biſhop of *Exeter* in a Book, which he hath writ to this purpoſe, that Epiſcopacy it ſelf, both in the office and in the Juriſdiction is, *jure divino*, of Divine Right; which poſition is directly contrary to the Laws of *England*, of which I will cite but two or three inſtead of many more. The Statute of *Carliſle*, 35 *Ed*. 1. mentioned in *Caudries* caſe, in the fifth report, ſaith, that the Church of *England* is founded in the ſtate of Prelacy by the Kings of *England* and their Progenitors, which likewiſe appears by the firſt Chapter in *Magna Charta*, in theſe words, *Conceſſimus Deo & Eccleſiæ Anglicanæ omnes libertates, &c.* and in the twenty fifth year of *Edward* 3. in the French-Roll which I have ſeen, there the Arch-Biſhop and Clergy Petition the King for their Liberties, in theſe words thus Engliſhed, *That for the Reverence of God and holy Church, and of his Grace and bounty, he will confirm all thoſe liberties, priviledges and rights, granted and given by him and his Noble Progenitors, to the Church by their Charters:* which plainly ſheweth, that they have their Epiſcopal Juriſdiction from the Kings of *England*, and not *jure divino*, by divine right: and this likewiſe is acknowledged by themſelves in the Statute of 37 *H*. 8. *Cap*. 17. that they have their Epiſcopal juriſdiction, and all other Eccleſiaſtical juriſdiction whatſoever ſolely and only, by, from, and under the King.

‘The ſecond thing that is trenching upon the Crown, is this, That it is holden at this day, that Epiſcopacy is inſeparable to the Crown of *England*; and therefore it is commonly now ſaid, *no Biſhop no King, no Mitre no Scepter*; which I utterly deny, for it is plain and apparent, that the Kings of *England* were long before Biſhops, and have a ſubſiſtence without them, and have done and may ſtill depoſe them.

‘The third is likewiſe conſiderable, as trenching upon the Crown, which is that was ſaid under the Gallery, that Epiſcopacy was a

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‘third Eſtate in Parliament; and therefore the King and Parliament
‘could not be without them. This I utterly deny; for there are
‘three Eſtates without them, as namely, the King, who is the firſt
‘Eſtate; the Lords Temporal the ſecond, and the Commons the
‘third; and I know no fourth Eſtate. Beſides the Kings of *England*
‘have had many Parliaments, wherein there have been no Biſhops
‘at all: as for example, *Ed.* 1. 24. of his Reign held his Parliament
‘at *Edmundsbury excluſò Clerò*; and in the Parliament 7 *Rich.* 2. *cap.* 3.
‘and 7 *R.* 2. 12. it doth appear, that they were enacted by the King,
‘with the aſſent and agreement of the Lords Temporal and Com-
‘mons, where the Eſtates of Parliament are mentioned, and not the
‘Clergy. Divers other Statutes might likewiſe be named to this
‘purpoſe, which I omit.

‘The fourth and laſt thing, is of the Biſhops holding of the Ec-
‘cleſiaſtical Courts in their own Names, and not in the Name of the
‘King, nor by Commiſſion from him, contrary to the Statute of
‘1 *Ed.* 6. *cap.* 2. and contrary to the practice of Biſhop *Ridley*, *Cover-
‘dale* and *Ponnet*, who took Commiſſions from the King, for hold-
‘ing their Eccleſiaſtical Courts, as may be ſeen this day in the
‘Rolls.

‘And although it will be objected, That by a late Proclamation
‘in the year of our Lord God 1637. wherein the Opinion of the
‘Judges is mentioned, it is declared upon their Opinion, That the Act
‘of 1 *Ed.* 6. was repealed, and that Biſhops may now keep Courts
‘in their own Names, and ſend Proceſs under their own Seals; yet
‘it is well known, that the Statute of 1 Queen *Mary*, which repealed
‘the Statute of 1 *Ed.* 6. was it ſelf repealed by the Statute of 1 *Ja-
‘cobi cap.* 25. Whereupon it was holden upon a full debate of this
‘point in Parliament 7 *Jac.* which I have ſeen, That upon conſidera-
‘tion of the Statutes of 1 *Jac.* and 1 *Eliz. cap.* 1. and 8 *Eliz. cap.* 1.
‘that the Statute of the firſt of *Edward* the ſixth was revived, and
‘that Biſhops ought not to keep Courts in their own Names: ſo
‘that for theſe Reaſons ſo nearly concerning the Right of the
‘Crown of *England* in the point of Epiſcopacy, I am for a thorough
‘Reformation of all Abuſes and Grievances of Epiſcopacy; which
‘Reformation may perhaps ſerve the turn, without alteration of the
‘Government of *England*, into a form of Presbyterie, as it is in other
‘Kingdoms, of *Scotland*, *France*, *Geneva* and the *Low Countreys*;
‘which for mine own part, had I lived in theſe Kingdoms, I ſhould
‘have been of the opinion of the Proteſtant Party in point of
‘Presbyterie, *&c.*

Sr. Benjamin Rudyard *about Church Government.*

Sr. *Benj. Rudyard*, about Church Government.

‘CErtainly Sir, This Superintendency of eminent men, Biſhops
‘over divers Churches, is the moſt Primitive, the moſt ſpread-
‘ing, the moſt laſting Government of the Church; wherefore
‘whilſt we are earneſt to take away Innovations, let us beware we
‘bring not in the greateſt Innovation that ever was in *England*.

‘I do very well know, what very many do very frequently deſire:
‘But let us very well bethink our ſelves, Whether a popular Demo-
‘cratical Government of the Church (though fit for other places) will
‘be

‘be either ſuitable or acceptable to a Regal Monarchical Government of the State?

‘Every man can ſay, (it is ſo common and known a Truth) That ſuddain and great Changes both in Natural and Politick Bodies, have dangerous operations. And give me leave to ſay, That we cannot preſently ſee to the end of ſuch a conſequence, eſpecially in ſo great a Kingdom as this; and where Epiſcopacy is ſo wrapped and involved in the Laws and Life of it.

Sr. Ed. Deering *about Epiſcopacy*.

Sr. *Ed.* Deering about Epiſcopacy.

‘GIve me leave by word of mouth to interpoſe my thoughts of Gods true Religion, which is violently invaded by two ſeeming enemies; but indeed they are like *Herod* and *Pilate*, faſt friends for the deſtruction of truth: I mean the Papiſts for the one part, and our Prelating faction for the other. Between theſe two in their ſeveral progreſſes, I obſerve the concurrence of ſome few parallels, fit as I conceive to be repreſented to this honourable Houſe.

‘Firſt, With the *Papiſts* there is a ſevere *Inquiſition*, and with us (as it is uſed) there is a bitter *High Commiſſion*; both theſe *contra fas & jus* are Judges in their own caſe: yet herein *their* Inquiſitors are better than *our* High Commiſſioners: they (for ought I ever heard) do not (*ſævire in ſuos*) puniſh for Delinquents and Offenders, ſuch as profeſs and practiſe their Religion, according as it is eſtabliſhed by the Laws of the Land, where they live.

‘But with us, how many poor diſtreſſed Miniſters, nay, how many ſcores of them in a few years paſt have been ſuſpended, degraded and excommunicated, though not guilty of the breach of any eſtabliſhed Laws? The Petitions of many are here with us, more are coming, all their prayers are in Heaven for their redreſs: Down therefore with theſe Money-changers: they do confeſs Commutation of Penance; and I may therefore moſt juſtly call them ſo.

‘Secondly, With the *Papiſts* there is a myſterious artifice; I mean their *Index Expurgatorius*, whereby they clip the tongues of ſuch witneſſes, whoſe evidence they do not like. To theſe I parallel our late *Imprimators* Licenſers for the Preſs, ſo handled, that Truth is ſuppreſt, and Popiſh Pamphlets fly abroad *cum privilegio*: witneſs the audacious Libells againſt true Religion, written by D. C. D. *D.* D. *P.* D. *M.* D. *S.* D. *S.* D. *R.* and many more: I name no Biſhops, but I add *&c.* Nay, they are already grown ſo bold in this new trade, that the moſt Learned Labours of our antient and beſt Divines, muſt be new corrected and defaced with a *Deliatur*, by the ſupercilious Pen of my Lords young Chaplain, fit perhaps for the Technical Arts, but unfit to hold the Chair for Divinity.

‘But herein the *Roman Index* is better than our *Engliſh* Licences; they thereby do prove the current of their own eſtabliſhed Doctrines, a point of Wiſdom; but with us our Innovators by this Artifice, do alter our ſetled Doctrines: nay, they do ſuperinduce points repugnant and contrary: and this I do affirm, and can take upon my ſelf to prove.

‘One Parallel I have more, and that is this: Amongſt the Papiſts there is one acknowledged Pope, ſupream in honour over all, and in power; from whoſe Judgement there is no appeal. I confeſs

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'*Mr. Speaker*, I cannot altogether match a Pope with a Pope; yet one of the antient Titles of our *Engliſh* Primate, was *Alterius orbis Papa*; but thus far I can go (*ex ore ſuo*) it is in Print; he pleads fair for a *Patriarchal*, and for ſuch a one whoſe Judgement (he beforehand profeſſeth) ought to be final; and then I am ſure it ought to be unerring: Put theſe two together, and you ſhall find, that the final determination of a Patriarch, will want very little of a Pope; and then we may ſay, *mutato nomine de te fabula narratur*: he pleadeth Popeſhip under the name of a Patriarch; and I much fear the end and top of his Patriarchal plea, may be as that of Cardinal *Pool* his Predeceſſor, who would have two Heads, one *Caput Regale*, the other *Caput Sacerdotale*, a proud parallel to ſet up the Miter above the Crown.

'But herein I ſhall be free and clear, if one there muſt be, be it a Pope, be it a Patriarch, this I reſolve upon for mine own choice, *Procul à Jove, procul à fulmine*, I had rather ſerve one as far as *Tyber*, than to have him come to me ſo near as the *Thames*: a Pope at *Rome* will do me leſs hurt, than a Patriarch may do at *Lambeth*.

'I have done, and for this third Parallel, ſubmit it to the Wiſdom and Conſideration of this Grave Committee for Religion: In the mean time, I do ground my motion upon the former two, and it is this in brief.

'That you would be pleaſed to ſelect a Sub-Committee of four, ſix, eight, nine, or ten at the moſt, and to impower them for the diſcovery of the great numbers of oppreſſed Miniſters, under the Biſhops tyranny for theſe ten years laſt paſt: we have the Complaints of ſome, but more are ſilent; ſome are patient and will not complain; others are fearful and dare not; many dead, and many beyond the Seas, and cannot complain.

'And in the ſecond place, That the Sub-Committee may examine the Printers, what Books by bad Licence have been corruptly iſſued forth; and what good Books have been (like good Miniſters) ſilenced, clipped or cropped.

'The work I conceive, will not be difficult, but will quickly return into your hands, full of weight.

This is my Motion.

Sr. Benjamin Rudyard, *about Epiſcopal Clergy.*

Sr. *Benj. Rudyard*, about Epiſcopal Clergy.

Mr. Speaker,

'I Do verily believe, that there are many of the Clergy in our Church, who do think the ſimplicity of the Goſpel too mean a Vocation for them to ſerve in: They muſt have a ſpecious, pompous, ſumptuous Religion, with additionals of Temporal Greatneſs, Authority, Negotiation: notwithſtanding they all know better than I, that Fathers, School-men, Councils are againſt their mixing themſelves in Secular affairs.

'The *Roman* Ambition at length brings in the *Roman* Religion, and at laſt a haughty inſolency even againſt Supream Power it ſelf, if it be not timely and wiſely prevented.

'They have amongſt them an Apophthegm of their own making, which is, No *Miter*, no *Scepter*; when we know by dear experi-

'ence,

16 Caroli.

ence, that if the Miter be once in danger, they care not to throw the Scepter after; to confound the whole Kingdom for their intereſt.

'And Hiſtories will tell us, That whenſoever the Clergy went high, Monarchy ſtill went lower; if they could not make the Monarch the Head of their own Faction, they will be ſure to make him leſs: Witneſs one example for all, the Popes working the Emperour out of *Italy*.

'Some of ours, as ſoon as they are Biſhops, *adepto fine ceſſat Motus*, they will preach no longer; their Office then is to Govern. But in my opinion they govern worſe than they preach, though they preach not at all; for we ſee to what paſs their Government hath brought us.

A Branch of the Lord Digby's *Speech about Epiſcopacy.*

Lord *Digby*, about Epiſcopacy.

Mr. Speaker,

'I Know it is a tender ſubject I am to ſpeak of, wherein I believe ſome within theſe Walls, are engaged with earneſtneſs in contrary opinions to mine; and therefore it will be neceſſary, that in the firſt place I beſeech the patience of this Houſe, that they will be pleaſed to hear me without interruption, though ſomewhat I ſay ſhould chance to be diſpleaſing; I hope there will be ſomewhat from me ere I conclude, that may be of ſervice to this Houſe.

Sir, If I thought there were no further deſign in the deſires of ſome, that this *London Petition* ſhould be committed, than meerly to make uſe of it as an *Index* of Grievance, I ſhould wink at the faults of it, and not much oppoſe it.

'There is no man within theſe Walls, more ſenſible of the heavy Grievance of Church Government, than my ſelf; nor whoſe affections are more keen to the clipping of thoſe wings of the Prelates, whereby they have mounted to ſuch inſolencies, nor whoſe zeal is more ardent to the ſearing them, ſo as that they may never ſpring again.

'But having reaſon to believe, that ſome aim at a total extirpation of Biſhops, which is againſt my heart, and that the committing of this Petition may give countenance to that deſign, I cannot reſtrain my ſelf from labouring to divert it, or at leaſt, to ſet ſuch notes upon it, as may make it ineffectual to that end.

'Truly *Sir*, When this Petition was firſt brought into the Houſe, I conſidered it in its nature, in the manner of the delivery of it in the preſent conjuncture of affairs, both Eccleſiaſtical and Civil, to be a thing of the higheſt conſequence that any Age hath preſented to a Parliament, and the ſame thoughts I have of it ſtill.

'I profeſs I looked upon it then with terrour, as upon a Comet or Blazing Star, raiſed and kindled out of the ſtench, out of the poyſonous exhalation of a corrupted Hierarchy: Methought the Comet had a terrible tail with it, *Sir*, and pointed to the North; the ſame fears dwell with me ſtill concerning it, (and I beſeech God they may not prove Prophetical:) I fear all the prudence, all the forecaſt, all the vertue of this Houſe, how unitedly ſoever collected, how vigorouſly applyed, will have a hard work of it. Yet to hinder this Meteor from cauſing ſuch Diſtempers and Combuſtions by ‘his influence, as it then portended by its appearance; whatever ‘the event be, I ſhall diſcharge my Conſcience againſt it, freely ‘and uprightly, as unbyaſt by popularity, as by any Court reſpects, *&c.*

Of Epiſcopacy Jure Divino, *yet perhaps formalized by the Apoſtles.*

A Branch of the Arch-Biſhop of *Canterbury* his Letter to D. *Hall* Biſhop of *Exeter*.

THe reſt of your Lordſhips Letter is fitter to be anſwered by my own hand, and ſo you have it; and ſince you are pleaſed ſo worthily and Brother-like to acquaint me with the whole Plot of your intended work, and to yield it up to my Cenſure and better Advice (ſo you are pleaſed to write) I do not only thank you heartily for it, but ſhall in the ſame Brotherly way, and with equal freedom put ſome few Animadverſions, ſuch as occurr on the ſuddain, to your further conſideration, aiming at nothing but what you do, the Perfection of the work, in which ſo much is concerned.

And firſt for Mr. George Graham, *I leave you free to work upon his buſineſs and his ignorance as you pleaſe, aſſuring my ſelf, that you will not depart from the gravity of your ſelf, or the cauſe therein. Next you ſay in the firſt Head, That Epiſcopacy is an Antient, Holy and Divine Inſtitution. It muſt needs be Antient and Holy, if Divine: Would it not be more full, went it thus? So Antient as that it is of Divine Inſtitution. Then you define Epiſcopacy by being joyned with Imparity, and Superiority of Juriſdiction: this ſeems ſhort, for every Arch-Presbyters, or Arch-Deacons place is ſo; yea, and ſo was Mr.* Henderſon *in his Chair at* Glaſgow; *unleſs you will define it by a diſtinction of Order: I draw the Superiority not from that Juriſdiction which is attributed to Biſhops* Jure Poſitivo, *in their Audience of Eccleſiaſtical Matters, but from that which is Intrinſecal and Original in the Power of Excommunication.*

Since they challenge their Presbyterian Fiction to be Chriſts Kingdom and Ordinance (as your ſelf expreſſeth) and caſt out Epiſcopacy as oppoſite to it, we muſt not uſe any Mincing terms, but unmask them plainly: nor ſhall I ever give way to hamper our ſelves for fear of ſpeaking plain truth, though it be againſt Amſterdam *or* Geneva: *and this muſt be ſadly thought on. Concerning your* Poſtulata, *I ſhall pray you to allow me the like freedom: among which, the two firſt are true; but (as expreſt) too Reſtrictive: for Epiſcopacy is not ſo to be aſſerted to Apoſtolical Inſtitution, as to bar it from looking higher, and from fetching it Materially and Originally in the ground and intention of it, from Chriſt himſelf; though perhaps the Apoſtles Formalized it. And here give me leave a little to enlarge. The Adverſaries of Epiſcopacy are not only the furious* Aerian *Hereticks (out of which are now raiſed* Prynne, Baſtwick *and our* Scottiſh *Maſters) but ſome alſo of a Milder and Subtiller alloy, both in the* Genevian *and* Roman *Faction; and it will become the Church of* England *ſo to vindicate it againſt the furious* Puritans, *as that we lay it not open to be wounded by either of the other two, more Cunning and more Learned Adverſaries. Not to the* Roman *Faction; for that will be content it ſhall be* Juris Divini Mediati, *by, from, for and under the Pope; that ſo the Government of the Church may be Monarchical in him; but not* Immediati, *which makes the Church Ariſtocratical in the Biſhops. This is the* Italian *Rock, not the* Genevian; *for that will not deny Epiſcopacy to be* Juris Divini; *ſo you will take it* ut Suadentis vel Approbantis, *but not* Imperantis; *for then they may take and leave as they will, which is that they would be at.*

Sir Benj. Rudyard, *About Religion.*

Sir *Benj. Rudyard*, About Religion.

‘WE are here aſſembled to do Gods buſineſs and the Kings, in which our own is included, both as we are Chriſtians, and as we are Subjects: Let us firſt fear God, then ſhall we honour the King the more: for I am afraid we have been the leſs proſperous in Parliaments, becauſe we have preferred other matters before him: Let Religion be our *Primum quærite*, for all things elſe are but *terrena* in reſpect of it; yet we may have them too, ſooner and ſurer, if we give God his precedence.

‘We well know what diſturbance hath been brought upon the Church, for vain and petty trifles. (How the whole Church, the whole Kingdom hath been troubled where to place a Metaphor, an Altar. We have ſeen Miniſters, their Wives, Children and Families undone againſt Law, againſt Conſcience, againſt all Bowels of Compaſſion, about not dancing upon *Sundays*. What do theſe ſort of men think will become of themſelves, when the Maſter of the Houſe ſhall come, and find them thus beating their fellow ſervants? Theſe inventions were but ſives made of purpoſe to winnow the beſt men, and that's the Devils occupation; They have a mind to worry preaching; for I never yet heard of any but diligent preachers that were vext with theſe and the like devices.) They deſpiſe Prophecie, and as one ſaid, they would fain be at ſomething like the Maſs, that will not bite, (a muzzled Religion.) They would evaporate and diſpirit the power and vigour of Religion, by drawing it out into ſolemn ſpecious formalities, into obſolete, antiquated Ceremonies, new furbiſhed up.

* *Speaker* in the Houſe of Commons at his now Majeſties Reſtauration, and afterwards his Majeſty made him maſter of the *Rolls*.

* *Mr.* Grimſton, *About Biſhops Juriſdiction.*

Mr. *Grimſton*, About Biſhops Juriſdiction.

Mr. Speaker,

‘THere hath been ſince the laſt Parliament a *Synod*, and in that *Synod* a New Oath hath been made and framed, and enjoyned to be taken.

‘They might as well have made a new Law, and enjoyned the Execution of that, as enjoyned and urged the taking of the Oath not being Eſtabliſhed by Act of Parliament; and in point of miſchief, the ſafety of the Common-Wealth, and the freedom and Liberties of the Subject, are more concerned in the doing of the one, than if they had done the other.

‘The next exception I ſhall take to it, is to the matter contained in the Oath it ſelf.

‘They would have us at the very firſt daſh ſwear in a damnable Hereſie, that matters neceſſary to ſalvation are contained in the Diſcipline of the Church.

‘Whereas *Mr. Speaker*, it hath ever been the tenet of our Church, that all things neceſſary to ſalvation are comprehended and contained in the Doctrine of our Church only. And that hath alwayes been uſed as an argument, until this very preſent, againſt

‘*Antidiſciplinarians*, to ſtop their mouths withal; and that for that reaſon they might with the leſs regret and offence, confirm and ſubmit themſelves to the Diſcipline of our Church.

‘And for Prevention, in caſe the Wiſdom of the State in this great Council, ſhould at any time think fit to alter any thing in the Government of our Church, they would Anticipate and Foreſtall our Judgements by making us ſwear before-hand, that we would never give our conſent to any alteration.

‘Nay *Mr. Speaker*, they go a little further, for they would have us ſwear, that the Government of the Church by Arch-Biſhops, Biſhops, Deans, Arch-Deacons, *&c.* is *Jure Divino*: their words are, as of right it ought to ſtand. Whereas *Mr. Speaker*, we meet not with an Arch-Biſhop, or a Dean, or an Arch-Deacon in all the New-Teſtament: and whatſoever may be ſaid of the Function of Biſhops is one thing, but for their Juriſdiction it is meerly *Humana inſtitutione*, and they muſt thank the King for it.

‘As for their groſs, abſurd *&c.* wherein they would have men ſwear they know neither what, nor how many fathom deep, there is neither Divinity nor Charity in it, and yet they would put that upon us.

‘What they meant and intended by this New Oath, and their Book of Canons, and their Book of Articles, which they would have our Church-Wardens ſworn unto, to Enquire of, and to preſent thereupon, I muſt confeſs I know not, unleſs they had a purpoſe therein to blow up the Proteſtant Religion, and all the Faithful Profeſſors of it, and to advance their Hierarchy a ſtep higher, which I ſuppoſe we all fear is high enough already.

Sir Benj. Rudyard, *Of the King and Kingdoms buſineſs.*

Mr. Speaker,

Sir *Benj. Rudyard*, Of the King and Kingdoms buſineſs.

‘NOW to the Kings buſineſs more particularly, which indeed is the Kingdoms; for one hath no exiſtence, no being without the other, their relation is ſo near; yet ſome have ſtrongly and ſubtilly laboured a divorce, which hath been the very bane of both King and Kingdom.

‘When Foundations are ſhaken, it is high time to look to the building: he hath no heart, no head, no ſoul, that is not moved in his whole man to look upon the diſtreſſes, the miſeries of the Common-Wealth, that is not forward in all that he is, and hath, to redreſs them in a right way.

‘The King likewiſe is reduced to great ſtraights, wherein it were undutifulneſs beyond inhumanity to take advantage of him: Let us rather make it an advantage for him, to do him beſt ſervice when he hath moſt need, Not to ſee our own good, but in him and with him, elſe we ſhall commit the ſame crimes our ſelves, which we muſt condemn in others.

Lord

Lord Faulkland, *Of Ill Counſellours about the King.*

Lord *Faulkland*, Of Ill Counſellors about the King.

‘IT hath often been ſaid, and I think can never be too often repeated, That the Kings of *England can do no wrong*; but though they could, yet Princes have no part in the ill of thoſe actions which their Judges aſſure them to be juſt, nor in what their Counſellours ſay are prudent, nor in what their Divines ſay are conſcientious, if they miſlead the King.

‘This conſideration leadeth me to that which is more neceſſary at this ſeaſon, than any farther laying open of our miſeries; that is the way to the remedy, by ſeeking to remove from our Soveraign ſuch unjuſt Judges, ſuch pernicious Counſellors, and ſuch diſconſcientious Divines, as have of late years by their wicked practiſes, provoked aſperſions upon the Government of the moſt gracious and beſt of Kings.

Sir Benj. Rudyard, *Of* Evil *Miniſters of* State.

Sir *Benj. Rudyard*, Of Evil Miniſters of State.

Mr. Speaker,

‘HIS Majeſty is wiſer than thoſe that have adviſed him, and therefore he cannot but ſee and feel their ſubverting deſtructive Counſels, which ſpeak lowder than I can ſpeak of them: for they ring a doleful deadly knell over the whole Kingdom. His Majeſty beſt knows who they are: for us let the matter bolt out the men; their actions diſcover them.

‘They are men that talk largely of the King's Service, have done none but their own, and that's too evident.

‘They ſpeak highly of the King's power, but they have made it a miſerable power, that produceth nothing but weakneſs, both to the King and Kingdom.

‘They have exhauſted the King's Revenue to the bottom, and beyond.

‘They ſpent vaſt ſumms of money waſtefully, fruitleſly, dangerouſly, ſo that more money without other Counſels will be but a ſwift undoing.

‘They have alwayes peremptorily purſued one obſtinate pernicious courſe: firſt they bring things to an extremity, then they make that extremity of their own making, the reaſon of their next action, ſeven times worſe than the former, and at this paſs we are at this inſtant.

‘They have almoſt ſpoiled the beſt inſtituted Government in the world, for Soveraignty in a King, liberty to the Subject; the proportionable temper of both which, makes the happieſt State for power, for riches, for duration.

‘They have unmannerly and ſlubberingly caſt all their Projects, all their Machinations upon the King, which no wiſe or good Miniſter of State ever did, but would ſtill take all harſh, diſtaſteful things upon themſelves, to clear, to ſweeten their Maſter.

‘They have not ſuffered his Majeſty to appear unto his people in his own native goodneſs, but they have eclipſed him by their interpoſition: although groſs condenſe bodies may obſcure, and hinder the Sun from ſhining out, yet is he ſtill the ſame in his own ſplendour. And when they are removed, all Creatures under him are directed by his light, comforted by his beams: But they have framed a ſuperſtitious ſeeming Maxime of State for their own turn; That if a King will ſuffer men to be torn from him, he ſhall never have any good ſervice done him; when the plain truth is, that this is the ſureſt way to preſerve a King from having ill ſervants about him. And the Divine truth likewiſe is, *Take away the wicked from the King, and his Throne ſhall be eſtabliſhed.*

‘Mr. *Speaker*, I confeſs I have now gone in a way much againſt my nature and ſomewhat againſt my cuſtome heretofore uſed in this place. But the deplorable diſmal condition both of Church and State, have ſo far convinced my judgment, as it hath wrought upon my diſpoſition; yet am I not *vir ſanguinis*; I love no mans ruine; I thank God I neither hate any mans perſon, nor envy any mans fortune; only I am zealous of a thorow Reformation in a time that exacts, that extorts it. Which I humbly beſeech this Houſe may be done with as much lenity, as much moderation, as the publick ſafety of the Kingdom can poſſibly admit.

Lord Digby, *For a Triennial Parliament.*

Lord *Digby*, Of Triennial Parliaments.

‘WHat Friendſhip, what Union can there be ſo comfortable, ſo happy, as between a Gracious Soveraign and his people? and what greater misfortune can there be to both, than for them to be kept from entercourſe, from the means of clearing miſunderſtandings, from interchange of mutual benefits?

‘The People of *England* cannot open their ears, their hearts, their mouths, nor their purſes to his Majeſty, but in Parliament.

‘We can neither hear him, nor complain, nor acknowledge, nor give.

‘But a Bill for a Trienial Parliament is the ſole Key that can open the way to a frequency of thoſe reciprocal endearments, which muſt make and perpetuate the happineſs of the King and Kingdom.

‘Let no man object any derogation from the King's prerogative by it. We do but preſent the Bill, 'tis to be made a Law by him, his honour, his power, will be as conſpicuous, in commanding at once that a Parliament ſhall aſſemble every third year, as in commanding a Parliament to be called this or that year; there is more of his Majeſty in ordaining primary and univerſal cauſes, than in the actuating particularly of ſubordinate effects.

‘I doubt not, but that glorious King *Edward* the third, when he made thoſe Laws for the yearly calling of a Parliament, did it with a right ſenſe of his dignity and honour.

‘The Kings of *England* never appear in their glory, in their ſplendour, in their Majeſtick Soveraignty, but in Parliaments.

'Where is the power of impoſing Taxes? where is the power of 'reſtoring from incapacities? where is the legiſlative Authority? 'in the King, but how? in the King circled in, fortified and ſurrounded by his Parliament.

'The King out of Parliament hath a limited and circumſcribed juriſdiction, but waited on by his Parliament, no Monarch of the *Eaſt* 'is ſo abſolute in diſpelling grievances.

'*Mr. Speaker*, In chaſing *ill Miniſters* we do but diſſipate Clouds 'that may gather again, but in voting this Bill for a Parliament every 'three years, we ſhall contribute, as much as in us lyes, to the perpetuating our Sun, our Soveraign, in his Vertical, in his Noon-day 'luſtre.

Mr. Grimſton, *Of Grievances between the* April *and* November *Parliament*, 1640.

Mr. *Grimſton*, Of Grievances between the *April* and *November* Parliament, 1640.

Mr. Speaker,

'I Shall paſs from what was done the laſt Parliament, and 'come to what hath been done ſince that Parliament ended. 'There are ſome worthy Gentlemen now of this Houſe, that 'were Members of the laſt Parliament, that carryed themſelves in the matters and buſineſs then and there Agitated and 'Debated, with great Wiſdom, and Unexampled Moderation. But 'what had they at laſt for all their pains, in attending the publick 'Service of the Common-Wealth? as ſoon as ever the Parliament 'was ended, their Studies and Pockets were ſearch'd, as if they had 'been Fellons and Traytors, and they committed to ſeveral Gaols. 'Mr. *Bellaſis*, Sir *John Hotham*, and Mr. *Crew* ſent to ſeveral Priſons.

Mr. Edward Hide, *Concerning the buſineſs of Knighthood.*

Mr. *Edward Hide*, Concerning the buſineſs of Knighthood.

My Lords,

'IN the charge concerning Knighthood, Maſter *Maleverer* appears 'upon the Proceſs of the Court, Pleads and ſubmits to his Fine, '*Ponit ſe in gratiam curiæ*. The Barons refuſe to Impoſe any Fine, 'they had no power to do that, he muſt Treat with certain Commiſſioners appointed for that purpoſe, and Compound with them; 'Your Lordſhips have not met in the ſame men ſuch contradictions 'of crimes; who would ſuſpect the ſame men in one charge, to 'have the mettle to Uſurp the Power, and Exerciſe the Juriſdiction 'of the Higheſt Court, the Court of Parliament, and preſently to 'want the ſpirit to do that which was ſo Reſtrained and Peculiar 'to their places to have done, as that none elſe could do it? They 'had no power to Fine! as if the ſole buſineſs of ſworn Judges 'in a Court of Law, were to ſummon and call men thither, and 'then to ſend them on Errands to other Commiſſioners for Juſtice.

An. 1640.

'The Commiſſions in *Edw.* 1. time granted to *Tiptoffe* and others, were and have been to compound with thoſe, who deſired to compound, not otherwiſe; they had no power to Compel any, to Fine any; that truſt by the Law was and is only in the Judges: ſo that if this Duty were a Right to his Majeſty, and the perſons Lyable refuſe to compound, for ought theſe Judges can do, the King muſt loſe his Duty, they can impoſe no Fine, only they have found a trick, which they call the Courſe of the Court (to make his Majeſty a ſaver) Appear while you will, Plead what you will, ſubmit to the mercy of the Court, Iſſues ſhall go on ſtill, as if you did neither, till you have done ſomewhat the Court will not order you to do, nor is bound to take notice of when you have done: Your Lordſhips will help us out of this Circle, and that you may ſee how incapable they are of any excuſe in this point, the very *Mittimus* out of the *Chancery* gives them expreſs command among other things, *Vt fines omnium illorum qui juxtà Proclamationem prædict. Ordinem ante prædict. diem ſuſcepiſſe debuerunt, capiatis, &c.* 'Tis only worth your Lordſhips obſervation, this misfortune commonly attends (and may it ever) thoſe abſolute Diſuſed Rights, that be the thing in it ſelf in a degree Lawful, the Adviſers and Miniſters of it ſo fail in the Execution, that as it uſually proves as grievous to the Subject, ſo by ſome circumſtances it proves as Penal to the Inſtruments, as if it were in the very nature of the thing againſt all the Laws of Government.

Lord Digby, *Of the Convocation, and the Oath with an &c.*

Lord *Digby*, of the Convocation and the Oath with an *&c.*

'COncerning the Acts of that Reverend new Synod, made of an old Convocation, Doth not every Parliament mans heart riſe, to ſee the Prelates thus uſurp to themſelves the grand Preheminence of Parliament? The granting of Subſidies, and that under ſo prepoſterous a name as of a *Benevolence*, for that which is a *Malevolence* indeed; a *Malevolence* I am confident in thoſe that granted it againſt Parliaments: and a *Malevolence* ſurely in thoſe that refuſe it, againſt thoſe that granted it; for how can it inſinuate leſs? when they ſee wreſted from them what they are not willing to part with, under no leſs a penalty, than the loſs both of Heaven and Earth: of Heaven by excommunication; and of the Earth by deprivation; and this without redemption by appeal. What good Chriſtian can think with patience on ſuch an enſnaring Oath, as that which is by the new Canons enjoyned to be taken by all Miniſters, Lawyers, Phyſicians, Graduates in the Univerſities? where beſides the ſwearing ſuch an impertinence, as that things neceſſary to ſalvation are contained in Diſcipline, beſides the ſwearing thoſe to be of Divine Right, which amongſt the learned was never pretended to, as the Arch things in our Hierarchy: Beſides, the ſwearing not to conſent to the change of that, which the State may upon great reaſon think fit to alter: beſides the bottomleſs perjury of an *&c.* Beſides all this, men muſt ſwear that they ſwear freely and voluntarily what they are compelled unto: and laſtly, that they ſwear that Oath in the literal ſence, whereof no two of the makers themſelves, that I have heard of, could ever agree in the underſtanding.

Mr. Grimſton; *Of Synods, Convocation, and the Oath* &c.

Mr. Grimſton, Of Synods, Convocation, and the Oath &c.

Mr. Speaker,

‘They have in this Synod granted a Benevolence, but the nature of the things agrees not with the name, for in plain *Engliſh* it is *ſix Subſidies* to be paid by the Clergy in ſix years, and the Penalty they have impoſed upon the refuſers for non-payment, is to be deprived of their Functions, to be ſtript of their Free-hold, and to be Excommunicated: and this Act of their Synod is not Publiſhed amongſt their Canons, for which they might have ſome colourable ſeeming Authority; but it comes out in a Book alone by it ſelf in the *Latine Tongue*, ſuppoſing (as I conceive) that Laymen are as ignorant as they would have them; and thus they think they dance in a Net.

‘And as in this, ſo in moſt of their new Canons, if they be throughly conſidered, any judicious man may eaſily diſcern and perceive, that they do therein like Water-men that look one way and Row another, they pretend one thing, but intend nothing leſs; and certainly *Mr. Speaker*, in this they have flown to a high pitch, for a Synod called together upon a pretence of reconciling and ſettling Controverſies and matters in Religion, to take upon them the boldneſs thus out of Parliament to grant Subſidies, and to meddle with mens Free-holds; I dare ſay the like was never heard of before, and they that durſt do this will do worſe, if the currant of their raging Tyranny be not ſtopt in time.

Sir Benj. Rudyard, *About Puritans.*

Sir *Benj. Rudyard*, About Puritans.

‘A *Romaniſt* hath bragged, and congratulated in print, That the face of our Church begins to alter, the language of our Religion to change. And *Sancta Clara* hath publiſhed, That if a Synod were held *non intermixtis Puritanis*, ſetting Puritans aſide, our Articles and their Religion would ſoon be agreed. They have ſo brought it to paſs, that under the name of *Puritans*, all our Religion is branded, and under a few hard words againſt Jeſuites, all Popery is countenanced.

‘Whoſoever ſquares his actions by any rule, either divine or humane, he is a Puritan, whoſoever would be governed by the Kings Laws, he is a Puritan.

‘Their great work, their maſter-piece now, is, To make all thoſe of the Religion to be the ſuſpected party of the Kingdom. If we ſecure our Religion, we ſhall cut off and defeat many Plots, that are now on foot by them and others. Believe it Sir, Religion hath been for a long time, and ſtill is, the great deſign upon this Kingdom; it is a known and practiſed principle, That they who would introduce another Religion into the Church, muſt firſt trouble and diſorder the Government of the State, that ſo they may work their ends in a confuſion which now lyes at the door.

Lord Digby, of Apoſtates to the Common-wealth.

Lord *Digby*, Of Apoſtates to the Common-wealth.

'Let me appeal to all thoſe that were preſent in this Houſe, at the agitation of the *Petition of Right*, and let them tell themſelves truly, of whoſe promotion to the management of affairs do they think, the generality would at that time have had better hopes, than of Mr. *Noy* and Sr. *T. Wentworth?* both having been at that time, and in that buſineſs, as I have heard, moſt keen and active Patriots; and the latter of them, the firſt mover and inſiſter to have this Clauſe added to the *Petition of Right*, *That for the comfort and ſafety of his Subjects, his Majeſty would be pleaſed to declare his will and pleaſure, and that all his Miniſters ſhould ſerve him, according to the Laws and Statutes of the Realm.*

'And to whom now can all the Inundations upon our Liberties under pretence of Law, and the late ſhipwrack at once of all our property, be attributed more, than to *Noy?* And thoſe and all other miſchiefs, whereby this Monarchy hath been brought almoſt to the brink of deſtruction, ſo much to any, as to that grand Apoſtate to the Common-wealth, the Lord Lieutenant of *Ireland?*

Mr. Grimſton, concerning the Parliament which met in April 1640.

Mr. *Grimſton*, Concerning the Parliament which met at *Weſtminſter*, *April* 1640.

Mr. Speaker,

'These Petitions which have been now read, they are all Remonſtrances of the General and Univerſal Grievances and Diſtempers that are now in the State and Government of the Church and Common-wealth: and they are not them alone, but his Majeſties Gracious Expreſſions the firſt day of Parliament, that call me up to ſpeak at this preſent, contrary to my own intentions.

'His Majeſty who is the Head of the Body Politick, and the Father of the Common-wealth, hath firſt complained, declaring his ſenſibleneſs of our ſufferings; and amongſt other things, hath put us in mind of our *Grievances*, and hath freely left it to our ſelves (for our Redreſs and Repair therein) to begin and end, as we ſhall think fit. And this draws me on with much cheerfulneſs and zeal, to contribute my poor Endeavours to ſo great a Work.

'I conceive it will not be altogether impertinent, for your Direction and Guidance in that great place, which by the favour of his Majeſty and the Houſe you now poſſeſs, a little to recollect our ſelves, in the Remembrance of what was done the laſt Parliament, and where we ended.

'It will likewiſe be very conſiderable what hath been done ſince that Parliament; and who they are that have been the Authors and Cauſers of all our Miſeries and Diſtractions, both before and ſince.

‘*Mr. Speaker*, The laſt Parliament as ſoon as the Houſe was ſetled, a Subſidiary Aid and Supply was propounded, and many Arguments uſed to give the Precedency before all other Matters and Conſiderations whatſoever.

‘On the other ſide, a multitude of Complaints and Grievances of all ſorts, as well concerning our Eternal as our Temporal Eſtates, were preſented and put in the other Ballance; the Wiſdom of the great Council weighing both indifferently; and looking not only upon the dangers then threatned from *Scotland* (which are now upon us) but likewiſe taking into their Conſideration, the Condition and Conſtitution of the preſent Government here at home, concluded that they were in no capacity to give, unleſs their Grievances were firſt redreſſed and removed.

‘It then was, and ſtill is, moſt Manifeſt and Apparent, that by ſome *Judgements* lately obtained in Courts of Juſtice, and by ſome new wayes of Government lately ſtarted up amongſt us, the Law of Property is ſo much ſhaken, that no man can ſay, he is Maſter of any thing; but all that we have, we hold as Tenants by Courteſie, and at Will, and may be ſtript of it at pleaſure.

‘Yet we were deſirous to give his Majeſty all poſſible Satisfaction and Contentment, as well in the manner of Supply for Expedition, as in the ſubſtance and matter of it: we confined and limited our ſelves but to three particulars only, and to ſuch matters as properly and naturally ſhould have Reference and Relation to thoſe three Heads.

‘1. The firſt was, The Priviledges of Parliament.
‘2. The ſecond, Matters of Religion.
‘3. The third, The Propriety of our Goods and Eſtates.

‘And we began with the firſt, as the great Ark, in which the other two, Religion and Property are included and preſerved.

‘*Mr. Speaker*, The Violations complained of the laſt Parliament, touching our Priviledges, were of two ſorts: either ſuch as had been done in Parliament, or out of Parliament.

‘Concerning the Violations of the firſt ſort, it was Reſolved by Vote, That the Speaker refuſing to put a Queſtion, being thereunto required by the Houſe, or to Adjourn the Houſe upon any Command whatſoever, without the Conſent and Approbation of the Houſe it ſelf, were Breaches and Violations that Highly Impeached our Priviledges.

An. 1640.

Sr. Benjamin Rudyard, *of the Vertical Point.*

Sir *Benj. Rudyard*, Of the Vertical Point.

'HIs Majeſty hath clearly and freely put himſelf into the hands of this Parliament; and I preſume there is not a man in this Houſe, but feels himſelf advanced in this high truſt; but if he proſper no better in our hands, than he hath done in theirs, who have hitherto had the handling of his affairs, we ſhall for ever make our ſelves unworthy of ſo gracious a confidence.

'I have often thought and ſaid, that it muſt be ſome great extremity, that would recover and rectifie this State; and when that extremity did come, it would be a great hazard, whether it might prove a remedy, or ruine. We are now *Mr. Speaker*, upon that Vertical Point, and therefore it is no time to palliate; for this will but foment and haſten our own undoing.

* Mr. *Denzill Hollis* created a Baron by King *Charles* the ſecond, & ſent Embaſſadour into *France*.

* Mr. Hollis, *about the Integrity of a Judge.*

Mr. *Hollis*, About the Integrity of a Judge.

My Lords,

'THeſe Gentlemen have repreſented unto your Lordſhips, the ſad object of Juſtice perverted, Liberty oppreſſed, of Judgement turned into Wormwood; the Laws, which ſhould be the barrs of our Gates, to protect us, keep us, and all that is ours in ſafety, made weak and impotent, to betray us unto the hands of violence, inſtead of props to ſupport us; become broken reeds to deceive us, and run into our ſides when we lean upon them, even ſo many ſnares to entrap and entangle us.

'And all this by the perfidiouſneſs of thoſe who are entruſted with our Laws, who call themſelves the Guardians and Interpreters of the Law: but by their accurſed gloſſes have confounded the Text, and made it ſpeak another language and another ſenſe, than ever our Anceſtors the Law-makers intended.

'But what honour then is he worthy of, who meerly for the publick, hath ſuffered himſelf to be diveſted and deprived of his particular intereſt; ſuch a Judge, as would loſe his place, rather than do that which his Conſcience told him was prejudicial to the Common-wealth, Is not he worthy of double honour?

'And this did that Worthy Reverend Judge, the Chief Judge of *England* at that time, Sr. *Randol Crew*, becauſe he would not, by ſubſcribing, countenance the Loan in the firſt year of the King, contrary to his Oath and Conſcience, he drew upon himſelf the diſpleaſure of ſome great perſons about his Majeſty, who put on that Project, which was afterwards condemned by the *Petition* of *Right*, in the Parliament of *Tertio*, as unjuſt and unlawful, and by that means he loſt his place of Chief Juſtice of the *Kings Bench*, and hath theſe fourteen years, by keeping his innocency, loſt the profit of that Office, which upon a juſt calculation, in ſo long a revolution of time, amounts to 26000 *l.* or thereabouts.

'He kept his innocency, when others let theirs go; when himſelf and Common-wealth were alike deſerted, which raiſes his merit to a higher pitch: For to be honeſt when every body elſe is honeſt, when honeſty is in faſhion, and is Trump (as I may ſay) is nothing ſo meritorious: but to ſtand alone in the breach, to own honeſty when others dare not do it, cannot be ſufficiently applauded, nor ſufficiently rewarded. And that did this good old man do, in a time of general deſertion, he preſerved himſelf pure and untainted.

My Lords, The Houſe of Commons are therefore Suiters unto your Lordſhips, to joyn with them in the repreſentation of this good mans caſe unto his Majeſty, and humbly to beſeech his Majeſty to be ſo good and gracious unto him, as to give him ſuch honour, (the quality of this caſe conſidered) as may be a noble mark of Soveraign Grace and Favour, to remain to him and his poſterity, and may be in ſome meaſure a proportionable compenſation for the the great loſs he hath with ſo much patience and reſolution ſuſtained.

The Lord Andever, *concerning the* Star-Chamber.

The Lord *Andever*, Concerning the *Star-Chamber*.

My Lords,

'Since your Lordſhips have already looked ſo far into Priviledges of Peers, as to make a ſtrict Inquiſition upon Foreign Honors: let us not deſtroy that among our ſelves, which we deſire to preſerve from Strangers.

'And if this Grievance I ſhall move againſt, have ſlept till now; it is very conſiderable, leſt cuſtom make it every day more apparent than other: your Lordſhips very well know, there was a Statute framed 3 *Hen.* 7. authorizing the Chancellor, Treaſurer and Privy Seal, and the two Chief Juſtices, calling to them one Biſhop, and a Temporal Lord of the Kings Council, to receive Complaints upon Bill of Information, and Cite ſuch parties to appear as ſtand accuſed of any Miſdemeanour; and this was the Infancy of the *Star-Chamber*: but afterwards the *Star-Chamber* was by Cardinal *Woolſey* 8 *H.* 8. raiſed to mans eſtate: from whence (being now altogether unlimited) it is grown a Monſter, and will hourly produce worſe effects, unleſs it be reduced by that hand which laid the foundation: for the Statutes that are ratified by Parliament, admit of no other than a repeal.

'Therefore I offer humbly unto your Lordſhips theſe enſuing Reaſons, why it ſhould be repealed.

'Firſt, The very words of the Statute clearly ſhew, that it was a needleſs Inſtitution; for it ſayes, They who are to Judge, can proceed with no Delinquent otherwiſe than if he were convicted of the ſame crime by due proceſs of Law.

'And do your Lordſhips hold this a rational Court, that ſends us to the Law, and calls us to the Law, and calls us back from it again?

An. 1640.

'Secondly, Divers Judicatories confound one another, *& in* '*peſſima republica plurimæ leges.*

'The ſecond Reaſon is, from Circumſtance, or rather *à conſuetu-* '*dine*; and of this there are many examples both domeſtick and 'foreign: but more particularly, by the Parliaments of *France* ab- 'breviated into a ſtanding Committee by *Philip* the King, and conti- 'nued according to his inſtitution until *Lewis* the Eleventh came to 'the Crown, who being a Subtil Prince, buried the Volume in the 'Epitome: for to this day, when ever the three Eſtates are called, 'either at the death of the old King, or to Crown the new, it is a 'common Proverb, *Allons voire le van des eſtates. My Lords*, Arbi- 'trary Judgements deſtroy the Common Laws, and in them the two 'great Charters of the Kingdom; which being once loſt, we have 'nothing left but the Name of Liberty.

'Then the laſt Reaſon is, (though it was the firſt Cauſe of my 'ſtanding up) the great Eclipſe it hath ever been to the whole No- 'bility; for who are ſo frequently vexed there, as Peers and Noble- 'men? and notwithſtanding their Appeal to this Aſſembly is ever 'good, whilſt that famous Law of the 4 *Ed.* 3. remains in force for 'the *holding of a Parliament once a year*, or more if occaſion require: 'yet who durſt a year ago mention ſuch a Statute, without the in- 'curring the danger of Mr. * *Kilverts* perſecution? Therefore I 'ſhall humbly move your Lordſhips, that a ſelect Committee of a 'few may be named to conſider of the Act of Parliament it ſelf, and 'if they ſhall think it of as great prejudice as I do, that then the 'Houſe of Commons in the moſt uſual manner may be made ac- 'quainted with it either by Bill or Conference; who alſo happily 'think it a burthen to the Subject; and ſo when the whole body of 'Parliament ſhall joyn in one Supplication, I am confident his Ma- 'jeſty will deſire that nothing ſhall remain in force, which his peo- 'ple do not willingly obey.

* An Informer and Proſecutor in that Court.

THE Barons of the Exchequer being charged for not doing Juſtice to Mr. *Rolls* and other Merchants of *London*, who had their Goods ſeiſed upon in *November* 4 *Car.* by the Officers of the Cuſtom-Houſe, for refuſing to pay the Subſidy of *Tonnage and Poundage*. And having ſued out a Writ of *Replevin* directed to the Sheriffs of *London*, the Court awarded an Injunction, commanding the Sheriff not to execute the ſame, and denyed reſtitution.

The Offences of theſe Judges therein at the Delivery of their Impeachment to the Houſe of Lords, were aggravated as to this caſe by Mr. *Edward Hide*, who ſpake to this effect:

My Lords,

Mr. *Hide*'s Speech, concerning the Judges, Tonnage and Poundage, *&c.*

'THere cannot be a greater Inſtance of a Sick and Languiſhing 'Common-wealth, than the buſineſs of this day. Good God! 'How have the guilty theſe late years been puniſhed, when the 'Judges themſelvs have been Delinquents. 'Tis no ſuch marvail, that 'an Irregular, Extravagant, Arbitrary Power, like a Torrent, hath 'broke in upon us, when our Banks and our Bulwarks, the Laws, were in the Cuſtody of ſuch Perſons. Men who had loſt their Innocence, could not preſerve their courage: nor could we look, that they who had ſo viſibly undone us, themſelves ſhould have the vertue or credit, to reſcue us from the oppreſſion of other men. 'Twas ſaid by one, who alwayes ſpoke excellently, That the twelve Judges were like the twelve Lyons under the Throne of *Solomon*: under the Throne in obedience, but yet Lyons. Your Lordſhips ſhall this day hear of Six, who (be they what they will be elſe) were no Lyons, who upon Vulgar fears delivered up the precious Forts they were truſted with, almoſt without aſſault; and in a tame eaſie trance of Flattery and Servitude, loſt and forfeited (ſhemefully forfeited) that reputation, awe and reverence, which the Wiſdom, Courage and Gravity of their Venerable Predeceſſors had contracted and faſtened to the Places they now hold: And even rendred that Study and Profeſſion (which in all Ages hath been, and I hope now ſhall be of an honourable eſtimation) ſo contemptible and vile, that had not this bleſſed day come, all men would have had that quarrell to the Law it ſelf, which *Marius* had to the Greek Tongue, who thought it a Mockery, for a man to learn that Language, the Maſters whereof lived in bondage under others. And I appeal to theſe unhappy Gentlemen themſelves, with what a ſtrange negligence, ſcorn and indignation the Faces of all men, even of the meaneſt, have been directed towards them, ſince (to call it no worſe) that Fatal Declenſion of their underſtandings in thoſe Judgements, of which they ſtand here charged before your Lordſhips. But, *my Lords*, the work of this day is the greateſt inſtance of a growing and thriving Commonwealth too: and is as the dawning of a fair and laſting day of happineſs to this Kingdom: 'tis in your Lordſhips Power (and I am ſure 'tis in your Lordſhips Will) to reſtore the dejected broken people of this Iſland to their former Joy and Security, the ſucceſſors of theſe men to their old Priviledge and Veneration, & *ſepultas prope leges revocare*.

‘As for that Preſumptuous Decree againſt Mr. *Rolls* and others, and in truth, whatſoever Gloſs they put upon it, it is no other than a plain Grant of the Subſidy of *Tonnage* and *Poundage* to his Majeſty upon all Merchandize. After their Goods ſeized for Non-Payment of that pretended Duty the Proprietors brought *Replevins* (which is the Natural and Genuine Remedy appointed by Law in caſe of Property, and grounded upon Property) the Court awards an Injunction to ſtay theſe *Replevins*, the Goods were in the Kings Poſſeſſion, and no *Replevin* would lye againſt the King.

‘Truly, *My Lords*, The Injuſtice here is not ſo ſcandalous as the Fraud: we all know, a *Replevin* (as in no other Suit) lyes againſt the King, if the Goods be in his own hands.

‘Here they found a Right, a known and unqueſtionable Right; yet inſtead of aſſiſting, took away the Remedy to preſerve that Right. What ſhall we call theſe Judges?

Tonnage and Poundage.

‘*My Lords*, In this Argument I am not willing to ſay much: 'tis enough that your Lordſhips know, *Tonnage* and *Poundage* is not a Duty to the Crown, but a Subſidy, and ſo granted in *ſubſidium* ſome-

'times *pro una vice tantum*; ſometimes for years, and then ceaſed when the time did expire; that when it was firſt granted for liſe, it was with this Clauſe, *Ita quod non trahatur in Exemplum futuris Regibus*: but 'tis abundantly enough known, that his Sacred Majeſty cannot be tainted with the Advices and Judgements of theſe men, but looks on this Duty ſingly as the meer affection and bounty of his Subjects, the which no doubt he ſhall never want.

* This Gentleman was not at *Oxford* in time of War, as the Lord *Faulkland*, *&c.* were.

Mr. *Rous* part of his ſpeech concerning Dr. *Mainwaring* and the Altar Clergy.

* Mr. Rous *part of his Speech concerning* Dr. Mainwaring *and the Altar Clergy.*

'YOur Lordſhips have heard of a great Deſign to bring in Popery, you have heard of Armies of Soldiers, and particularly of the Popiſh *Iriſh* Army, the Burthen and Complaint of the Commons. But there is another Army not ſo much ſpoken of, and that is an Army of Prieſts: for ſince Altars came in, they delight to be called Prieſts. It is a ſaying of *Gregory* the Great, that when *Antichriſt* comes, *Præparatus eſt exercitus Sacerdotum*; There is an Army of Prieſts ready to receive him. This is fulfilled in our time: for certainly this Army of Prieſts doth many wayes advance the Deſign and Plot of Popery. A firſt is, by the ſubverſion of our Laws and Government: our Laws and Popery cannot ſtand together; but either Popery muſt overthrow our Laws, or our Laws muſt overthrow Popery: But to overthrow our Laws, they muſt overthrow Parliaments, and to overthrow Parliaments they muſt overthrow Property; they muſt bring the Subjects Goods to be arbitrarily diſpoſed, that ſo there may be no need of Parliaments: this hath been done by Doctor *Mainwaring*, (whom we find wanting yet not in the Seats, but in the Barr of the Lords Houſe.)

'A ſecond way by which this Army of Prieſts advanceth the Popiſh Deſign, is the way of Treaty. This hath been both by Writings and Conference. *Sancta Clara* himſelf on his part, labours to bring the Articles of our Church to Popery; and ſome of our ſide ſtrive to meet him in that way. We have a Teſtimony that the Arch-Prieſt himſelf hath ſaid, It were no hard matter to make a Reconciliation, if a Wiſe man had the handling of it. But I verily believe, that as the State of Papacy ſtands, a far wiſer man than he cannot reconcile us, without the loſs of our Religion. For the Pope being faſtned to his Errors, even by his Chair of Inerrability, he ſits ſtill unmoved, and ſo we cannot meet, except we come wholly to him. A man ſtanding in a Boat tyed to a Rock, when he draws the rope, doth not draw the Rock to the Boat, but the Boat to the Rock. And *Sancta Clara* doth (in this ſomewhat honeſtly) confeſs it; for he ſaith, that he dealt in this way of Treaty, not to draw the Church to the Proteſtants, but the Proteſtants to the Church.

'A third way is a way of Violence. This Violence they exerciſe partly by Secular Arms, and partly Prieſtly Arms, which they call Spiritual: for Secular Arms, we have their own confeſſion, that the late War was *Bellum Epiſcopale*; and we have the Papiſts confeſſion, that it was *Bellum Papale*; for in their motives 'they ſay, that the war concerns them not only as Subjects, but as Catholicks, for ſo they falſly call themſelves.

Mr. Plydal, about Epiſcopacy.

Mr. *Plydal*, About Epiſcopacy.

'I Have heard, ſince I had the honour to ſit here, many grievances preſented, and truly Sir my heart bleeds within me when I think of them, eſpecially thoſe that concern Religion. But what ſhould I ſpeak of grievances concerning Religion, when Religion it ſelf is become a grievance, nay the very nurſe and mother of all grievances, all ſcandals, all reproaches?

Tantum Religio potuit ſuadere malorum.

'*Sir*, Not to trouble you with any long diſcourſe, if I have any ſight, that Bark both of Church and State hath a long time floated betwixt *Scylla* and *Charybdis*, Popery on the one ſide, and I know not what to call it on the other; in many reſpects both alike dangerous, unleſs the *Italian* Proverb may alter the caſe, God *defend me from my reputed friends, and I will defend my ſelf from my profeſt enemies.*

'*Sir*, We are intruſted by God, the King and the Countrey, with the managing of this Bark, fraught with the fortunes of three great Kingdoms: Now ſhould we ſo decline the former Rock, that we daſh on the other ſide, I humbly offer it to this Honourable Aſſembly, whether ſhe might not have juſt cauſe to ſay, ſhe had changed her Pilot rather than her condition, and only ſhifted places to find her ruine: for Sir, there is as much beyond truth, as on this ſide it; and would we ſteer a right Courſe, we muſt be ſure to keep the Channel, leſt we fall from one extream to another; from the dotage of Superſtition, to the frenzie of profaneneſs, from bowing to Idols, to worſhip the Calves of our own imaginations.

'I beſeech you conſider, what libellous Pamphlets are now Printed, what Sermons are now preached, not building hay and ſtubble, but utterly ſubverting the foundations of Truth; what irreverence in Churches, what profanation of Gods ſervice, to the ſcandal of Chriſtianity, the reproach of Religion, and the intollerable grief of all good men; of which I may take up the words of *Petrus de Aliaco* to the Council of *Conſtance*, *Niſi celeriter fiat reformatio, audeo dicere quod licet magna ſint quæ videmus, tamen in brevi incomparabilia majora videbimus, & poſt iſta tam horrenda majora alia audiemus.*

'*Sir*, I take God to record, I am no mans advocate, no mans enemy, but a faithful lover of truth and peace, and a dutiful ſon of our diſtreſſed mother, the Church of *England*; in whoſe behalf, and our own, my motion ſhall be ſhortly this, That the Miniſters Petition, with ſo much of their Remonſtrance as hath been read, may be committed, and the reſt of it, concerning matter of Doctrine, may be referred to ſome Learned and approved Divines, who have ſpent their time in that noble ſtudy. For give me leave to tell 'you, there is a *vulgus* among the Clergy, as among the Laity, *Et in utroque modicum*; and for theſe and all things, which ſtrike at the root and branch, as they pleaſe to call it, I ſhall humbly move, that we rather conſider how to ſatisfie the Petitioners with ſome timely declaration from both Houſes, of the Lawfulneſs and conveniency of Epiſcopal Government, derived from the Apoſtles, and ſo long eſtabliſhed in this Kingdom, rather than to venture upon any alteration, the conſequence whereof the wiſeſt man cannot foreſee. And in truth, Sir, would we once begin (for my own part) I know not how or where we ſhould ſtay. Nevertheleſs if any one doubt the ſuperiority of Biſhops over Prieſts and Deacons in Eccleſiaſtical Government, or in Ordination, I ſhall be ready, whenſoever this Houſe ſhall command me, to make it good, and I think by as pregnant teſtimonies as we are able to prove the difference betwixt Canonical and Apocryphal Scripture, the neceſſity of Infants Baptiſm, or that the Apoſtles were the Authors of their own Creed. But Sir, I hope you will ſave your ſelf and me that labour, and rather deviſe ſome ſet way to bind up the Churches wounds, which (God knows) are too wide already, that ſo the Clergy and Laity being made friends, and all reduced to the model of our Anceſtors ſince the Reformation, we may all together preſerve the Unity of the Spirit in the bond of peace; and ſo his Majeſty having graciouſly and prudently expreſt himſelf, I am the more confident, we ſhall not only put an end to all miſ-intelligence betwixt Prince and People, but alſo highly advance the Proteſtant cauſe, and give a deadly blow to the See of *Rome*.

Sir, *I humbly crave the favour of the Houſe, for God is my Witneſs,* Non potui aliter liberare animam meam.

THe Speeches before-mentioned Concerning Grievances, and the debates and diſcourſes of other Members did ſo convince the reſt of the Houſe, as when any queſtion was put concerning any conſiderable grievance, not one member of the Houſe gave a No thereunto. Here follow a few of thoſe Votes amongſt many.

Monday, Decemb. 7. 1640.

1. *Reſolved upon the Queſtion,* nullo contradicente.

Votes in Parliament *nemine contradicente.* Ship-money.

'THat the Charge impoſed upon the Subjects for the providing and furniſhing of the Ships, and Aſſeſſments for raiſing of money for that purpoſe, commonly called *Ship-money*, are againſt the Laws of the Realm, the Subjects Right of Property, and contrary to former Reſolutions in Parliament, and to the Petition of Right.

2. *Reſolved upon the Queſtion*, nullo contradicente.

‘THat the Extrajudicial Opinions of the Judges publiſhed in the *Star-Chamber*, and Inrolled in the Courts of *Weſtminſter*, in *hac verba, &c.* In the whole and in every part of them are againſt the Laws of the Realm, the Right of Property, and the Liberty of the Subject, and contrary to former Reſolutions in Parliament, and to the Petition of Right.

3. *Reſolved upon the Queſtion*, nullo contradicente.

‘THat the Writ following in *hac verba, &c.* and the other Writ commonly called the *Ship-Writ*, are againſt the Laws of the Realm, the Right of Property, and the Liberty of the Subject, and contrary to former Reſolutions in Parliament, and to the Petition of Right.

Tueſday, *Decemb.* 15. 1640.

1. *Reſolved upon the Queſtion*, nullo contradicente.

Convocation.

‘THat the Clergy of *England* Convented in any Convocation or Synod, or otherwiſe, have no power to make any Conſtitutions, Canons, or Acts whatſoever in matter of Doctrine, Diſcipline or otherwiſe, to bind the Clergy or the Laity of the Land, without common Conſent of Parliament.

2. *Reſolved upon the Queſtion*, nullo contradicente.

‘THat the ſeveral Conſtitutions and Canons Eccleſiaſtical, treated upon by the Arch-Biſhops of *Canterbury* and *York* Preſidents of the Convocation for the reſpective Provinces of *Canterbury* and *York*, and the reſt of the Biſhops and Clergy of thoſe Provinces, and agreed upon with the King's Majeſties Licence in their ſeveral Synods begun at *London* and *York*, 1640. do not bind the Clergy or Laity of this Land, or either of them.

Wedneſday, *Decemb.* 16. 1640.

1. *Reſolved upon the Queſtion*, nullo contradicente.

‘THat theſe Canons and Conſtitutions Eccleſiaſtical treated upon, (the Arch-Biſhops of *Canterbury* and *York*, Preſidents of the Convocations for the reſpective Provinces of *Canterbury* and *York*) and the reſt of the Biſhops, and Clergy of thoſe Provinces, and agreed upon with the Kings Majeſties Licence in their ſeveral Synods begun at *London* and *York*, in the year 1640. do contain in them many matters contrary to the Kings Prerogative, to the Fundamental Laws and Statutes of the Realm, to the Right of Parliament, An. 1640. ment, to the Property and Liberty of the Subjects and matters tending to Sedition, and of dangerous conſequence.

2. *Reſolved upon the Queſtion*, nullo contradicente.

That the ſeveral Grants of the Benevolences, or Contribution granted to his Moſt Excellent Majeſty by the Clergy of the Provinces of *Canterbury* and *York* in the ſeveral Convocations or Synods holden at *London* and *York*, *Anno Dom.* 1640. are contrary to the Laws, and ought not to bind the Clergy.

After the Paſſing of theſe Votes againſt the Judges, and Tranſmitting of them unto the Houſe of Peers, and their concurring with the Houſe of Commons therein, an Addreſs was made unto the King ſhortly after, that his Majeſty for the future would not make any Judge by Patent during pleaſure, but that they may hold their places hereafter, *Quam diu ſe bene geſſerint*, and his Majeſty did readily grant the ſame, and in his Speech to both Houſes of Parliament, at the time of giving his Royal Aſſent to two Bills, one to take away the High Commiſſion Court, and the other the Court of Star-Chamber, and regulating the power of the Council Table, he hath this paſſage, *If you conſider what I have done this Parliament, diſcontents will not ſit in your Hearts, for I hope you remember that I have granted that the Judges hereafter ſhall hold their places*, Quam diu ſe bene geſſerint.

And likewiſe his Gracious Majeſty King *Charles* the Second obſerved the ſame rule and method in granting Patents to Judges, *Quam diu ſe bene geſſerint*, as appears upon Record in the Rolls, (*viz.*) to Serjeant *Hide* to be Lord Chief Juſtice of the King's Bench, Sir *Orlando Bridgeman* to be Lord Chief Baron, and afterwards Lord Chief Juſtice of the Common Pleas, to Sr. *Robert Forſter* and others; Mr. Serjeant *Archer* now living (notwithſtanding his Removal) ſtill enjoys his Patent, being *Quam diu ſe bene geſſerit*, and receives a ſhare in the Profits of that Court, as to Fines and other Proceedings by virtue of his ſaid Patent, and his name is uſed in thoſe Fines, *&c.* as a Judge of that Court.

16 Caroli.

Articles of the Commons aſſembled in Parliament, in maintenance of their Accuſation againſt William Laud *Arch-Biſhop of* Canterbury; *whereby he ſtands charged with High Treaſon, preſented and carried up to the Lords, by Mr.* J. Pym, Feb. 26. 1640.

Mr. Pym *coming to the Lords Bar to preſent the Articles, ſpake as followeth.*

My Lords,

I Am commanded by the Knights, Citizens, and Burgeſſes, now aſſembled for the Commons in Parliament, to deliver to your Lordſhips theſe Articles, in maintenance of their charge againſt the Arch-Biſhop of *Canterbury*: Their deſire is, that, firſt, your Lordſhips would be pleaſed to hear the Articles read; and then I ſhall endeavour to preſent to you the ſence of the Commons, concerning the nature of the Charge, and the order of their Proceedings.

1. That he hath traiterouſly endeavoured to ſubvert the fundamental Laws and Government of this Kingdom of *England*, and inſtead thereof, to introduce an Arbitrary and Tyrannical Government againſt Law; and to that end, hath wickedly and traiterouſly adviſed His Majeſty, that he might, at His own Will and Pleaſure, levy, and take Money of His Subjects, without their conſent in Parliament; and this he affirmed was warrantable by the Law of God.

2. He hath, for the better accompliſhment of that his traiterous deſign, adviſed and procured Sermons, and other Diſcourſes, to be Preached, Printed, and Publiſhed, in which the Authority of Parliaments, and the force of the Laws of this Kingdom, have been denied; and abſolute and unlimited Power over the Perſons and Eſtates of His Majeſties Subjects maintained and defended, not only in the King, but in himſelf, and other Biſhops, againſt the Law: And he hath been a great protector, favourer, and promoter of the publiſhers of ſuch falſe and pernitious opinions.

He hath traiterouſly cauſed a Book of Canons to be compoſed and publiſhed without any lawful Warrant, and Authority in that behalf; in which pretended Canons many matters are contained contrary to the Kings Prerogative, to the fundamental Laws and Statutes of this Realm, to the Right of Parliament, to the Property and Liberty of the Subject, and matters tending to Sedition, and of dangerous conſequence, and to the eſtabliſhment of a vaſt unlawful, and preſumptuous Power in himſelf, and his Succeſſors; many of which Canons by the practice of the ſaid Arch-Biſhop were ſurreptitiouſly paſſed in the late convocation, without due conſideration and debate; others by fear and compulſion were ſubſcribed by the Prelates and Clarks there aſſembled, which had never

ver been voted and paſſed in the Convocation as they ought to have been. And the ſaid Arch-Biſhop hath contrived and endeavoured to aſſure and confirm the unlawful and exorbitant Power which he hath uſurped and exerciſed over his Majeſties Subjects by a wicked and ungodly Oath in one of the ſaid pretended Canons, injoyned to be taken by all the Clergy, and many of the Laity of this Kingdom.

He hath traiterouſly aſſumed to himſelf a Papal and tyrannical Power, both in Eccleſiaſtical and Temporal matters, over His Majeſties Subjects in this Realm of *England*, and in other Places, to the diſheriſon of the Crown, diſhonour of His Majeſty, and derogation of His Supream Authority in Eccleſiaſtical matters; and the ſaid Arch-Biſhop claims the Kings Eccleſiaſtical Juriſdiction, as incident to his Epiſcopal Office, and Archiepiſcopal in this Kingdom, and doth deny the ſame to be derived from the Crown of *England*, which he hath accordingly exerciſed, to the high contempt of His Royal Majeſty, and to the deſtruction of divers of the Kings Liege-People, in their Perſons and Eſtates.

That he hath traiterouſly endeavoured to alter and ſubvert Gods true Religion, by Law eſtabliſhed in this Realm, and inſtead thereof, to ſet up Popiſh ſuperſtition, and Idolatry. And to that end hath declared and maintained in Speeches and Printed Books divers Popiſh Doctrines and Opinions, contrary to the Articles of Religion eſtabliſhed by Law. He hath urged and injoyned divers Popiſh and ſuperſtitious Ceremonies without any Warrant of Law, and hath cruelly perſecuted thoſe who have oppoſed the ſame by corporal puniſhments and impriſonment, and moſt unjuſtly vexed others, who refuſed to conform thereunto by Eccleſiaſtical Cenſures of Excommunication, ſuſpenſion, deprivation, and degradation, contrary to the Laws of this Kingdom.

He hath, for the ſame traiterous and wicked intent, choſen and imployed ſuch Men to be his own Domeſtical Chaplains, whom he knew to be notoriouſly diſaffected to the reformed Religion, groſly addicted to Popiſh Superſtition, and erroneous and unſound both in Judgment and Practiſe; and to them or ſome of them hath he committed the Licenſing of Books to be printed, by which means divers falſe and ſuperſtitious Books have been publiſhed, to the great ſcandal of Religion, and to the ſeducing of many of His Majeſties Subjects.

He hath traiterouſly and wickedly endeavoured to reconcile the Church of *England* with the Church of *Rome*; and for the effecting thereof, hath conſorted and confederated with divers Popiſh Prieſts and Jeſuits, and hath kept ſecret intelligence with the Pope of *Rome*, and by himſelf, his Agents and Inſtruments, treated with ſuch as have from thence received Authority and Inſtruction, he hath permitted and countenanced a Popiſh Hierarchie, or Eccleſiaſtical Government to be eſtabliſhed in this Kingdom: By all which traiterous and malicious Practiſes, this Church and Kingdom hath been exceedingly indangered, and like to fall under the Tyranny of the *Roman* See.

He hath maliciouſly and traiterouſly plotted and endeavoured to ſtir up War and Enmity betwixt His Majeſties two Kingdoms of *England* and *Scotland*, and to that purpoſe hath laboured to introduce into the Kingdom of *Scotland* divers Innovations both in Religion and Government, all or the moſt part of them tending to Popery and Superſtition, to the great grievance and diſcontent of His Majeſties Subjects of that Nation; and for their refuſing to ſubmit to ſuch Innovations, he did traiterouſly adviſe His Majeſty to ſubdue them by force of Arms, and by his own Authority and Power, contrary to Law, did procure ſundry of His Majeſties Subjects, and enforced the Clergy of this Kingdom to contribute towards the maintenance of that War: And when His Majeſty with much Wiſdom and Juſtice had made a pacification betwixt the two Kingdoms, the ſaid Arch-biſhop did preſumptuouſly cenſure that pacification, as diſhonourable to His Majeſty, and by his counſels and endeavours ſo incenſed His Majeſty againſt His ſaid Subjects of *Scotland*, that he did thereupon (by advice of the ſaid Arch-biſhop) enter into an offenſive War againſt them, to the great hazard of His Majeſties Perſon, and His Subjects of both Kingdoms.

The ſaid Commons do further aver, that the ſaid *William* Arch-biſhop of *Canterbury*, during the times that the Crimes afore-mentioned were done and committed, hath been a Biſhop, or Arch-biſhop of this Realm of *England*, one of the Kings Commiſſioners for Eccleſiaſtical matters, and one of His Majeſties moſt Honourable Privy-Council, and hath taken an Oath for his faithful diſcharge of the ſaid Office of Councellor, and hath likewiſe taken an Oath of Supremacy and Allegiance.

Further Articles of Impeachment by the Commons aſſembled in Parliament, againſt William Laud *Arch-Biſhop of* Canterbury, *of High Treaſon, and divers high Crimes and Miſdemeanours, as followeth.*

1. THat the ſaid Arch-biſhop of *Canterbury*, to introduce an arbitrary Government within this Realm, and to deſtroy Parliaments in the third and fourth years of His Majeſties Reign that now is; a Parliament being then called, and ſitting at *Weſtminſter*, traiterouſly and maliciouſly cauſed the ſaid Parliament to be diſſolved, to the great grievance of His Majeſties Subjects, and prejudice of this Common-wealth: And ſoon after the diſſolution thereof, gave divers Propoſitions under his Hand to *George* then Duke of *Bucks*, caſting therein many falſe aſperſions upon the ſaid Parliament, calling it a *Factious Parliament*, and falſely affirming, that it had caſt many ſcandals upon His Majeſty, and had uſed Him like a Child in his minority, ſtiling them *Puritans*, and commending the Papiſts for harmleſs and peaceable Subjects.

2. That within the ſpace of ten years laſt paſt, the ſaid Arch-biſhop hath treacherouſly endeavoured to ſubvert the fundamental Laws of this Realm; and to that end hath in like manner endeavoured to advance the Power of the Council-Table, the Canons of the Church, and the Kings Prerogative, above the Laws and Statutes of the Realm; and for manifeſtation thereof, about ſix years laſt paſt, being then a Privy-Councellor to His Majeſty, and ſitting at

the Council-Table, he ſaid, 'That as long as he ſat there, they 'ſhould know that an Order of that Board ſhould be of equal force 'with a Law or Act of Parliament. And at another time uſed theſe words, 'That he hoped e're long that the Canons of the Church, 'and the Kings Prerogative, ſhould be of as great Power as an 'Act of Parliament. And at another time ſaid, 'That thoſe that 'would not yield to the Kings Power, he would cruſh them to 'pieces.

3. That the ſaid Arch-Biſhop, to advance the Canons of the Church, and Power-Eccleſiaſtical above the Law of the Land, and to pervert and hinder the courſe of Juſtice, hath at divers times within the ſaid time, by his Letters, and other undue means and ſollicitations uſed to Judges, oppoſed and ſtopped the granting of His Majeſties Writs of *Prohibition*, where the ſame ought to have been granted, for ſtay of Proceedings in the Eccleſiaſtical Court, whereby Juſtice hath been delayed and hindered, and the Judges diverted from doing their Duties.

4. That for the end and purpoſe aforeſaid, about ſeven years laſt paſt, a Judgment being given in His Majeſties Court of *Kings-Bench* againſt one *Burley* a Parſon, being a Man of bad Life and Converſation, in an Information upon the Statute of 21 *Hen.* 8. for wilful non-reſidency, the ſaid Arch-Biſhop, by ſollicitations, and other undue means uſed to the Judges of that Court, cauſed Execution upon the ſaid Judgment to be ſtayed, and being moved therein, and made acquainted with the bad Life and Converſation of the ſaid Parſon, he ſaid, that he had ſpoken to the Judges for him, and that he would never ſuffer a Judgment to paſs againſt any Clergy-man by *Nihil dicit.*

5. That the ſaid Arch-Biſhop, about eight years laſt paſt, being then alſo a Privy-Councellor to His Majeſty, for the end and purpoſe aforeſaid, cauſed Sir *John Corbet* of *Stoake* in the County of *Salop* Baronet, then a Juſtice of Peace of the ſaid County, to be committed to the Priſon of the *Fleet*, where he continued Priſoner for the ſpace of half a year or more, for no other cauſe but for calling for the Petition of Right, and cauſing it to be read at the Seſſions of the Peace for that County, upon a juſt and neceſſary occaſion; and during the time of his ſaid Impriſonment, the ſaid Arch-Biſhop, without any colour of Right, by a Writing under the Seal of his Arch-biſhoprick, granted away parcel of the Glebe-Land of the Church of *Adderly* in the ſaid County, whereof the ſaid Sir *John Corbet* was then Patron, unto *Robert* Viſcount *Kilmurry*, without the conſent of the ſaid Sir *John*, or then the Incumbent of the ſaid Church; which ſaid Viſcount *Kilmurry* built a Chappel upon the ſaid parcel of Glebe-Land, to the great prejudice of the ſaid Sir *John Corbet*, which hath cauſed great Suits and Diſſentions between them. And whereas the ſaid Sir *John Corbet* had a Judgment againſt Sir *James Stonehouſe* Knight, in an Action of *Waſt*, in His Majeſties Court of *Common-Pleas* at *Weſtminſter*, which was afterwards affirmed in a Writ of *Error* in the *Kings-Bench*, and Execution thereupon awarded; yet the ſaid Sir *John*, by means of the ſaid Arch-Biſhop, could not have the effect thereof, but was committed to the Priſon by the ſaid Arch-Biſhop, and others at the Council-Table, until he had ſub-

mitted himſelf unto the Order of the ſaid Table; whereby he loſt the benefit of the ſaid Judgment and Execution.

6. That whereas divers Gifts, and diſpoſitions of divers Sums of Money[illegible] heretofore made by divers charitable and well-diſpoſed Perſo[illegible] the buying in of divers Impropriations for the maintenance [illegible] Preaching the Word of God in ſeveral Churches, the ſaid Arch-Biſhop, about eight years laſt paſt, wilfully and maliciouſly cauſed the ſaid Gifts, Feoffments, and Conveyances made to the uſes aforeſaid, to be overthrown in His Majeſties Court of *Exchequer*, contrary to Law, as things dangerous to the Church and State, under the ſpecious pretence of buying in Impropriations; whereby that Pious Work was ſuppreſſed and trodden down, to the great diſhonour of God, and ſcandal of Religion.

7. That the ſaid Arch-Biſhop at ſeveral times, within theſe ten years laſt paſt, at *Weſtminſter*, and elſewhere within this Realm, contrary to the known Laws of this Land, hath endeavoured to advance Popery and Superſtition within the Realm: And for that end and purpoſe hath wittingly and willingly received, harboured, and relieved divers Popiſh Prieſts and Jeſuits, namely one called *Sancta Clara, alias Damport*, a dangerous Perſon, and *Franciſcan* Friar, who having written a Popiſh and Seditious Book, entituled *Deus natura gratia*, wherein the 39 Articles of the Church of *England*, eſtabliſhed by Act of Parliament, were much traduced and ſcandalized: The ſaid Arch-Biſhop had divers Conferences with him, while he was in writing the ſaid Book; and did alſo provide maintenance and entertainment for one *Monſieur St. Gyles*, a Popiſh Prieſt at *Oxford*, knowing him to be a Popiſh Prieſt.

8. That the ſaid Arch-Biſhop, about four years laſt paſt, at *Weſtminſter* aforeſaid, ſaid, That there muſt be a Blow given to the Church, ſuch as hath not been yet given, before it could be brought to conformity; declaring thereby his intention to be, to ſhake and alter the true Proteſtant Religion eſtabliſhed in the Church of *England*.

9. That in or about the Month of *May* 1640. preſently after the diſſolution of the laſt Parliament, the ſaid Arch-Biſhop, for the ends and purpoſes aforeſaid, cauſed a Synod or Convocation of the Clergy to be held for the ſeveral Provinces of *Canterbury* and *York*; wherein were made and eſtabliſhed by his means and procurement divers Canons and Conſtitutions-Eccleſiaſtical, contrary to the Laws of this Realm, the Rights and Priviledges of Parliament, the Liberty and Property of the Subject, tending alſo to Sedition, and of dangerous conſequence: And amongſt other things the ſaid Arch-Biſhop cauſed a moſt dangerous and illegal Oath to be therein made and contrived, the tenor whereof followeth in theſe words. That I *A. B.* do ſwear, that I do approve the Doctrine and Diſcipline or Government eſtabliſhed in the Church of *England*, as containing all things neceſſary to Salvation; and that I will not endeavour by my ſelf, or any other, directly or indirectly, to bring in any Popiſh Doctrine, contrary to that which is ſo eſtabliſhed: Nor will I ever give my conſent to alter the Government of this Church by Arch-Biſhops, Biſhops, Deans, and Arch-Deacons, &c. as it ſtands now eſtabliſhed, and as by right it ought to ſtand; nor yet ever to ſubject it to the uſurpations and ſuperſtitions

of the See of *Rome*. And all theſe things do I plainly and ſincerely acknowledge and ſwear according to the plain and common ſenſe and underſtanding of the ſame words, without any equivocation, or mental evaſion, or ſecret reſervation whatſoever; and this I do heartily, willingly and truly upon the faith of a Chriſtian: So help me God in Jeſus Chriſt. Which Oath the ſaid Arch-Biſhop himſelf did take, and cauſed divers other Miniſters of the Church to take the ſame, upon pain of ſuſpenſion, and deprivation of their Livings, and other ſevere Penalties: And did alſo cauſe *Godfrey*, then Biſhop of *Glouceſter*, to be committed to Priſon, for refuſing to ſubſcribe to the ſaid Canons, and to take the ſaid Oath; and afterwards, the ſaid Biſhop ſubmitting himſelf to take the ſaid Oath, he was ſet at liberty.

10. That a little before the calling of the laſt Parliament, *Anno* 1640. a Vote being then paſſed, and a *Reſolution* taken at the Council-Table, by the Advice of the ſaid Arch-Biſhop, *for aſſiſting of the King in extraordinary ways*, if *the ſaid Parliament ſhould prove peeviſh*, and *refuſe to ſupply His Majeſty*; the ſaid Arch-Biſhop wickedly and maliciouſly adviſed His Majeſty to diſſolve the ſaid Parliament, and accordingly the ſame was diſſolved: And preſently after the ſaid Arch-Biſhop told His Majeſty, *That now he was abſolved from all Rules of Government*, and *left free to uſe extraordinary ways for his Supply*.

For all which matters and things the ſaid Commons aſſembled in Parliament, in the Name of themſelves, and all the Commons of *England*, do Impeach the ſaid Arch-Biſhop of *Canterbury* of High Treaſon, and other Crimes and Miſdemeanours, tending to the ſubverſion of our Religion, Laws, and Liberties, and to the utter ruine of this Church and Common-wealth.

And the ſaid Commons by proteſtation ſaving to themſelves the liberty of exhibiting at any time hereafter, any further, or other Accuſation or Impeachment againſt the ſaid *William Laud* Arch-Biſhop of *Canterbury*, and alſo of replying to the Anſwer that he ſhall make unto the ſaid Articles, or any of them; or offering proof of the Premiſſes; or any other Impeachments or Accuſations that ſhall be exhibited by them, as the Cauſe ſhall (according to the courſe of Parliaments) require; do pray, that he the ſaid *William Laud* Arch-Biſhop of *Canterbury* may be called to anſwer the ſaid ſeveral Crimes and Miſdemeanours, and receive ſuch condign puniſhment as the ſame ſhall deſerve: And that ſuch further Proceedings may be upon every one of them had, and uſed againſt him, as is agreable to Law and Juſtice.

The Charge of the Scottiſh *Commiſſioners againſt the Prelate of* Canterbury.

NOvations in Religion, which are univerſally acknowledged to be the main cauſe of Commotions in Kingdoms and States, and are known to be the true cauſe of our preſent troubles, were many and great, beſides the Books of Ordination and Homilies;

1. Some particular alterations in matters of Religion, preſſed upon us without order, and againſt Law, contrary to the form eſtabliſhed in our Kirke. 2. A new Book of Canons and Conſtitutions-Eccleſiaſtical. 3. A Liturgy, or Book of Common-Prayer, which did alſo carry with them many dangerous Errors in matters of Doctrine; of all which we challenge the Prelate of *Canterbury*, as the prime cauſe on Earth.

And firſt, that this Prelate was the Author and Urger of ſome particular changes which made great diſturbance amongſt us, we make manifeſt:

Firſt, by fourteen Letters ſubſcribed *William Cant.* in the ſpace of two years, to one of our pretended Biſhops, *Bannatine*, wherein he often enjoyneth him, and other pretended Biſhops, to appear in the Chappel in their *Whites*, contrary to the Cuſtom of our Kirke, and to his Promiſe made to the pretended Biſhops of *Edenburgh* at the Coronation, that none of them after that time ſhould be preſſed to wear theſe Garments, thereby moving him againſt his will to put them on for that time, wherein he directeth him to give order for ſaying the *Engliſh* Service in the Chappel twice a day for his neglect, ſhewing him that he was diſappointed of the Biſhoprick of *Edenburgh*, promiſing him, upon the greater care of theſe Novations, advancement to a better Biſhoprick, taxing him for his boldneſs in Preaching the ſound Doctrine of the reformed Kirks againſt Mr. *Mitchel*, who had taught the Errors of *Arminius* in the Point of the extent of Merit of Chriſt, bidding him ſend up a Liſt of the Names of Councellors and Senators of the Colledge of Juſtice, who did not communicate in the Chappel in a form which was not received in our Kirk, commending him when he found him obſequious to theſe his Commands, telling him, that he had moved the King the ſecond time for the puniſhment of ſuch as had not received in the Chappel; and wherein he upbraideth him bitterly, that in his firſt Synod at *Aberdein* he had only diſputed againſt our Cuſtom of *Scotland*, of faſting ſometimes on the Lords-day, and preſumptuouſly cenſuring our Kirk, that in this we were oppoſite to Chriſtianity it ſelf; and amongſt us there were no Canons at all.

The ſecond Novation which troubled our Peace, was a Book of Canons, and Conſtitutions-Eccleſiaſtical, obtruded upon our Kirk, found by our General Aſſembly to be deviſed for eſtabliſhing a Tyrannical Power in the Perſons of our Prelates over the Worſhip of God, over the Conſciences, Liberties and Goods of the People, and for aboliſhing the whole Diſcipline and Government of our Kirk, by General and Provincial Aſſemblies, Presbyteries, aod Kirk-Seſſions, which was ſetled by Law, and in continual practice ſince the time of Reformation; that *Canterbury* was Maſter of this Work is manifeſt.

He will not have Canons come from the Authority of Synods, but from the Power of Prelates, or from the Kings Prerogative.

Thirdly, the formidable Canon, *Cap.* 1. 3. threatning no leſs than Excommunication againſt all ſuch Perſons, whoſoever ſhall open their mouths againſt any of theſe Books, proceeded not from our Prelates, nor is to be found in the Copy

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ſent from them, but is a Thunder-bolt forged in *Canterburies* own Fire.

The third and great Novation was the Book of Common-Prayer, Adminiſtration of the Sacraments, and other parts of Divine Service, brought in without Warrant from our Kirk, to be univerſally received, as the only form of Divine Service, under all higheſt pains both Civil and Eccleſiaſtical, which is found by our National Aſſembly, beſides the Popiſh freme and forms in Divine Worſhip, to contain many Popiſh Errors and Ceremonies, and the Seeds of manifold and groſs Superſtitious and Idolatrous, and to be repugnant to the Doctrine and Diſcipline and order of our Reformation, to the confeſſion of Faith, Conſtitutions of General Aſſemblies and Acts of Parliament, eſtabliſhing the true religion; that this alſo was *Canterburies* Work we make manifeſt.

By the Memoirs and Inſtruction ſent unto him from our Prelates; wherein they gave a ſpecial account of the diligence they had uſed, to do all which herein they were enjoyned by the approbation of the Service-Book ſent to them; and of all the Marginal Correction, wherein it varieth from the *Engliſh* Books, ſhewing their deſire to have ſome few things changed in it, which notwithſtanding was not granted: This we find written by St. *Androis* own hand, and ſubſcribed by him, and nine other of our Prelates.

But the Book it ſelf, as it ſtandeth Interlined, Margined, and patch'd up, is much more than all that is expreſſed in his Letters, and the Changes and Supplements themſelves taken from the Maſs-Book, and other *Romiſh* Rituals, by which he maketh it to vary from the Book of *England*.

The Corporal Preſence of Chriſts Body in the Sacrament is alſo to be found here; for the words of the Maſs-Book ſerving to this purpoſe, which are ſharply cenſured by *Bucer*, in King *Edwards* Liturgy, and are not to be found in the Book of *England*, are taken in here: *Almighty God is in-called, that of his Almighty* Goodneſs *he may vouchſafe ſo to Bleſs and Sanctify with his Word and Spirit theſe Gifts of Bread and Wine, that they may be unto us the Body and Blood of Chriſt.*

The Change here is made a Work of Gods Omnipotency: The words of the Maſs, *ut fiant nobis*, are Tranſlated in King *Edwards* Book, *That they be unto us*, which are again turned into *Latin* by *Aleſuis*, *ut fiant nobis*; on the other part the expreſſions of the Book of *England*, at the delivery of the Elements feeding on Chriſt by Faith, and of eating and drinking in remembrance that Chriſt died for thee, are utterly declared; many Evidences there be in this part of the Communion, of the Bodily Preſence of Chriſt, very agreeable to the Doctrines taught by his Sectaries, which this Paper cannot contain. They teach us, *That Chriſt is received in the Sacrament, Corporaliter, both Objective and Subjective, Corpus Chriſti eſt Objectum quod recipitur, & Corpus noſtrum Subjectum quo recipitur.*

Our Supplications were many againſt theſe Books, but *Canterbury* procured them to be anſwered with terrible Proclamations. We were conſtrained to uſe the remedy of Proteſtation; but for our Proteſtations, and other lawful means, which we uſed for our deliverance, *Canterbury* procured us to be declared Rebels and Traitors in all Pariſh-Kirks of *England*: When we were ſeeking to poſſeſs our Religion in peace againſt theſe Devices and Novations, *Canterbury* kindleth War againſt us. In all theſe it is known that he was, although not the ſole, yet the principal Agent and Adviſer.

When by the Pacification at *Barwick*, both Kingdoms looked for peace and quietneſs, he ſpared not openly in the hearing of many, often before the King, and privately at the Council-Table, and the Privy Jointo, to ſpeak of us as Rebels and Traitors, and to ſpeak againſt the Pacification as diſhonourable, and meet to be broken. Neither did his malignancy and bitterneſs ever ſuffer him to reſt till a new War was entred upon, and all things prepared for our deſtruction.

When our Commiſſioners did appear to render the Reaſons of our demands, he ſpared not, in the preſence of the King and Committee, to rail againſt our National Aſſembly as not daring to appear before the World and Kirks abroad; where himſelf and his actions were able to endure tryal: And againſt our juſt and neceſſary defence as the moſt malicious and treaſonable contempt of Monarchial Government that any by-gone Age heard of; his hand was alſo at the Warrant for the reſtraint and impriſonment of our Commiſſioners, ſent from the Parliament warranted by the King, and ſeeking the Peace of the Kingdoms.

When we had by our Declarations, Remonſtrances, and Repreſentations, manifeſted the truth of our intentions, and lawfulneſs of our actions to all the good Subjects of the Kingdom of *England*, when the late Parliament could not be moved to aſſiſt or enter in War againſt us, maintaining our Religion, and Liberties, *Canterbury* did not only adviſe the breaking up of that High and Honourable Court, to the great grief and hazard of the Kingdom, but (which is without example) did ſit ſtill in the Convocation, and make Canons and Conſtitutions againſt us, and our juſt and neceſſary defence; ordaining under all higheſt pains, that hereafter the Clergy ſhall preach four times in the year againſt our Proceedings.

And as if this had not been ſufficient, he procured ſix Subſidies to be lifted of the Clergy, under pain of deprivation to all that ſhould refuſe. And which is yet worſe, and above which malice it ſelf cannot aſcend, by his means a Prayer is framed, Printed, and ſent through all Pariſhes of *England*, to be ſaid in all Churches in time of Divine Service, next after the Prayer for the Queen and Royal Progeny, againſt our Nation by name of Traiterous Subjects, having caſt off all obedience to our anointed Sovereign, and coming in all rebellious manner to invade *England*, that ſhame may cover our faces as Enemies to God and the King.

We are therefore confident that your Lordſhips will, by your means, deal effectually with the Parliament, that this great Firebrand be preſently removed from His Majeſties Preſence, and that he may be put to tryal, and put to his deſerved Cenſure according to the Laws of the Kingdom.

On the 22*d* of *January* the Arch-Biſhop, perſonally appearing at the Lords Bar according to the former Orders, did then put in this following Anſwer both to the Commons original and additional Articles.

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The humble Anſwer of *William* Arch-Biſhop of *Canterbury* to the firſt and further Articles of Impeachment, brought up by the Honourable Houſe of Commons againſt him, and by Order of the Right Honourable the Lords in Parliament of the 16*th* of this inſtant directed to be put in.

As to the 13*th* Article of the ſaid firſt Articles, and the matters therein charged, and all matters or things in the ſame, or any of the reſt of the ſaid Articles contained, which concern any Act of Hoſtility, whether between the King and His Subjects, or between Subject and Subject, or which may be conceived to ariſe upon the coming of any *Engliſh* Army againſt *Scotland*, or the coming of the *Scottiſh* Army into *England*, or upon any Action, Attempt, Aſſiſtance, Councel or Device, having relation thereunto, and falling out by the occaſion of the late Troubles preceding the late Concluſion of the Treaty, and return of the *Scottiſh* Army into *Scotland*; this Defendant ſaith, That it is Enacted by an Act made during the ſitting of this preſent Parliament, That the ſame, and whatſoever hath enſued thereupon, whether trenching upon the Laws and Liberties of the Church and Kingdom, or upon His Majeſties Honour and Authority, in no time hereafter may be called in queſtion, or reſented as a wrong National, or Perſonal, and that no mention be made thereof in time coming, neither in Judgment nor out of Judgment; but that it be held and reputed as though never ſuch things had been thought or wrought, as by the ſaid Act may more at large appear, with this, that this Defendant doth aver, that he is none of the Perſons excepted by the ſaid Act, or the ſaid Offences charged upon this Defendant any of the offences excepted by the ſaid Act.

And as to all the reſt of the ſaid firſt and further Articles; this Defendant ſaving to himſelf all advantages of exception to the ſaid Articles, humbly ſaith, He is not guilty of all or any of the matters by the ſaid Articles charged, in ſuch manner and form as the ſame are by the ſaid Articles charged againſt him.

W. Cant.

After the before-mentioned Articles were read, the Arch-Biſhop made this following Speech.

My Lords,

'MY being in this place in this condition, recalls to my memo-
'ry that which I long ſince read in *Seneca*, *Tormentum eſt,*
'*etiamſi abſolutus quis fueris, cauſam dixiſſe*; (6. *de Benef. c.* 28.)
''Tis not a grief only, no, 'tis no leſs than a torment for an inge-
'nuous Man to plead capitally or criminally, though it ſhould ſo
'fall out that he be abſolved. The great truth of this I find at
'preſent in my ſelf; and ſo much the more, becauſe I am a Chriſtian,
'and not that only, but in Holy Orders; and not ſo only, but by
'Gods Grace and Goodneſs preferred to the greateſt Place this
'Church affords, and yet brought, *cauſam dicere*, to plead for my
'ſelf at this great Bar.

'And whatſoever the World think of me (and they have been 'taught to think much more ill of me, than, I humbly thank Chriſt 'for it, I was ever acquainted with) yet, my Lords, this I find, '*Tormentum eſt*, 'tis no leſs than a Torment to me to appear in this 'place.

'Nay, my Lords, give me leave to ſpeak plain truth; no Sen'tence that can juſtly paſs upon me, (and other I will never fear 'from your Lordſhips) can go ſo near me, as *Cauſam dicere*, to 'plead for my ſelf upon this occaſion, and in this place.

'For as for the Sentence, be it what it ſhall, I thank God for 'it, I am for it at St. *Pauls* word, (*Acts* 25. 11.) *If I have com'mitted any thing worthy of death, I refuſe not to die.* For I thank 'God I have ſo lived, as that I am neither afraid to die, nor aſhamed 'to live. But ſeeing the malignity which hath been raiſed againſt 'me by ſome Men, I have carried my very Life in my Hands theſe 'divers years paſt: But yet, my Lords, if there be none of theſe 'things whereof they accuſe me, though I may not in this Caſe, 'and from this Bar, appeal unto *Cæſar*, yet to your Lordſhips Juſtice 'and Integrity I both may and do; not doubting, but that God of 'his Goodneſs will preſerve my Innocency.

'And as *Job* in the midſt of his affliction ſaid to his miſtaken 'friends, ſo ſhall I to my Accuſers; God forbid I ſhould juſtifie you, 'till I die I will not remove mine Integrity from me, I will hold it 'faſt, and not let it go, my Heart ſhall not reproach me as long as I 'live, *Job* 22. 5.

'My Lords, The Charge againſt me is brought up in ten Arti'cles, but the main Heads are two; An endeavour to ſubvert the 'Laws of the Land, and the Religion eſtabliſhed; ſix Articles, '(the five, firſt and the laſt) concern the Laws, and the other 'four, Religion.

'For the Laws, firſt I may ſafely ſay, I have been to my under'ſtanding as ſtrict an obſerver of them all the days of my life, ſo 'far as they concern me, as any Man hath; and ſince I came into 'Place, I have followed them, and been as much guided by them 'as any Man that ſate where I had the Honour to ſit. And of this 'I am ſorry I have loſt the Teſtimony of the Lord Keeper *Coventry*, 'and other Perſons of Honour ſince dead.

'And the Council which attended at the Council-Board can wit'neſs, ſome of them here preſent, that in all references to the 'Board, or debates ariſing at the Board, I was for that part of the 'Cauſe where I found Law to be; and if the Council deſired to 'have the Cauſe left to the Law, well I might move in ſome Cau'ſes Charity or Conſcience to them; but I left them to the Law, 'if thither they would go; and how ſuch a carriage as this through 'the whole courſe of my Life in private and publick can ſtand 'with an intention to overthrow the Laws, I cannot yet ſee.

'Nay more, I have ever been of opinion, That Laws bind the 'Conſcience, and have accordingly, made Conſcience of obſerving 'them; and this Doctrine I have conſtantly preached as occaſion 'hath been offered me; and how is it poſſible, I ſhould ſeek to 'overthrow thoſe Laws which I held my ſelf bound in Conſcience 'to keep and obſerve.

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‘As for Religion, I was born and bred up in and under the Church of *England*, as it ſtands eſtabliſhed by Law; I have by Gods Bleſſing, grown up in it to the years which are now upon me, and to the Place of preferment which I now bear.

‘I have, ever ſince I underſtood ought in my Profeſſion, kept one conſtant Tenor in this my Profeſſion, without variation or ſhifting from one opinion to another, for any worldly ends: And if my Conſcience would have ſuffered me to do ſo, I could eaſily have ſlid through all the difficulties which I have preſt upon me in this kind; but of all Diſeaſes, I have ever held a Palſey in Religion moſt dangerous, well knowing and remembring that Diſeaſe often ends in a dead Palſie.

‘Ever ſince I came in Place, I have laboured nothing more than that the Eternal publick Worſhip of God (ſo much ſlighted in divers parts of this Kingdom) might be preſerved, and that with as much decency and uniformity as might be; for I evidently ſaw, that the publick neglect of Gods Service in the outward face of it, and the naſty lying of many Places dedicated to that Service, had almoſt caſt a damp upon the true and inward Worſhip of God, which while we live in the Body, needs external helps, and all little enough to keep it in vigour. And this I did to the uttermoſt of my knowledge, according both to Law and Canon, and with the conſent and liking of the People; nor did any command iſſue from me againſt the one, or without the other.

‘Further, my Lords, give me leave, I beſeech you, to acquaint you with this alſo, that I have as little acquaintance with Recuſants, as I believe any man of my Place of *England* hath, or ever had ſithence the Reformation; and for my Kindred, no one of them was ever a Recuſant, but Sir *William Web*, Grand-child to Sir *William Web*, ſometimes Lord Major of *London*, and ſince which ſome of his Children I reduced back to the Church of *England*.

‘On this, one thing more I humbly deſire may be thought on, That I am fall'n into a great deal of obloquy in matter of Religion, and that ſo far, (as appears by the Articles againſt me) that I have endeavoured to advance and bring in Popery: Perhaps, my Lords, I am not ignorant what Party of Men have raiſed theſe ſcandals upon me, nor for what end, nor perhaps by whom ſet on; but howſoever, I would fain have a good reaſon given me, if my Conſcience ſtood that way, and that with my Conſcience I could ſubſcribe to the Church of *Rome*, what ſhould have kept me here before my Impriſonment to endure the libelling and the ſlander, and the baſe uſage that hath been put upon me, and theſe to end in this queſtion for my Life? I ſay, I would know a good reaſon for this.

‘Firſt, my Lords, is it becauſe of any Pledges I have in the World to ſway me againſt my Conſcience? No ſure, for I have neither Wife nor Children to cry out upon me to ſtay with them; And if I had, I hope the calling of my Conſcience ſhould be heard above them.

‘Is it becauſe I was loth to leave the Honour and Profit of the Place I was riſen to? Surely no, for I deſire your Lordſhips, and all the World ſhould know, I do much ſcorn the one and the other, ‘in compariſon of my Conſcience. Beſides it cannot be imagined by any man, but that if I ſhould have gone over to them, I ſhould not have wanted both honour and profit, and ſuppoſe not ſo great as this I have here, yet ſure would my Conſcience have ſerved my ſelf of either, leſs with my Conſcience would have prevailed with me more than grater againſt my Conſcience.

‘Is it becauſe I lived here at eaſe, and loath to venture that? Not ſo neither, for whatſoever the world may be pleaſed to think of me, I have led a very painful life, and ſuch as I would have been content to change, had I well known how; and would my Conſcience have ſerved me that way, I am ſure I might have lived at far more eaſe, and either have avoided the barbarous libelling and other bitter grievous ſcorns which have been put upon me, or at leaſt been out of the hearing of them.

‘Not to trouble your Lordſhips too long, I am ſo innocent in the buſineſs of Religion, ſo free from all practice, or ſo much as thought of practice for any alteration unto Popery, or any blemiſhing the true Proteſtant Religion eſtabliſhed in *England*, as I was when my Mother firſt bore me into the world; and let nothing be ſpoken but truth, and I do here challenge whatſoever is between Heaven or Hell, that can be ſaid againſt me in point of my Religion, in which I have ever hated diſſimulation. And had I not hated it, perhaps I might have been better for worldly ſafety than now I am, but it can no way become a Chriſtian Biſhop to halt with God.

‘*Laſtly*, If I had any purpoſe to blaſt the true Religion eſtabliſhed in the Church of *England*, and to introduce Popery, ſure I took a wrong way to it; for, My Lords, I have ſtaid more going to *Rome*, and reduced more that were already gone, than, I believe any Biſhop or Divine in this Kingdom hath done; and ſome of them, men of great abilities, and ſome Perſons of great place; and is this the way to introduce Popery?

‘My Lords, If I had blemiſhed the true Proteſtant Religion, how could I have brought theſe men to it? And if I had promiſed to introduce Popery, I would never have reduced theſe men from it.

‘And that it may appear unto your Lordſhips how many, and of what condition the Perſons are, which by Gods bleſſing upon my Labours, I have ſetled in the true Proteſtant Religion eſtabliſhed in *England*: I ſhall briefly name ſome of them, though I cannot in order of time as I converted them.

‘*Henry Berkinſtead* of *Trinity* Colledge *Oxon*, ſeduced by a Jeſuit and brought to *London*, (the Lords and others perceiving him to be *Berchinhead*, the Author of all the Libellous Popiſh *Oxford* Aulicuſſes, againſt the Parliament, at the naming of him ſmiled; which the Arch-biſhop perceiving, ſaid, My Lords, I mean not *Brchinhead* the Author of *Oxford* Aulicus, but another.)

‘Two Daughters of Sir *Richard Lechford*, in *Surrey*, ſent towards a Nunnery.

‘Two Schollers of Saint *Johns* Colledge *Cambridge*, *Toppin* and *Aſhton*, who had got the *French* Ambaſſadors Paſs, and after this I allowed means to *Toppin*, and then procured him a Fellowſhip

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‘in Saint *Johns*; and he is at this preſent as hopeful a Young Man as any of his time, and a Divine.

‘Sir *William Webb*, my Kinſman, and two of his Daughters, and his Son I took from him; and his Father being utterly decayed, I bred him at my own charge, and he is a very good Proteſtant.

‘A Gentleman brought to me by Mr. *Chesford*, His Majeſties Servant, but I cannot recall his name.

‘The Lord *Mayo* of *Ireland*, brought to me alſo by Mr. *Chesford*.

‘The Right Honourable the Lord Duke of *Buckingham*, almoſt quite gone between the Lady his Mother and Siſter.

‘The Lady Marqueſs *Hamilton*, was ſetled by my direction, and ſhe died very religiouſly, and a Proteſtant.

‘Mr. *Digby*, who was a Prieſt.

‘Mr. *James*, a Gentleman brought to me by a Miniſter in *Buckinghamſhire*, as I remember.

‘Dr. *Heart* the Civilian, my Neighbours Son at *Fulham*.

‘Mr. *Chriſtopher Seaburn*, a Gentleman of an antient Family in *Herefordſhire*.

‘The Right Honourable the Counteſs of *Buckingham*.

‘Sir *William Spencer* of *Paruton*.

‘Mr. *Shillingworth*.

‘The Sons and Heirs of Mr. *Winchcomb*, and Mr. *Welleſcot*, whom I ſent with their Friends liking to *Wadham* Colledge, *Oxford*; and received a certificate 1638 of their continuing in Conformity to the Church of *England*: Nor did ever any one of theſe named relapſe again, but only the Counteſs of *Buckingham* and Sir *William Spencer*; it being only in Gods power, not mine, to preſerve them from relapſe.

‘And now let any Clergy-man of *England* come forth and give a better account of his Zeal to the Church.

Here followeth ſome Paſſages concerning Auricular Confeſſion.

The Contents of Mr. *Adams* his Sermon about Auricular Confeſſion.

ONe Mr. *Adams* Preaching publickly in Saint *Maries* Church in *Cambridge* before the Univerſity, on *John* 20. 23. *Whoſoever ſins ye remit they are remitted*, &c. uſed theſe exorbitant Popiſh aſſertions touching confeſſion of ſins to Prieſts; that a ſpecial confeſſion unto a Prieſt (actually where time and opportunity preſents its ſelf, or otherwiſe in explicite intention, and reſolution) of all our ſins committed after Baptiſm, ſo far forth as we do remember, is neceſſary unto Salvation, in the judgement of Fathers, Schoolmen, and almoſt all Antiquity, not only *neceſſitate præcepti*, but alſo *neceſſitate medii*, ſo that according to the ordinary, or revealed means appointed by Chriſt, there can be no Salvation without the aforeſaid Confeſſion. That Chriſt intended this Confeſſion of our ſins in ſpecial before the Prieſt, for a neceſſary means to bring us to ſalvation; and to fruſtrate his intention or will through miſconceits, what were it more but an Argument no leſs of indiſcretion, than of madneſs and impiety? That God being an Enemy to all ſin will not pardon any, if we willingly conceal but one in our confeſſion to the Prieſt. That Confeſſion is as neceſſary to Salvation as the Miniſtry of Baptiſm, as neceſſary to Salvation as meat is to the Body.

That ſince Chriſt ordained a Tribunal-Seat of Judgement, where ſins ſhould be remitted or retained at the diſcretion of a lawful Miniſter (as was evident by the Text he did) then without doubt 'twas his intention that the Faithful ſhould neceſſarily confeſs all their ſins before the Prieſt, ſo far forth as they remember, for the purchaſing of his pardon and remiſſion. This he averred to be (as he conceived) the Doctrine of the Church of *England*, contained in our Lyturgie. That Confeſſion is a Duty of far more Antiquity and Extent than ever Popery was, in regard 'twas inſtituted by our Saviour, practiſed by the Apoſtles, the Holy Fathers and all ſucceeding Ages, and therefore though the Papiſts uſe it, it is not, it cannot be, as ſome would have it, a point of Popery; what! ſhall their errors in ſome Tenets prejudice the Truth in this? What! ſhall we refuſe the Grape becauſe the Stalk is withered? This were a Puritannical Novation-Nicety. I never heard of any thing but a fooliſh Cock that ever refuſed a Gem, though in a Dunghil.

Mr. *Adams* queſtioned for this Sermon.

The whole Sermon being to this effect, Dr. *Ward*, Dr. *Love*, Dr. *Brownrig* and Dr. *Holdſworth*, took exceptions againſt this Sermon, as Scandalous and Popiſh, whereupon Mr. *Adams* was Convented for it before the Vicechancellor and Heads, who both required and peruſed the Copy of his Sermon; which done the Vice-chancellor Dr. *Brownrig*, drew up this enſuing Recantation, which he enjoyned him to make in publick, to give ſatisfaction to thoſe whom his Sermon had ſcandalized.

WHereas, *&c.* on *Sunday* the 25*th* of *June* laſt, in my publick Sermon on theſe words (Saint *John* 20. 23. *Whoſe ſins ye remit, they are remitted, and whoſe ſins ye retain, they are retained*; I delivered this Doctrine, that a ſpecial confeſſion unto a Prieſt (actually, where time or opportunity preſents it ſelf, or otherwiſe in explicit intention, and reſolution) of all our ſins committed after Baptiſm, ſo far forth as we do remember, is neceſſary unto Salvation, not only *neceſſitate præcepti*, but alſo *neceſſitate medii*; ſo that according to the Ordinance, or revealed means appointed by Chriſt, there can be no Salvation without the aforeſaid Confeſſion; upon more mature thoughts, and better information, I do find that this Doctrine then delivered, was both erroneous, and dangerous, having not warrant from the word of God, and croſſing the Doctrine of our Church, as may appear by her Lyturgie in the ſecond Exhortation at the Communion, and in the Viſitation of the Sick, and in the ſecond part in the Homily of Repentance. As therefore in general, I do acknowledge in the words of the aforeſaid Homily, that it is moſt evident and plain, that this auricular Confeſſion hath not his warrant of Gods word, and that therefore being not led with the Conſcience thereof, if we with fear and trembling, and with a contrite heart, uſe that kind of Confeſſion, which God doth command in his word (namely an unfeigned Confeſſion unto Almighty God himſelf) then doubtleſs (as he is faithful and true) he will forgive us our ſins, and make us clean from all our wickedneſs; ſo in the caſe of a troubled, or doubtful Conſcience, I do conform my Opinion unto the direction

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of our Church, which in her Lyturgie doth exhort, and require thoſe whoſe Conſciences are troubled with any weighty matter to a ſpecial Confeſſion, ſo that they who cannot quiet their own Conſciences, are to repair to their own, or ſome other diſcreet and learned Miniſter of Gods Word to open to them their grief, that ſo they may receive ſuch ghoſtly Counſel, Advice and Comfort, as their Conſciences may be relieved, and by the Miniſtry of Gods word, they may receive Comfort and the Benefit of Abſolution to the quieting their Conſcience, and the avoiding of all ſcruple and doubtfulneſs. But it is againſt true Chriſtian liberty, that any man ſhould be bound to the numbering of his ſins, as it hath been uſed heretofore in times of ignorance and blindneſs. This I do acknowledge to be the Doctrine of the Church of *England* concerning Confeſſion, and to it I do *ex animo*, ſubſcribe, and am heartily ſorry for what ever I have delivered to the contrary.

Mr. *Adams* refuſed to make this Recantation, ſaying he was not conſcious to himſelf of any thing he had ſaid in his Sermon contrary to the Doctrine of the Church of *England*; whereupon at a full meeting of the Doctors it was put to the Vote whether this Recantation ſhould be enjoyned him or no, Dr. *Ward*, Dr. *Bambridge*, Dr. *Banhcroft*, Dr. *Love*, Dr. *Holdſworth* and the Vice-Chancellor voted he ſhould make this Recantation, but Dr. *Collins*, Dr. *Smith*, Dr. *Cumber*, Dr. *Couſin*, Dr. *Lany*, Dr. *Martin*, Dr. *Stern*, and Dr. *Eden* voted againſt the making of it; ſo Mr. *Adams* without making any Submiſſion or Recantation at all was diſmiſſed, and the whole proceedings in this buſineſs were ſent up to the Arch-Biſhop of *Canterbury*, and found in his Study at the Tower indorſed with his own hand thus, received *March* 16. 1637. Dr. *Couſins* Letter about the proceedings of *Brownrig* Vice-Chancellor of *Cambridge* againſt Mr. *Adams*, for his Sermon about Confeſſion, *Jan.* 25. 1637; and ſo this matter ſlept.

Mr. *Croxton* recommended by the Arch-Biſhop for preferment.

Dr. *Laud* Arch-Biſhop of *Canterbury* thought fit to recommend to Sir *Thomas Wentworth*, the Lord Deputy of *Ireland*, one Mr. *Croxton* a young Miniſter, requeſting his Lordſhip to take notice of him, not doubting but as it ſhall fall in his Lordſhips way, that he will beſtow ſome preferment on him for his maintenance, for which the Lord Arch-Biſhop would thank his Lordſhip.

Upon which recommendation the Lord Deputy promoted Mr. *Croxton* to Eccleſiaſtical preferments there, as it appears by his Letters of thanks to the Arch-Biſhop, in ſome of which he gives him the Title of Holineſs, and moſt Holy Father; and in his Letter dated and directed to him as Metrapolitan, *&c.* at *Goran*, *April.* 19. 1638. made the ſign of the † on the top of the firſt page of his Letter, a branch of which Letter was as followeth.

My Lord, *In humbleſt manner I beg your gratious acceptance of this juſt as neceſſary duty; whilſt I make an unqueſtionable relation of that which ſo nearly concerns my ſelf. To provide the beſt I could for the more worthy receiving of the Holy Communion this laſt* Eaſter, *I have (I thank God for it) been able in ſome meaſure, to do that here which able men have ſufficiently ſpoken of elſewhere; I have ſacramentally heard the Confeſſions of the People committed to my charge in* Goran *(a certain through-fare Town in the County of* Kilkeny *in the*

the Chancel, they kneeliug before the Altar) this is every where now accounted a moſt ſtrnge Act without all Warrant, &c.

Which Letter was thus Indorſed with the Arch-Biſhops own hand, received *July* 6. 1638. Mr. *Croxton* his receiving of Confeſſion——

Here followeth an Abſtract of Acts which paſſed in the beginning of the Parliament, which met *Novemb.* 3. 1640, In the 16*th* year of the Reign of King *Charles* the firſt.

1. *An Act for the preventing of Inconveniencies happening by the long Intermiſſion of Parliaments.*

Repealed and Altered, 16 *Car.* 2. *cap.* 1.

BE it Enacted, firſt, That in caſe there be not a Parliament ſummoned by Writ under the Great Seal of *England*, and aſſembled and held before the 10*th* day of *September*, which ſhall be in the third year next after the laſt day of the laſt meeting, and ſitting of this preſent Parliament; the beginning of the firſt year to be accounted, from the laſt meeting and ſitting. And ſo from time to time, and at all times hereafter, if there ſhall not be a Parliament before the tenth day of *September* in the third year, next after the laſt day of the laſt meeting, and ſitting before that time aſſembled and held; then in every ſuch caſe the Parliament ſhall be aſſembled and held in the uſual place of *Weſtminſter*, on the ſecond *Munday*, which ſhall be in the Month of *November* then next enſuing, *&c.* See the Act at large in the Statute 16 *Car.* 1.

2. *An Act for the Relief of His Majeſties Army, and the Northern parts of the Kingdom.* Exp.

3. *An Act for the Reforming of ſome things miſtaken in the late Act made this preſent Parliament, for the granting of four Subſidies.*

4. *An Act for the further Relief of His Majeſties Army in the Northern parts of the Kingdom.* Exp.

5. *An Act for the better Raiſing and Levying of Marriners, Sailers, and others for the preſent guarding of the Seas, and neceſſary defence of the Realm.* Exp.

6. *An Act concerning the Limitation and Abreviation of* Mich. Term.

THat the Term of Saint *Michael* yearly for ever, from and after the Feaſt of Saint *Michael* next coming, being in or upon *tres ſeptimanas Sancti Michaelis*, except it be the Lords day, called *Sunday*, for the keeping of Eſſoyns, Proffers, Returns, and other Ceremonies. And that the full Term of Saint *Michael* for ever, from and after the firſt day of Saint *Michael*, next coming, take Commencement upon *quarto die* of the ſaid *Tres Septimanas Sancti Michaelis*, and not before.

7. *An Act to prevent Inconveniencies by the untimely Adjourning of the Parliament,*

Ann. 17 Car.

THat this preſent Parliament now aſſembled ſhall not be diſſolved, unleſs it be by Act of Parliament to be paſſed for that purpoſe, nor ſhall be at any time or times, during the continuance thereof prorogued or adjourned, unleſs it be by Act of Parliament to be paſſed for that purpoſe, and the Houſe of Peers at any time or times, during this Parliament, ſhall not be adjourned unleſs it be by themſelves or their own order. And in like manner for the Houſe of Commons. And all and every thing done for the Adjournment, Prorogueing, or Diſſolving of this Preſent Parliament contrary to this Act, ſhall be utterly void.

8. *A Subſidie granted to the King of Tonnage, Poundage and other ſums of mony, payable upon Merchandiſe, Exported and Imported.*

THat it is and hath been the antient Right of the Subjects of this Realm, that no Subſidy, Cuſtom, Import, or other Charge whatſoever, ought or may be laid upon any Merchandiſe Exported or Imported, by any Subjects, Denizens, or Aliens, without conſent in Parliament.

Neverthleſs the Commons taking into Conſideration the great Peril that might enſue for not guarding of the Seas, in caſe the ſaid ſums ſhould upon the ſuddain be forbidden to be paid. 1. Grant to the Kings Majeſty a Subſidy called Tunnage, *viz.* upon every Tun of Sweet-Wine, that is, or ſhall come into this Realm, or any of His Majeſties Dominions, by way of Merchandiſe. 2. And of every Tun of Sweet-Wines, as well *Malmeſey* or others. 3. And ſo likewiſe other ſums upon other Commodities.

In which Act it is declared, that if any Cuſtomer, Comptroler, Officer or other Perſons, that after the determination of this Grant, ſhall take or receive the ſaid Subſidy, ſum of Mony, or other Impoſition upon Merchandiſe whatſoever, Exported or Imported, except by Grant in Parliament it ſhall be due, ſhall incur the forfeitures provided by the Statute of 16 *R.* 2. of Premuniary.

9. *An Act for the ſpeedy Proviſion of Mony for disbanding the Army, and ſetling the Peace of the two* Kingdoms *of* England *and* Scotland *Exp.*

10. *An Act for the Regulating of the Privy Council, and for taking away the Court, commonly called the* Star-Chamber.

THat the Court commonly called the *Star-Chamber*, and all Juriſdiction, Power and Authority, belonging unto, or exerciſed in the ſaid Court, by any of the Judges, Officers or Miniſters thereof, from the firſt of *Auguſt* 1641, be abſolutely diſſolved and taken away and determined. And all and every Act and Acts of Parliament, and every Article, Clauſe and Sentence in them, and every of them, by which any Juriſdiction, Power or Authority is given unto the ſaid Court, or unto all, or any the Judges, Officers or Miniſters thereof, or for any proceedings to be had in the ſaid Court, or for any matter or thing therein to be drawn in queſtion, examined and determined, ſhall for ſo much as concerneth the ſaid Court, be from the firſt of *Auguſt* 1641 repealed and abſolutely revoked and made void.

2. That the like juriſdiction exerciſed in the Court before the Preſident and Council of *Wales*, before the Preſident and Council of the *Northern* Parts, in the Court called the Court of the Dutchy of *Lanchaſter*, held before the Chancellor and Council of the Court, in the Court of Exchequer of the County *Palatine* of *Cheſter*, before the Chamberlain and Council of the Court, ſhall from the firſt of *Auguſt* 1641 be alſo repealed and abſolutely revoked and made void.

3. That neither His Majeſty, nor His Privy Council have, or ought to have any Juriſdiction, Power or Authority by *Engliſh* Bill, Petition, Articles, Libel or other Arbitrary way to examine, or draw in queſtion, determine or diſpoſe of the Lands, Tenements, Hereditaments, Goods or Chattels, of any of the Subjects of this Kingdom.

4. That if any Perſon ſhall be committed, reſtrained of his Liberty, or ſuffer Impriſonment, by the Order or Decree of the Court of *Star-Chamber*, Courts holden before the Preſident of the Marches of *Wales*, Courts of Dutchy of *Lancaſter*, Court of Exchequer of the County Palatine of *Cheſter*, or by the Command or Warrant of the Kings Majeſty, His Heirs or Succeſſors in their own Perſons, or by Command or Warrant of the Council-Board, or by any of the Lords or otherwiſe of His Majeſties Privy Council; in every ſuch caſe the Perſon committed or reſtrained of his liberty, or ſuffering of Impriſonment, upon demand or motion of His Council, or other imployed by him, ſhall have a Writ of *Habeas Corpus*, to all and every Sheriff, Goaler, or other Perſon in whoſe Cuſtody the Perſon Committed or Reſtrained ſhall be at the return of the ſaid Writ, at the charge of the Party ſhall forthwith cauſe to be

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brought the body of the Party ſo committed before the Judge or Juſtices of the ſaid Court, from whence the Writ ſhall iſſue forth in open Court. And the Court within three days after ſuch return made, ſhall proceed to examine whether the cauſe of ſuch Commitment be Juſt or legal or not, containing alſo a penalty upon the Lord Chancellor and Keeper of the Great ſeal, or any Privy Councellor or Judge, who ſhall do any thing contrary to the true intent and meaning of this Law, Particularizing what the penalty ſhall be.

11. *A Repeal of the Branch of a Statute primo Elizabethæ concerning Commiſſioners, or Cauſes Eccleſiaſtical.*

THat whereas in the Statute of 1 *Eliz. Cap.* 1. there is a Clauſe to this effect, *viz.* That the Queens Majeſty, Her Heirs and Succeſſors ſhall have power and authority, by that Act by *Tres Patent'* under the Great Seal of *England*, to aſſign, name, and authorize ſuch perſon and perſons, being natural born Subjects to her Highneſs, as She, her Heirs or Succeſſors ſhould think meet, to exerciſe, uſe, and execute under her Highneſs, her Heirs, or Succeſſors, all manner of Juriſdiction, Privileges and Preheminences touching or concerning any Spiritual Juriſdiction, within her Realms of *England* and *Ireland*, or any her Highneſs Dominions or Countries. And to uſe, reform, redreſs, order, correct, and amend all Errors, Hereſies, Schiſms, Abuſes, Offences, Contempts and Enormities whatſoever, which by any manner, Spiritual or Eccleſiaſtical Power, Authority, or Juriſdiction can or may be lawfully reformed, ordered, redreſſed, corrected, reſtrained, or amended; and that ſuch perſons ſo to be aſſigned, named, authorized, and appointed by and after the ſaid *Tres Patent'*, to him or them made and delivered, ſhould have full power and authority by vertue of that Act, and of the ſaid *Tres Patent'*, to exerciſe, uſe, and execute all the premiſſes, according to the tenour and effect of the ſaid *Tres Patent'*.

1. Its Enacted by Parliament, That the ſaid Branch, Clauſe, Article, Sentence, and every manner and thing in that Branch ſhall from henceforth be repealed, annulled, revoked, and utterly made void for ever.

2. That no Archbiſhops, Biſhops, nor Vicar-General, Chancellor, or Official, nor Commiſſary of any Archbiſhop, Biſhop, or Vicar-General, or any other Spiritual or Eccleſiaſtical Judge, Officer, or Miniſter, exerciſing any Spiritual or Eccleſiaſtical powers by any Grant, Licence or Commiſſion from the King, his Heirs or Succeſſors, ſhall from and after the firſt of *Auguſt* 1641, award, impoſe, or inflict any Pain, Penalty, Fine, Amercement, Impriſonment, or other corporal puniſhment upon any of the Kings Subjects, for any contempt, miſdemeanour, crime, matter, or thing whatſoever belonging to Spiritual or Eccleſiaſtical Juriſdiction, or ſhall *ex officio*, or otherwiſe tender, give, or miniſter unto any Church-warden, Sideman or any other perſon whatſoever, any corporal Oath to make any Preſentment of any crime or offence, or to confeſs or accuſe himſelf of any crime or offence, delinquency,

quency, or miſdemeanour, whereby or by reaſon whereof he or ſhe may be liable to any pain, penalty or puniſhment whatſoever, upon pain to forfeit to every Party ſo grieved treble damages, and 100 *l.* to him or them that ſhall firſt demand or ſue for the ſame, the ſaid treble damages, and 100 *l.* to be demanded and recovered by Action of Debt, in any Court of Record, wherein no Priviledge is Eſſoyned, Protection or Wager of Law ſhall be allowed the Defendant: And every Perſon for any act or offence prohibited by this Statute ſhall be diſabled to continue in any Office or Imployment of Juſtice, or to exerciſe any Authority by force of any Commiſſion or Letters Patents of the King, His Heirs and Succeſſors.

That after the firſt of *Auguſt* (41.) no new Courts ſhall be erected, ordained or appointed within the Realm of *England*, and Dominion of *Wales*, that ſhall have the like Power, Juriſdiction, or Authority, as the High-Commiſſion Court hath or pretendeth to have; but all ſuch Letters Patents, Commiſſions, and Grants, made, or to be made, by the King, His Heirs or Succeſſors, and all Powers and Authorities granted, or mentioned to be given thereby, and all Acts, Sentences, and decrees made by vertue and colour thereof, ſhall be utterly void.

12. *A Subſidy granted to the King of Tonnage and Poundage, and other Sums of Money payable upon Merchandize Exported and Imported.* Exp.

13. *An Act for the ſecuring of ſuch Monies as are or ſhall be due from the Inhabitants of the County of* York, *and the other adjoyning Counties; wherein His Majeſties Army is or hath been Billited for the Billit of the Soldiers of the ſaid Army.*

14. *An Act for the declaring unlawful, and void the late Proceedings touching Ship-Money, and for the vacuating all Records and Proceſs concerning the ſame.*

THat the Charge impoſed upon the Subject for providing and furniſhing of Ships, commonly called Ship-Money, and the extra-judicial Opinions of the Juſtices and Barons, and the Writs, and every of them, and the Agreement or Opinion of the greater part of the Juſtices and Barons, and the Judgment given againſt *John Hampden* Eſq; for the Payment of Ship-money, were, and are contrary to, and againſt the Laws and Statutes of the Realm, the Right of Property, the Liberty of the Subjects, former Reſolutions of Parliament, and the Petition of Right made in the third year of His Majeſty that now is.

That all and every the Particulars prayed and deſired in the Petition of Right, ſhall from henceforth be put in execution, and ſhall be firmly and ſtrictly holden and obſerved, as in the ſame Petition they

An. 1640. they are prayed aud expreſſed; and that all and every the Records and Remembrances of all and every the ſaid Judgments againſt the ſaid *John Hampden*, and all and every the Proceedings whatſoever upon or by colour of any of the ſaid Writs, called *Ship-Writs*, and all and every the Defendants on every of them, ſhall be adjudged to all intents, conſtructions and purpoſes, to be utterly void, and that all and every the ſaid Judgment, Inrollment, Entries, Proceedings, and Dependants of what kind ſoever, ſhall be vacated and cancelled, in ſuch manner and form as Records uſe to be that are vacated.

15. *An Act againſt divers Incroachments and Oppreſſions in the* Stannery *Courts.*

16. *An Act for the certainty of Forreſts, and of the Meets, Meers, Limits, and Bounds of the Forreſts.*

THat from henceforth the Meets, Meers, Limits and Bounds of all and every the Forreſts ſhall be adjudged and taken to extend no further reſpectively than the Meets, Meers, Limits and Bounds in the ſeveral Counties reſpectively, wherein the ſaid Forreſts were commonly known, reputed uſed, or taken in the *20th* year of the Reign of the late King *James*, and not beyond, any Perambulation, Judgments, Preſentments, Surveys or Decrees, or other matter or thing, to the contrary notwithſtanding. And all and every Preſentment of any Perſon or Perſons at any Juſtice-Seat, Swain-mote, or Court of Attachment, for, or by reaſon or colour of any Acts whatſoever done or committed in any Place without or beyond the ſaid Meets, Meers, *&c.* See the Act more at large.

17. *An Act for the Pacification between* England *and* Scotland *Exp.*

18. *An Act for ſecuring by Publick Faith, the remainder of the Frendly Aſſiſtance and Relief promiſed to our Brethren of* Scotland *Exp.* viz.

THat the Sum of 220000 *l.* ſhall be paid into the Chamber of the City of *London* for the uſe of our Brethren of *Scotland*, the Sum of 110000 *l.* on or before the *24th* of *June* 1642. the other 110000 *l.* on or before the *24th* of *June* 1643.

That the Perſons particularly named in the Act, are and ſhall be Perſons to whom our Brethren of *Scotland* may from time to time addreſs themſelves for the receiving of the ſaid 220000 *l.* at the days and place appointed; and the ſaid Perſons are to cauſe the ſaid Sum of 220000 to be iſſued out of the Chamber of *London*

don to ſuch Perſons as by Act of Parliament of the Kingdom of *Scotland* ſhall be authorized to receive, and to give Acquittances and Diſcharges for the ſame.

19. *An Act for the better ordering and regulating of the office of Clark of the Market, allowed and confirmed by this Statute, and for the Reformation of falſe Weights and Meaſures; which ſee at large.*

20. *An Act for the prevention of vexatious Proceedings touching the Order of Knighthood.*

THat no Perſon or Perſons of what Condition, Quality, Eſtate or Degree ſoever, ſhall at any time be deſtrained or compelled by any Writ or Proceſs of the Court of *Chancery*, or Court of *Exchequer*, or otherwiſe by any means whatſoever, to receive or take upon him or them reſpectively the Order or Dignity of Knighthood, nor ſhall ſuffer or undergo any Fine, trouble or moleſtation whatſoever, by reaſon or colour of his or their having not received or taken upon him or them the ſaid Order or Dignity: And all and every Writ and Proceſs whatſoever, and all Proceedings had and made contrary to the intent of this Statute, ſhall be utterly void.

21. *An Act for the free bringing in of Gun-Powder and Salt-Peter from Forreign Parts, and for the free making of Gun-Powder in this Realm.*

THat all and ſingular Perſons, as well Strangers as Natural born Subjects, may import into this Kingdom any quantities of Gun-powder whatſoever, paying ſuch Cuſtoms and Duties for the ſame as ſhall be ſet down by Authority of Parliament.

That it be lawful for His Majeſties Subjects of the Realm of *England* to make and ſell any quantities of Gun-powder, and bring into the Kingdom any quantity of Salt-Peter, Brimſtone, or other materials for the making thereof.

That no Perſon or Perſons after the firſt of *Auguſt* 1641. ſhall put in execution any Letters Patents, Proclamation, Edict, Act, Order, Warrant, Reſtraint, or Inhibition, whereby the Importation of Gun-powder, Salt-Peter, Brimſtone, or other Materials for the making thereof from Forreign Parts, or the making of Gun-powder within the Realm ſhall be by any way retained.

22. *A Subſidy granted to the King of Tonnage and Poundage, and other Sums of Money payable upon Merchandize Exported and Imported.* Exp.

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23. *An Act for the raiſing of Mariners and Sailers for the Guarding of the Seas, and His Majeſties Dominions.* Exp.

24. *An Act for the diſenabling all Perſons in Holy Orders to exerciſe any Temporal Juriſdiction or Authority.* Rep. St. 13. Car. 1. Cap. 2. *which Act was to this Effect.*

THat no Arch-Biſhop or Biſhop, or other Perſon that is or ſhall be in Holy Orders at any time after the 14*th* of *February* 1641. ſhall have any Seat or Place, Suffrage or Voice, or execute any Power or Authority in the Parliaments of this Realm, nor ſhall be of the Privy-Council of His Majeſty, or Juſtice of the Peace of Oyer and Terminor or Goale-delivery, or execute any Temporal Authority by vertue of any Commiſſion, but ſhall be wholly diſabled to execute any of the ſaid Offices, Places, Powers or Authorities.

That all Acts from and after the ſaid 15 *Feb.* done or executed by any Arch-Biſhop, Biſhop, or other Perſon in Holy Orders, and every Suffrage and Voice given by them, or any other thing done by them contrary to the purport of this Act, ſhall be void to all intents and purpoſes.

There were ſeveral other Acts which paſſed about that time.

FINIS.

APPENDIX.

Star-Chamber Reports.

For the Years

1625, 1626, 1627, 1628.

Paſc. 1 Car. I.

Balfield *Cler. verſus* **Poppleton** *& al.*

THe Defendant *Nelſon* having conceived malice againſt the Plaintiff, being an Aged Miniſter, and of very ſmall Eſtate, vowed to be revenged of him, and to beggar him; and to that end the Defendants riotouſly aſſembled themſelves upon the Plaintiffs Glebe, and digged ſeveral Trenches therein, and the Plaintiffs Wife coming thither, and perſwading them to deſiſt; *Nelſon* aſſaulted her, beat her, and dragged her on the ground; And the Defendant *Nelſon*, being an Attorny, ſued out a Writ of Priviledge againſt the Plaintiff for a pretended old Debt of forty ſhillings, and procured Warrant thereupon to be directed to the Defendant *Poppleton*, who by colour thereof, by the procurement of the other Defendants, arreſted the Plaintiff in his Pariſh Church upon *Good Friday*, when he and his Pariſhioners attended to receive and celebrate the Holy Communion, and refuſed to accept any Bail for him; and the Plaintiff thereupon withdrawing himſelf into the Veſtry, the Defendants round beſet the Church, and vowed to pine and ſtarve the Plaintiff there unleſs he would preſently render himſelf to them, and to that end they continued in the Church in diſorderly manner day and night till *Eaſter* day in the Morning, and diſordered themſelves with exceſſive drinking, and did violently aſſault and beat the Plaintiffs Wife and Children in the Church-yard as they were coming with food to relieve him, and on *Eaſter* day, before the Plaintiff had fully ended the Celebration of the Communion, the Defendant *Poppleton* again Arreſted him, and refuſed Bail, and he and others of the Defendants forcibly carried him out of the Church in his Surplice to an Alehouſe, and the next day to the Goal, and there charged him with an Outlawry for a ſuppoſed Debt for which he had an Acquittance, and there kept him eight days without Bail, though ſufficient Bail were offered. And for theſe offences they were all committed to the Fleet: And *Nelſon*, for beating the Plaintiff on the Glebe-Lands, fined twenty pounds; *Poppleton* fined two hundred pounds, and two others twenty pounds apiece; and *Poppleton* to be ſet in the Pillory, with a Paper declaring his offence, and there, as alſo in the Plaintiffs Pariſh Church to ask him

Arreſts in the Church at the Celebration of the Holy Communion another inhumane uſage of a Miniſter.

100 *l.* damage.

forgiveneſs, and in like manner to ask God, his Majeſty and the Plaintiff forgiveneſs in the Cathedral Church at *York*, kneeling upon his Knees in ſome eminent place of the Church, and the Decree to be read at both Churches after Service and Sermon ended, and the Defendants convicted to pay the Plaintiff one hundred pounds Damages.

Beverly *verſus* Power *& al.* Spitting in the Plaintiffs Face and kicking him. Plaintiff and Defendant both fined. Damage to the Defendants for ſcandal.

The Defendant *Power* meeting the Plaintiff in the High Way did ſpit in his face, and at another time kickt the Plaintiff with his Spurs as he followed him up Sir *James Leigh* his Stairs in *Lincolns* Inn, and for theſe offences was committed to the Fleet, and fined 200 *l.* And for that the Plaintiff had charged the Defendants with other foul Crimes, whereof they made no manner of Proof, but deſerted it, at the Hearing, the Court held it a meer Libel and Scandal, and Fined the Plaintiff 500 *l.* and to pay 500 Marks damages to two of the Defendants, and 100 *l.* Damages to three others who were charged to be Agents and Actors in the Conſpiracy with the other Defendants.

Remington *& al. verſus* Allen *& al.* Conſpiracy to Indict of Barratry. Raiſing a common Purſe to Proſecute the ſame. Labouring of Jurors.

The Defendants out of Malice to the Plaintiffs, and by Conſpiracy met together, and procured an Indictment of Barratry againſt the Plaintiffs, and deviſed and put in writing certain Articles againſt them, and agreed who ſhould depoſe and ſwear to the ſame, and made a Common Purſe to maintain the ſaid Indictment and Articles, and other neceſſary occaſions at the Aſſizes, and at the next Quarter Seſſions they did prefer thoſe Indictments and Articles to the Grand Jury, and deſired their favours therein, and ſaid they would be thankful unto them for it, and then the Plaintiffs upon the Defendants evidence were found Guilty by the Jury, but Traverſed the ſame, and were thereupon atquitted, although the Defendants did labour ſome of that Jury alſo for their favours, and promiſed them to be thankful for it, and for this they were all committed to the Fleet, *Chambers* Fined 200 *l.* and the others 300 Marks apiece.

Michael. 1 Car.

Alexander *verſus* Yates. Falſifying a Copy of a Record, and offering to miſlead the Court in Judgment by it.

100 *l.* damage.

THe Plaintiff againſt the Hearing of the Cauſe, finding that he had but one Poſitive Witneſs againſt the Defendant, and that the Teſtimony of his other Witneſs was but upon Hearſay, did to bring about his ends, and to miſlead the Court in judgment, alter his Coppies by ſtriking out the words (*that* and *did*,) and by that means made it a Poſitive Depoſition, and cauſed it to be ſo read in Court: And for this offence he was committed, Fined 500 *l.* to acknowledge his offence in this Court, diſabled to practiſe as a Counſellour at Law, referred to the Governours of *Lincolns* Inn, to expel him the Houſe, and to pay Mr. *Nevil* his Attourneys Clerk, on whom he endeavoured to lay the offence, 100 *l.* damages.

Houghton *verſus* Hamſhire *& al.*

The Plaintiff having with much labour gotten one *Thomſon* arreſted at his ſuit upon a Bond of 400 *l.* the Bailiffs brought him to the Defendant *Jordens* houſe, being a Common Inn; and *Jorden*, being then alſo Conſtable, promiſed their Priſoner ſhould be ſafe; yet about Eleven and twelve of the Clock in the Night he and the other Defendants, one of

Hill. 1 Car.

Reſcue or procurement of an eſcape.

Degradation of a Miniſter left to the Ordinary of a Dioceſs.

40 *l.* damage.

of them being a Miniſter, came Armed to the Chamber where the Bailiffs and Priſoner were, and by threats forced the Bailiffs to drink healths exceſſively, and at length conveyed the ſaid *Thompſon* out of a Window or Hole, which they brake for that purpoſe, and down a Ladder, by them there placed for his eſcape, ſo as the Plaintiff could not after take him again; and for this the Defendants were all committed to the *Fleet*, Fined 200 *l.* a piece; *Jorden* the Inn-Keeper and Conſtable diſabled to bear any Office of Conſtable, or the like, or to keep an Inn or Ale-houſe ever after, and bound to his good Behaviour; *Long* the Miniſter left for further Puniſhment, either by degrading him, or otherwiſe to the Ordinary of the Dioceſs of *Oxon*, wherein he lived, and all the Defendants to pay the Plaintiff 40 *l.* for his Damages.

Hillar. 1 Car.

Comes Cumbrie *aerſus* York Knight, *& al.*

Killing the Plaintiffs Deer in *Appletreewick* Fields.

THe Defendant Sir *John York* often gave direction to the Defendants *Fenton* and *John York* to hunt and kill Deer in *Appletreewick* fields, and accordingly they with others in 19 *Jacobi* with a Gun ſhot one of the Plaintiffs Stags feeding in one of his Grounds, and purſued him with a Bloud-hound; and being interrupted by one of the Keepers, *Fenton* bent the Cock of his Piece, and leveled it at the Plaintiffs Servant; and *John York* ſaid they would hunt and kill the Deer at their pleaſure: And *Fenton* at another time in Sir *John Yorks* preſence, and by his direction ſhot with his Gun at ten of the Plaintiffs Stags in *Appletreewick* fields, and Sir *John* in a haughty manner ſent the Plaintiff word he would hunt and kill Deer there if he could, and for this Hunting, and uſing braving and provoking ſpeeches, they were committed to the Fleet, Sir *John* Fined 200 *l.* *Fenton* 100 *l.* and *John York* 50 *l.* but the title touching the bounds of the Plaintiffs Chace of *Skipton* and *Barden*, and touching the Rights and Bounds of the Defendants Mannor of *Appletreewick* the Court would not meddle with, but left it to the Law without prejudice on either ſide.

Hambury *& al. verſus* Jones *& al.*

Maintenance of an Action in the name of one of the Plaintiffs.

The Defendant *John Jones* Eſquire, taking notice of a ſuit between *John Thayer* the Younger, one of the now Plaintiffs againſt *John Thayer* the Elder, his Brother, upon a Bond, forfeited for not performing an Award, often and earneſtly ſolicited one *Wood* an Attorney to follow the ſaid Cauſe with Effect, and promiſed, and undertook to pay the ſaid *Wood* all his Diſburſements thereabouts, and gave *Wood* directions to ſue forth a Latitate againſt him, and promiſed to procure Witneſſes againſt the Trial, and to be thankful to them, and to gratifie them for the ſame; and the cauſe being brought to iſſue, Judgment was Indirectly obtained, and an Execution ſued out by the ſaid *John Jones* his direction to levy a Debt of 40 *l.* and 9 *l.* for Charges; and the ſaid *Thayer* the Elder hearing of it, cauſed a Writ of Errour and Superſedeas to be ſued out, and a Superſedeas to be delivered to the Sheriffs Deputy, who gave notice thereof to the Sheriff; yet the Defendant *John Jones* having alſo Notice of the ſaid Superſedeas, and of the Sheriffs knowledge of it very earneſtly by threats and otherwiſe laboured and perſwaded the Sheriff to execute the ſaid Writ, and to Levy the ſaid Debt and Coſts, and offered to be bound to ſave the Sheriffs harmleſs;

Extortion by colour of being Clerk to a Regiſter of *Glouceſter*.

And the Defendant *Gilbert Jones* likewiſe laboured the Sheriff to execute the ſaid Writ, although he knew of the Superſedeas, and the Defendant *John Addams* being Clerk or Deputy to the Defendant *John Jones*, Regiſter of *Glouceſter*, did by colour of his Place extort for the Probate of a Will 6 *s.* over and above the due Fees, and for this Maintenance and Endeavour to pervert Juſtice, *John* and *Gilbert Jones* were both committed to the *Fleet*; *John* Fined 200 Marks, and *Gilbert* 20 *l.* and *Addams* for his Extortion was Committed and Fined 40 *l.*

Paſc. 2 Car.

Booke *&* *al.* *verſus* Watſon *&* *al.*

Forgery of a Deed.

THe Defendant *Watſon* having gotten into his Cuſtody a Deed of certain Lands, made by *John Shaw*, the Grandfather to *John Shaw* the Son, in the *Habendum* whereof was contained an Eſtate Tail limited, *John* the Son did Forge and procure the other Defendant *Richard Barrow* to Forge and Write another Deed of the ſame date; and agreeing in all points with the true Deed, ſaving that in the *Habendum* of the falſe Deed, he made it to contain an Eſtate in Fee-ſimple, limited to the ſaid *John Shaw* the Son and his Heirs, and thereto ſubſcribed the name of *John Shaw* the Grandfather, with his hand and Seal thereunto, and Endorced, or procured to be Endorced on the back-ſide of the ſaid forged Deed, the true names of the Witneſſes, as teſtifying the ſealing and delivery thereof, and Execution of livery thereupon; And at a Trial in *September* 17. *Jacobi* publiſhed and juſtified the ſaid falſe Deed to be a true Deed, thereby to make good his Title to the ſaid Lands, and the now Plaintiffs thereupon Exhibiting their Bill into Chancery againſt *Watſon*, they examined *Barrow* as a Witneſs, and there he truly confeſt that he writ the ſaid Forged Deed at *Watſons* earneſt ſolicitation, out of a Copy which *Watſon* delivered him, written with his the ſaid *Watſons* own hand; yet afterwards the ſaid *Barrow*, by the ſubornation of the ſaid *Watſon*, falſely depoſed before a Maſter of the Chancery, that the now Plaintiffs procured him to confeſs upon his ſaid Examination as a Witneſs that he writ the ſaid Forged Deed out of a Copy delivered to him by the Defendant *Watſon*, and that they promiſed him 40 *l.* for the ſame, and that thereby, and by the threats of one of the Plaintiffs, then Commiſſioners, he was drawn to confeſs that he writ the ſaid Deed, when as in truth he never made the ſaid Deed; and for this Forgery and ſubornation of Perjury *Watſon* was Committed to the *Fleet*, bound to his good behaviour, Fined 200 *l.* for the Forgery, and 200 *l.* more for the ſubornation of Perjury, and to ſtand in the Pillory at *Weſtminſter*, and in the Country, with a Paper on his head, declaring the nature of his offence, and his ears nailed to the Pillory; and *Barrow* in reſpect of his Confeſſion and Penitency at the Bar, and for that he was drawn thereto by *Watſon*, for fear of him, to whom he ſtood indebted, and was not able to ſatisfie him, was only Committed, and Fined 100 *l.* for the Forgery, and to wear Papers on his head declaring his offence of wilful Perjury, and both of them to pay the Plaintiff 100 *l.* Damages.

Trin. 2 Car.

Perjury in an Affidavid in Chancery.

100 *l.* Damage.

Trin. 2 Car.

Woodrow *verſus* Criſp *& al.*

THe Defendant *Dorothy Criſpe* took upon her to cure the Plaintiffs Son of the Falling-ſickneſs, and had 20 *l.* given her in hand, and was to have 20 *l.* more when he was perfectly cured; and the ſaid *Dorothy*, under pretence of the more conveniency to work the Cure, got the Plaintiff to place her Son at a Houſe near to the ſaid Defendants Houſe; and having a ſecret intention in the time of his weakneſs to procure him to marry her Daughter *Eleanor Criſpe*, who then was a Servant, and attended a Lady; ſhe firſt endeavoured to perſuade the Plaintiffs Son that Marriage would be a great means to procure his Recovery, and told him that ſhe knew a Gentleman that was cured by it: And the better to accompliſh her deſign, got him home to her own Houſe, and endeavoured to draw and allure the Servant that attended him to further her deſign; but he, not yielding to it, gave notice to his Mother that he was not bettered by the ſaid *Dorothies* cure, but grew weaker both in body and mind through the violence and continuance of his Fits; the Plaintiff took him home to her houſe, and kept him there from *May* till *October*. And then the ſaid *Dorothy* continuing her Reſolution to make a prey of the ſaid Plaintiffs Son, who had a great Eſtate left him by his Father, and a poſſibility of a great increaſe thereto by the Plaintiff his Mother, perſwaded the Plaintiff to let her have her Son home again, pretending that by taking the benefit of the ſeaſon of the year, being then the Fall of the Leaf, and of the Spring following, (ſhe confidently aſſured the Plaintiff) ſhe would perfectly recover him thereof; and having by this perſwaſion gotten him again into her Houſe, ſhe then upon a falſe ſuggeſtion got his Servant, who formerly attended him, to be turned away, and procured the Defendant *Lancellot Ainſworth*, a fit Inſtrument for her purpoſe, to be appointed to attend him; and then acquainted all the Defendants with her purpoſe of marrying the Plaintiffs ſaid Son to the Defendant *Eleanor*; and for that purpoſe ſent for her home from Service, and cauſed the Defendant *Anthony Criſpe* to provide a Wedding Ring, and to get a Licenſe in readineſs to Authorize their Marriage, for the obtaining whereof, the ſaid *Anthony Criſpe*, with others, entred into a Bond of 100 *l.* with condition that there was no let or impediment but they might lawfully marry; and that they ſhould not proceed to marry without conſent of Parents or Governours; and thereupon obtained a Licenſe, directed to the Miniſter of the Pariſh, who refuſed to meddle therewith, and perſwaded the Defendant *Dorothy* to deſiſt from her practice; yet ſhe by practice with the other Defendants gave him ſundry Potions, and endeavoured by many perſwaſions, and taking advantage of his inſenſibility, by giving him over-much Wine, to take a liking to the Defendant *Eleanor*, telling him his Mother was content with it; and in the end, when by reaſon of the weakneſs of his body and underſtanding they knew not well how to effect their deſire, the Defendants agreed together immediately after his next Fit to ſolemnize the Marriage, which they effected accordingly, the Plaintiffs ſaid Son being at that time without common ſenſe or underſtanding, and ſcarce able to utter the words of Matrimony, although the Defendant *Hugh Jones*, that married them, helped and directed him the beſt he could; and then the ſaid Defendant *Eleanor*, with the advice and direction of the other Defendants,

Practice to marry the Plaintiffs Son in his great weakneſs and ſickneſs, whereof he died, to the end to make a prey of his Eſtate.

An. 1625.

All benefit of the Marriage taken away by this Decree from the Defendant.

Defendants, ſued for Alimony out of the ſaid Plaintiffs Sons Eſtate: And for this foul practice the Defendants were all committed to the *Fleet*, *Dorothy Criſpe* Fined 500 *l.* *Eleanor* 500 *l.* *Anthony Criſpe* 300 *l.* *Lancellot Ainſworth* 250 *l.* and *Hugh Jones* Clerk 200 *l.* And to diſcourage others from the like attempts, the Court further decreed, that the ſaid *Eleanor Criſpe*, *alias Woodrow*, and all claiming from or by her, ſhould be barred and excluded from claiming any manner of benefit or advantage by Dower, or by the Cuſtom of the City of *London*, or otherwiſe, out of the real or perſonal Eſtate of the Plaintiffs ſaid Son ſince deceaſed.

Broadgate *verſus* Glover *& al.*

Deeds damned though no body ſentenced for the Forgery, and poſſeſſion given to the Defendants, although three Verdicts had paſt againſt their Title.

The Bill was exhibited for and concerning the forging, framing, and publiſhing a Deed of Feoffment ſuppoſed to be made by *William Glover* deceaſed, Grandfather to the Defendant *William Glover*, of divers Meſſuages, Lands, and Tenements in *Hellidon* in the County of *Northampton*, to defeat the Plaintiff and other Purchaſers of the Lands by them purchaſed, by *William Glover*, Father of the Defendant *William Glover*; And upon the hearing, albeit the Court could not ſentence any of the Defendants for the Forgery, or for publiſhing the Deed, knowing it to be forged, yet upon comparing the Deed with other true Deeds, and upon conſideration of ſundry forcible Circumſtances and violent Preſumptions, the Court was ſatisfied; adjudged, and decreed, that the Deed complained of was a forged Deed, and that it ſhould be damned and made void, never to be given in evidence after; and withal ſetled the Plaintiffs and their Heirs in the quiet poſſeſſion of the Lands in queſtion, never to be again moleſted for the ſame, although three Verdicts and a Judgment by *Nihil dicit* had formerly paſt in countenance of the ſaid forged Deed, and affirmation of the Defendants Title, and all thoſe Verdicts and Judgments were ordered to be of no uſe, benefit, or advantage to the Defendants, or any other claiming from, by, or under them.

Hill. 2 Car.

Frize *verſus* Bennet *& al.*

Publiſhing of libellous Songs.

THe Defendant bearing malice to the Plaintiff did at ſeveral times and places, and to ſeveral perſons in Alehouſes, and elſewhere, publiſh, divulge, and ſing ſeveral Libels to the ſcandal of the Plaintiff, and alleged the Plaintiff was intended thereby; one of which Libels was intituled, *A proper Song of a great Blockhead Woollen-Draper, dwelling in* Holborn, *who gave a Tailors Wiſe a Yard of old Frize for a Jerkin*, &c. and contained obſcene and ſcurrilous matter, not fit to be recited; and for this they were committed to the *Fleet*, *Bennet* fined 500 Marks, *Aylet* 200 *l.* and *Longdale* 100 Marks: But the Court would give the Plaintiff no damages, becauſe he took delight in repetition of the Libel, and becauſe he was of ſuſpected life and converſation.

Paſch. 3 Car.

Attor. Regis Rel. Tho. Whitlache *verſus* Moody *Armig. & Uxor.*

THe Defend. *Moody* conceiving malice againſt the Relator for contracting *Mary Rud*, his Wives Daughter, unto one *Charles Adyn*, Nephew to the ſaid *Moody*; and the Marriage coming after in queſtion in the Court of Arches, the Defendant *Moody* alſo grew offended with Sir *William Byrd* Knight, then Judge of the ſaid Court, for granting a Sequeſtration of the body of the ſaid *Mary*, and a Licence to Marry her, and thereupon the ſaid *Moody* framed two libellous Letters, one in the name of his Wife, whereto ſhe ſet her hand after it was tranſcribed by a ſervant, and directed and ſent it to Mrs. *Adyn*, and another in his own name directed and ſent to the ſaid Mrs. *Adyn*, in which firſt Letter the Defendant did not only ſcandal the Court of Arches, terming it to be the Lemman Court, where none but Lemmans and Knaves ſeek their prey: And the Law thereof the cruel Law, with other ſcandalous and malitious terms and phraſes. But did alſo therein endeavour to lay an imputation and ſcandal upon the ſaid Sir *William Bird*, then Judg of the ſaid Court, and all others the Doctors and Proctors, and Officers of the Court, terming them Wolves that live by the rapine of innocent and harmleſs Virgins, and the other Letter contained the like phraſes: And the Defendant, *Moody*, afterwards read and publiſhed both the ſaid libellous Letters unto one *Elizabeth Farnaby*; and for this *Moody* and his wiſe were both Committed to the *Fleet*, he Fined 200 *l.* and ſhe 100 *l.* and Mr. *Moody* to come into this Court, and in humble and ſubmiſſive manner under his hand acknowledg his great offence in falſly ſcandalizing both the ſaid Court and Judg.

Scandal of the Court of Arches and the Judg and Officers thereof.

By Libellous Letters.

Bridges, Eſq; *ver.* Meek.

The Defendant, *Meeke*, taking upon him to Solicite Cauſes, and underſtanding of a Judgment entred of Record againſt the Plaintiff and one *Vaughan*, in the name of one *Baker*, about ſixteen years then paſt, upon a Bond of 200 *l.* wherein the Plaintiff bound as Surety for *Vaughan*, procured the Bond and Judgment to be Aſſigned over to himſelf, but to the uſe of one *Walter Meek*, his Uncle, and thereupon cauſed a Writ of *Scire facias* to be Sued out upon the ſaid Judgment, againſt the Plaintiff, and an Execution againſt his body, both directed to the Sheriffs of *London*, and in *Eaſter*-Term, 22. *Jac.* procured the Plaintiff to be Arreſted on a feigned Action of 300 *l.* in *London*, at the Suit of one *Lewes*, but without his privity, warrant, or conſent, and after he had been in Cuſtody about an hour and half, the Defendant *Meek* then cauſed him to be Arreſted upon the Execution, whereby he was compelled to pay 203 *l.* although as the Court conceived the Debt was long before ſatisfied. And for this the Defendant, *William Meeke*, was Committed and Fined 500 Marks. And for that it appeared that the Defendant being convented before the Plaintiff, for a miſdemeanour, kept his Hat on his Head, and being drunk anſwered him very contemptuouſly, and after in ſeveral Ale-houſes termed him *ſhitten Juſtice*, and *Juſtice Break-peace*, the Court Ordered him to be bound to the good behaviour, and withal Ordered that the Ale-houſe-keeper in whoſe houſe he was made drunk, being the Witneſs in this Cauſe, ſhould be put down and diſabled for three years to keep an Ale-houſe.

Maintenance and Champerty.

Haſtings Ar-, mig. *ver.* Brune Kt. *&* *al.* Killing His Majeſties Deer in *New Forreſt.*

The Defendant did Hunt and Courſe with ſix or ſeven Grey Hounds, which they and the Defendant *Brune* brought thither for that purpoſe, His Majeſties Deer in *New Foreſt*, and a Hind and a Brocket Suſter, being then both out of Seaſon, and carried them away, and Sir *John Brune*, ſtood on a Hill near the Foreſt and diſpoſed of the Deer, and for this they were all Committed to the *Fleet*, *Brune* Fined 100 *l.* and four others 50 *l.* apiece.

Attor. Regis ore tenus verſus Tho. Perkins.

Scandal of His Majeſty, His Privy-Council and Judges, by libellous and ſeditious Letters.

Seditious opposing His Majeſties ſervices.

The Defendant at ſuch time as His Majeſties Commiſſioners, for Collection of the Loan-mony, were to meet and ſit at *Nottingham*, ſcattered in the High-way, as the Freeholders were to come to the Town, divers Libellous, Scandalous, and Seditious Letters, both againſt the King and State, directed to Freeholders and true hearted *Engliſh* men, with intent to diſſuade all the Freeholders of the ſaid County of *Nottingham*, from yielding to ſubſcribe to the ſaid Loans, or to furniſh the King with any mony, but ſuch as ſhould be required in a Parliamentary courſe, and therein diſloyally ſlandered His Majeſty and Privy Council with injuſtice, oppreſſion and cruelty: affirmeth that His Majeſty, by this courſe of raiſing mony, did lay a Tax and Burthen on the Country heavier than they were able to bear, that this courſe was deviſed of purpoſe to ſubvert the power of Parliaments, that ſo the poor Country might be opprest without any means of redreſs, and great Offenders, the Blood-ſuckers of the Common-Wealth, eſcape without queſtioning and puniſhment, and that this courſe at once deſtroys all the Freedom of our Nation, and that if this courſe of raiſing mony, without Law, be yielded unto, they ſhould never ſee more Parliaments, but they and their Poſterity ſhould be ſlaves for ever: and thereby alſo laid a foul aſperſion, and falſe imputation upon all the Judges; falſly affirming that they withſtood this courſe as againſt Law, and ſeditiouſly laid an aſperſion, and endeavoured to bring envy and reproach upon all ſuch as either had or ſhould yield and condeſcend to theſe Loans, falſly and malitiouſly charging them that they did betray their own Liberties,, either for baſe fear, or to curry favour with Great Ones, and laſtly did moſt ſeditiouſly adviſe the Freeholders to Unite themſelves together, and if they meant to preſerve their Rights and Eſtates to Poſterity, they ſhould reſolutely with a common conſent refuſe to give mony any way but by Parliament, and that by yielding they would become the inſtruments of ther own bondage without recovery; and the better to diſſuade them, affirmed that divers Counties had ſo done, and that all the Commiſſioners in *Lincolnſhire*, but two or three, had refuſed and denyed to give any mony but by way of Parliament; and for this the Defendant was Committed to the *Fleet* during the Kings pleaſure, and Fined 3000 *l.*

Trinit. 3 Car.

Titoe, *&* *al.* *verſus* Newdike *&* *al.*

THE Defendant *Newdike*, the Elder, having for ſeveral great ſums of mony to him paid by the Plaintiff, made ſeveral Conveyances unto them of his Lands, and entred into ſeveral Statutes, with intent to make void all the ſaid former Aſſurances, and to defeat the Plaintiff, *Titoe*, of his Purchaſe, and of his juſt and due Debt, and the other Plaintiff of a Leaſe

Mic. 3 Car.

Leaſe which ſhe Purchaſed for 1200 *l.* cauſed a Deed of Feoffment, to be made with an Antedate and Indorſement of Livery and Seizin to be Antedated thereupon, and the Deed to be then Enrolled, in the Court of Exchequer, the better to give countenance to it, whereby he ſettled the ſaid Lands, Sold and Leaſed to the Plaintiff as aforeſaid, upon his Son and his Heirs, and publiſhed and ſet on foot this Deed (although he had formerly undertaken to the Plaintiff that the ſaid Lands were free from all incumbrances,) and for this deceit he was Committed to the *Fleet*, Fined 500 *l.* and to pay 100 *l.* Damages to *Titoe*, and ordered the ſaid fraudulent deed to be damned, made void, and Cancelled, and no uſe or benefit ever to be made of the enrolment of it.

Setting on foot a Fraudulent Antedated Deed to deceive Purchaſers.

And the Court doth withal declare, that if any man do make Conveyances of his Lands, or acknowledge Statutes, or Recognizances, or ſuffer Judgments, whether the ſame be upon juſt and good conſiderations, or without, and concealing the ſame, do afterwards, for valuable conſiderations, convey the ſame Lands to other perſons, as though the ſame were free from any manner of incumbrance; ſuch double and unjuſt dealing is a notorious fraud and deceit againſt the Law of the Realm, and fit for the Cenſure of this Court; and that albeit ſuch former Conveyances and Incumbrances, if they be upon good conſideration, and *bona fide*, cannot be avoided; yet this Court will upon complaint puniſh the Offenders and their Confederates by Impriſonment, Fine, and Damages to the Party grieved, to the full of his loſs and hinderances, and otherwiſe, as the cauſe ſhall require.

The Deed damned.

100.*l.* damage.

The Defendant, *Marcii* 4. 16 *Jacobi*, accompanied with three or four other riotous Perſons, all armed, came unto a houſe, then in the quiet poſſeſſion of the Plaintiff, or his under-Tenant, and there riotouſly broke open the Doors, entred the houſe, and forcibly aſſaulted, expelled, and thruſt out all ſuch perſons as were then in the ſaid Houſe, and riotouſly kept the poſſeſſion thereof; and for this he was committed to the *Fleet*, and fined 20 *l.*

Board *Knight verſus* Wood.

Riot.

Mich. 3 Car.

THe Plaintiff being lawfully poſſeſſed of Land in *Sommerby*, in the County of *Leiceſter*, which he purchaſed from one *Dauſy*, received one years profit thereof, and then ſowed the ground with Corn; and *Dauſy* dying before the Corn was ripe, the Defendant *Cave* pretended title both to the ſaid Corn and Ground; and in Harveſt time, when the Plaintiffs Servants were cutting the Corn, ſent the other Defendants ſeveral times to fetch the Corn away, and promiſed to bear them out, if it coſt him 500 *l.* and accordingly the ſaid other Defendants went to the ſaid ground, and in a riotous and forcible manner took away one Cart-load of the ſaid Corn in deſpite of the Plaintiffs Servants and Workmen, whom they then alſo violently aſſaulted, threw them down, and drew them about, and brake one of their Sithes, ſaying, They would have the Corn, and the Defendant *Cave* would bear them out: and for this they were committed to the *Fleet*; *Cave*, the procurer, fined 100 *l.* and fourteen others 20 *l.* apiece.

Bluet *verſus* Cave *armig. & al. & è contr.*

Riotous taking away of Corn.

Croſs Riots complained of.

Allen *verſus* Watſon *&* *al.*

Riotous beating and wounding the Plaintiff.

Perjury in an Affidavit in this Court.

The Defendant *William Watſon*, having cut down ſeveral Timber Trees, which of right belonged to the Plaintiff, coming to the place, and claiming the ſame as his goods; and requiring *Watſon* not to meddle with them, he and the other Defendants thereupon (being armed) riotouſly aſſaulted and ſet upon the Plaintiff, and the three *Watſons* gave him three cruel and dangerous wounds in his Thigh and Arm, and the Defendant *Cooper* ſtruck him divers blows on the head, by reaſon of which blows and wounds the Plaintiff was twice ſpeechleſs, and long languiſhed in danger of his life: And the Defendant *William Watſon*, to procure a reteiner of a Cauſe, wherein he was Plaintiff, which was diſtinguiſhed becauſe he attended not to proſecute at the Hearing, and to avoid a Fine of 20 *l.* impoſed on him for not proſecuting thereof, made a falſe Affidavit in this Court, that he could not attend that Hearing without danger of his life, for that in *September* before he had been wounded in the Head, and ſtabbed in the Thigh with a Pitchfork by the Plaintiff, and was not then perfectly recovered of the ſaid hurts; all which was utterly falſe and untrue, and for theſe Offences the Defendants were all committed to the *Fleet*, *William Watſon* fined 200 *l.* for the Riot, and 300 *l.* more for his Perjury; three others fined 200 Marks apiece, and three more 40 *l.* apiece for the ſaid Riot.

Vane *Eſquire* *verſus* Morgan *&* *al.*

Riotous beating and abuſe of a Juſtice of Peace.

Reſcue of a Priſoner from Conſtables.

100 *l.* damage.

The Defendant in the Market-place, and on a Market or Fair day, in the Town of *Caerleon* in the County of *Monmouth*, with others in their company, encompaſſed the Plaintiff, and then *Edward Morgan* in diſgraceful quarrelling and provoking manner juſtled the Plaintiff twice or thrice, and *Walter Jones* called him *Scurvy Rogue*, and ſaid he would pay him, and then ſtruck him on the face, chuckt him under the Chin, and drew his Sword, ſwearing he would be revenged on the Plaintiff, and uſed what means he could to have ſtruck him; and the Plaintiff, being then a Juſtice of the Peace of that County, commanded the Defendant *John Morgan*, being a High-Conſtable, to apprehend the ſaid *Jones*; but he, contrary to his duty, neglected it; and the ſaid *Jones* being afterwards apprehended by other Conſtables, the three *Morgans* followed to reſcue him from the Conſtables, which they did accordingly, and *Edward Morgan* did again divers times ſtrike and kick the Plaintiff, and ſpit thrice in his face, and attempted to ſtrike up his heels, and threw his Hat in the Kennel; and *Jones* being reſcued, again aſſaulted the Plaintiff, ſtruck him with his Fiſt, and tore his Ruff from his Neck; and for this inſolent Riot and Reſcue the Defendants were all committed to the *Fleet*; *Edward Morgan* and *Walter Jones* fined 200 *l.* apiece, *John Morgan* 100 *l.* and *Rowland Morgan* 40 *l.* and the ſaid Defendants to pay the Plaintiff 100 *l.* for his damages.

Danvers Kt. *verſus* Gorge *&* *al.*

Riotous pulling down of Pales.

The Plaintiff, having recovered by a Trial at Law the poſſeſſion of a Houſe and Garden in *Chelſey* was put in poſſeſſion by the Sheriff, and to preſerve peace, a Pale, by the direction of the ſaid Sheriff, was ſet up to divide that Garden from the Defendants ground, which Pale four of the Defendants at ſeveral times did riotouſly cut in ſunder, throw down, and break in pieces; and for this they were committed to the *Fleet*, and fined 40 *l.* apiece, and the Lady *Gorge*, by whoſe encouragement the Court conceived it was done, was admoniſhed by the Court to deſiſt from the like courſes afterwards.

The

Mi. 3 Car.

Johnſon & *al.* *ver.* Webley & *al.*

The Defendant *Webley*, having been an Apprentice to the Plaintiff *Johnſon*, (a Clothier) and being out of his time, did combine with the other Defendants to overthrow and undo the Plaintiff in his Trade and Credit, and to ſet up himſelf, to exerciſe the ſaid Trade, in the Town where the Plaintiff *Johnſon* lived, and to that purpoſe *Webley* and *Weale*, with others, aſſembled themſelves at a Fulling Mill, where *Johnſon* had four Broad Clothes, in Fulling, worth ſeven or eight and thirty pounds, and there riotouſly and forcibly broke open a door, and thence took and carried away the ſaid four Broad Clothes by colour of a Diſtreſs, or of a Juſticies, at another mans Suit, and converted the Clothes to their own proper uſes, and about Twelve of the Clock in the night, of the ſame day, the Defendants repaired to the other Plaintiffs houſe, upon pretence to make ſearch for Vagrant and Suſpitious perſons, one of the Defendants being a Bayliff, another Conſtable, and the third Tythingman of the Town, and being on that pretence gotten into the Houſe, they unlawfully brok eopen three other doors, and there finding divers other Goods of the Plaintiff *Johuſons*, to the value of about 160 *l.* they by colour of the ſaid Writ of Juſticies took and carryed away the ſaid Goods, and converted them to their own uſe, to the utter undoing of the ſaid *Johnſon*: and for theſe offences, the Defendant being not able to make it appear that they had any lawful Writ of Juſticies to Seize the Goods of the Plaintiff; the Defendants were Committed to the *Fleet*, *Webley* and *Weale*, for their riotous taking of the Clothes from the Mill, Fined a hundred Mark apiece, and they and the other Defendant, for the laſt offence 100 *l.* apiece more, and *Webley* and *Weale* to pay 50 *l.* damage for the firſt Clothes, and they and the other Defendant 200 *l.* damage for the laſt Goods, and *Webley* diſabled to bear any Office hereafter.

Oppreſſion by colour of Authority.

Riotous taking away of Goods by colour of Juſticies.

Damage 300 *l.*

Merrick, Eſq; *verſus* King, Blundevile & *al.*

Riot in the night.

The Defendant *King*, *Blundevile*, & *al.* bearing malice to the Plaintiff and his Wife, and pretending Title to the Houſe wherein the Plaintiffs Wife, Child, and Servants then were, did with the other Defendants, and others, about Twelve of the Clock at night, riotouſly break open the doors of the ſaid Houſe, and being armed with Swords went in to the Plaintiffs Wives Chamber, where ſhe and her Child were in Bed and aſleep, and there in barbarous and uncivil manner forced the Plaintiffs Wife to riſe out of her Bed in the preſence of them all, and would not ſuffer her to have any Fire to make her or her Child ready by, but kickt it about the Houſe, and kickt and puncht the Plaintiffs Wife, and thruſt her out of the Houſe, ſo as ſhe was enforced at that time of the night to go a mile or two on foot to another Houſe, and for this the Defendants were Committed to the *Fleet*, *King* and *Blundevile* Fined 500 *l.* *Dixon* his man 100 *l.* and *King* to pay it, if he be not able, and *Legate* a Conſtable 200 *l.* and to pay the Plaintiff for his Wives wrong a hundred Mark damages.

A hundred Mark damage.

Boys & *uxor* *ver.* Jenkinſon Knight, & *al.* Juſtices of Peace.

The Defendants bearing malice to the Plaintiff, *Suſan Boyes*, and to one *Grace Tubby*, plotted how to diſgrace them, and to effect it *Carſey* and *Pulkham* cauſed them to be convented before the other Defendants, Sir *Tho. Jenkinſon* and Sir *John Rowſe* Knights, two Juſtices of Peace in *Comitat. Suffolk*, and there falſly accuſed them to be perſons of ill life and quality, and that the Plaintiff, *Suſan*, looking Mr. *Guthery*, a Preacher, in the Face, in Sermon time, jeered and made mouths at him, and that the ſaid *Grace* alſo had carryed herſelf uncivilly and inſolently towards the ſaid Mr. *Guthery*, when he was in the Pulpit Preaching, and procured ſome of the Neighbours to come before the Juſtices, and to inform them of their ſaid ſuppoſed ill carriage, and that they were of ill life and converſation, and upon this bare information without Oath, the ſaid Juſtice (notwithſtanding the ſaid *Suſan* and *Grace* upon their Examination denied it) made their Warrant and ſent them to the houſe of Correction to be there whipt, by reaſon of which whipping they fell dangerouſly ſick, and one of them was in danger of death: and complaint being made to the Juſtices at the Bench at the next Quarter Seſſions, and Witneſſes being there offered to teſtifie the danger they were in, by reaſon of their whipping, Sir *Tho. Jenkinſon*, to hinder the examination, falſly and malitiouſly informed the Juſtices, that the ſaid *Suſan* and *Grace* continued in their bold courſes, and after their whipping drunk a Health to him and Sir *John Rowſe*, and cauſed the Bell to be tolled in deriſion of Juſtice, and by this means got the Juſtice not only to forbear to examine the Witneſſes, but to make an Order to Commit them again to the Houſe of Correction, and for the firſt of theſe Offences they were Committed and Fined two hundred Mark apiece, and to pay 50 *l.* apiece damage to *Suſan* and *Grace*; and Sir *Thomas Jenkinſon*, for miſleading the Juſtice 20 *l.* Fine more, and the Decree to be read at the Aſſizes.

Sending two women to the Houſe of Correction without cauſe.

Miſleading the Juſtice on the Bench.

Fifty pounds apiece damage to theſe no parties to the Suit.

This Cauſe brought to hearing by Mr. Attorney General, becauſe one of the Plaintiffs were dead, and the other marryed to another Husband, which abated the Suit.

Attor. *Regis ore tenus ver.* Denham *& al.*

The Defendant in October 3. did Hunt, Chaſe, and Kill one Fawn in His Majeſties Park, called *Eltham Park*, in *Com. Kanc.* and for that were Committed to the *Fleet*, not to be thence enlarged until they find Sureties never to offend in the like kind hereafter in any of His Majeſties Foreſts, Chaces, or Parks whatſoever, and Fined 50 *l.* apiece.

Seaborn *ver.* Builthe *& al.*

Ryot.

The Defendants riotouſly aſſaulted and ſet upon the Plaintiffs two Brothers, and with a long ſtaff ſtruck them and broke their heads, and for this were all Committed to the *Fleet*, and Fined forty pounds apiece.

Thelwel *ver.* Holman *Eſq;*

The Plaintiff being a Maſter of the *Chancery*, a matter there in controverſie between the Defendant and one Mr. *Gotts* was referred unto him by the Lord Keeper, the Plaintiff made his Report, and that Report was Decreed, and the Defendant being ſerved with a Writ *de executione decreti*, and the mony Decreed to Mr. *Gotts* demanded of him, the Defendant being diſcontented thereat, ſaid he would not pay the mony, but prevent it if he could, for that he knew the old courſe, that the Plaintiff and the ſaid Mr. *Gotts* were ſharers therein, thereby falſly and malitiouſly ſlandering and charging the Plaintiff with corruption and agreeing to take part of the mony, Decreed for making his Report; and to the further ſcandal of the Plaintiff, he preferred a Petition to the Lord Keeper, whereby he falſly charged the Plaintiff with divers wrongs and injuſtice done unto him in the making of the ſaid Report, and for this ſcandal the Defendant was Committed to the *Fleet*, Fined a thouſand Mark, to acknowledg his Offence, and make his ſubmiſſion

Scandal of a Maſter in Chancery.

Mi. 3 Car.
Hi. 3 Car.

ſion in the Court of *Chancery*, and pay the Plaintiff five hundred pound damages.

Shelly *Knight*, *ver.* Zinzan *al.* Alexander & *al.*

The Defendant *Ridley* in the night time, without Licence or Banes asking, and without the conſent or privity of the Plaintiff or his Lady, or of the Defendant, Sir *Sigiſmond Zinzan*, al. *Alexander*, did Marry the Plaintiffs eldeſt Son and Heir, being not above ſixteen years and eight months, unto *Margaret* the Daughter of the Defendant, Sir *Sigiſmond*, and the Defendant *Barton* was preſent, and gave the ſaid *Margaret* in Marriage to Mr. *Shelly*, and *Alice* the Wife of the ſaid *Ridley* was preſent, and a Witneſs to the Marriage, and for this they were Committed to the *Fleet*, *Ridley* the Parſon Fined 500 *l.* and left to the High-Commiſſion Court for further puniſhment, his Wife Fined 10 *l.* and *Barton* that gave her, 100 *l.* and the Validity of the Marriage was wholly left to the Eccleſiaſtical Court: and for that it appeared that *Godfrey* and his Wife, two other of the Defendants, who kept an Ale-houſe, ſuffered ſome to ſpend the greateſt part of Service-time, on a *Sunday*, in drinking in their houſe, the Court Ordered them to be put down, and diſabled them ever to keep an Inn or Ale-houſe after.

Celebrating a Clandeſtine Marriage without conſent of Parents, and without Licence or Banes asking.

Hill. 3 Car.

Craske *ver.* Flight.

THE Defendants *Flight* and *Bateman*, in *May* 17. *Jacobi*, became bound to the Plaintiff in a Bond of 60 *l.* to pay him 31 *l.* 10 *s.* in *Feb.* following, and the Bond having been long Forfeited, the Plaintiff finding himſelf abuſed and deluded with ſeveral promiſes made, and broken, Sued the ſaid Defendants, and in *Michaelmas* Term 20. *Jacobi*, *Flight* appeared by his Attorney, and the Term following ſuffered a Judgment by *Non ſum informatus*, and was ſoon after taken in Execution for that Debt and carried to the Goal, and whilſt he there lay, he ſent ſeveral Meſſengers to the Plaintiff to Compound the Debt, and ſent to know what the Principal, Intereſt, and Charges came to, and he would pay it: yet afterwards ſent the Plaintiff word, that unleſs he would take 30 *l.* for the whole Debt, Intereſt and Charges, he ſhould have it, but if he would not, he had learned a trick, and had Witneſſes to prove that the mony was paid, and this Compoſition being refuſed; *Flight* Sued out a Writ out of the Court of Common Pleas againſt the Plaintiff, returned in *Michaelmas* Term 22. *Jacobi*, when the now Plaintiff appeared, and *Flight* declared that in conſideration of 31 *l.* 10 *s.* paid to the Plaintiff the ninth of *February*, 1619. (being the day whereon the mony ſhould by the Condition of the Bond have been paid to the Plaintiff) the Plaintiff promiſed to deliver him the ſaid Bond within a Fortnight after, which he did not perform to the damage of the ſaid *Flight* 200 *l.* to which Declaration the now Plaintiff pleaded that the ſaid mony was not paid, and denied the promiſe, and Iſſue being joyned, the ſame came to Tryal, and at the Tryal the Defendants, *Salmon* and *Fox* being Sworn to Teſtifie for the Defendant *Flight*, did falſly and wilfully Perjure themſelves, and depoſe that the mony was paid at the day, and that the now Plaintiff did promiſe to deliver the Bond within a Fortnight after, and thereupon the Jury gave a Verdict, againſt the now Plaintiff and *Flight* had Judgment thereupon againſt him for 92 *l.* damages, beſides

Perjury at a Tryal by Bill *Niſi Prius*. A Judgment gotten by Perjury, made void and Vacated.

ſides Coſts, and for this wilful Perjury the Defendants, *Salmon*, and *Fox*, were Fined 100 *l.* apiece, Committed to the *Fleet* ſix months without Bail or Mainprize, ſet in the Pillary with their Ears Nailed thereto, and diſabled ever to be Witneſſes in any Court of Record, and the Plaintiff freed of the Judgment, and of all Damages and Coſts, gotten againſt him by the Defendants, Perjury and Vacat to be thereof made, and a perpetual *ceſſat executio* upon the Record to be made to that end: and the Plaintiff likewiſe left to take the benefit of his Judgment upon the ſaid Bond, but the Court would not Sentence the other Defendant for ſubornation, although the Oath was for their benefit, and that they were procured by *Flight*, yet the Court Ordered them to be liable to pay Coſts, and ſo left them with *non liquet*.

Non liquet pays Coſts.

Parker *Eſq;* & *al. ver.* Fuliambe *Bar.* & *al.*

Riotous diſturbances in their Lead Mines.

The Defendant *Francis Fuliambe*, being ſerved with an Injunction of the Court *pro Dutchiæ*, to ſuffer the Plaintiff *Parker*, as Farmer to His Majeſty, to have and receive thence-forward the Lot and Cop within and throughout the Cop of *Elton*, in *Com. Darby*, did after the ſervice thereof, together with the other Defendants and others, to the number of thirty at the leaſt, go into the ſaid *Elton* Fields, where the Miners were at work, getting of Lead-Ore, and where the Plaintiff *Toffte* being Bar-Maſter, was Over-ſeeing their work, and attending to receive the Lot and Cop for the King, or the Plaintiff *Parker* his Farmer, and there went into the Miners Groves, pulled their Stoes in pieces, took away many of their working Tools, and threatned them if they would not come out of their Groves, he would pull in their Groves upon their heads, by reaſon of which threats the poor Miners who had nothing but their Labour to live on, were affrighted and amazed, and forced to forſake their work, to the great damage both of them and the Plaintiff: and for this Riotous doing the Defendants were all Committed to the *Fleet*, *Fuliambe* Fined 100 *l.* and four others 20 *l.* apiece, and *Fuliambe* to pay it for them if they be not able.

Vaughan *Eſq;* *ver.* Jenkin & *al.*

Diſgraceful Arreſt of a High Sheriff as he was riding out of Town to meet the Judges.

The Defendant *Grundy* having obtained ſeveral Judgments againſt the Plaintiff upon Bonds, the Plaintiff offered him his mony, and the Defendant refuſing it, the Plaintiff got an Order that he ſhould accept it, and that Execution ſhould be ſtayed, nevertheleſs the Defendant *Grundy* bearing malice to the Plaintiff, Combined with the other Defendant to diſgrace him by a publick Arreſt, for the ſaid Debt in the Town of *Carnarvan*, at ſuch time as the Plaintiff being High Sheriff of the Shire ſhould with all his Attendants and Friends be riding out of the ſaid Town to fetch in the Juſtice of Aſſize or great Seſſions, which they effected accordingly in the Market-place of the ſaid Town, inſomuch that many of the Plaintiffs ſervants and followers drew their Swords, and much blood might have been ſpilt, had not the Plaintiff by his diſcreet and temperate carriage pacified them, and for this Riotous and diſgraceful Arreſting the Plaintiff, when they might have Arreſted him at any other time, and when the Plaintiff had as much mony offered him before, as demanded and took after the Arreſt, the Defendants were Committed to the *Fleet*, *Grundy*, and one other Fined 500 *l.* apiece, *Davies* and *Philips* the two Sheriffs of the Town 200 *l.* apiece, and *Tavernor* who was *Grundies* ſervant 40 *l.* but *Grundy* to pay it if he be not able, and the Defendant to pay the Plaintiff 200 *l.* damages and publickly acknowledg their offences, both at *Carmarthen* and at the great Seſſions for the ſaid

County of *Caermarthen*, at both which times and places this Decree is likewiſe to be publickly read.

200 *l.* Damage

Paſc. 4 Car.

Reade *verſus* Penruddock *& al.*

Riot.

THe Plaintiff and the Defendant *Seymor* being ſtruggling together in the field about a diſtreſs which the ſaid Defendant endeavoured to take of the Plaintiffs working-horſes, five of the other Defendants went Armed into the field, and there riotouſly aſſaulted, beat, and wounded the Plaintiff, and dragged him on the ground by the hair of the head; and for this Riot ſix of them were committed to the *Fleet*, one of them fined 40 *l.* the reſt 20 *l.* apiece.

Attorn. Regis verſus Madye Cler.

Scandal of the High Commiſſion Court and the Judges thereof.

By an Anſwer and Rejoinder in the Court of Chancery.

The Defendant *Mady* being juſtly deprived by the Sentence of the High Commiſſion Court of the Church of *Blagden*, one *Parker* was duly admitted to the ſaid Parſonage, and enjoyed the ſame about ſeven years, till *Mady* (pretending his Deprivation was reverſed by King *James* his Pardon, and he thereby reſtored to be Parſon as before) made ſeveral Entries; whereupon *Parker*, with others, was inforced to exhibit a Bill in Chancery againſt *Mady*, and others, to be relieved therein: And *Mady* in his Anſwer thereunto (to the ſcandal of the High Commiſſion Court and Judges thereof) alleaged that the Sentence there given againſt him was not in legal manner given, or upon ſufficient proof, and that there was neither Articles, Libel, nor Allegation exhibited, nor Witneſſes produced touching the Defendants irregularity to induce the Sentence of his Deprivation; and the ſaid Defendant *Mady* in his Rejoinder in that Cauſe did alſo ſcandalouſly ſet forth and alleage, that this Deprivation was ſo far from being legal, that it was a moſt illegal and irregular Sentence, contrary to the Eccleſiaſtical, Common, and Statute Laws of this Realm, and directly contrary to the Word of God: That he was deprived partly for irregularity in Preaching, being ſuſpended, whereas there was never any Suſpenſion, nor Witneſſes produced, nor Articles exhibited, and for incorrigibility, which incorrigibility had no warrant from the Law of God, or Man, and that he was unjuſtly deprived without deſert; That the main offence for which he was deprived was not ſimply a breach of any of Gods Commandments, foraſmuch as it was for exerciſing his Function; that by the courſes taken againſt him it was more than manifeſt that they ſought not his reformation, but deprivation; that one of the Commiſſioners might have the beſtowing thereof; and that for the effecting thereof there were divers ſnares laid for him, which by the Wit of man could not be avoided; That his Parſonage was taken from him meerly by Injuſtice and Oppreſſion, and contrary to the Laws of God and Man. And for this Scandal the Defendant was committed to the *Fleet*, fined 200 *l.* to acknowledge his offence, and make his ſubmiſſion in the High Commiſſion Court, his Anſwer and Rejoinder to be taken from the File and Cancelled, and that he ſhall in this Court publickly acknowledge this Sentence to be juſt.

Trin. 4 Car.

Brighouſe *verſus* Poole *& al.*

Riotous aſſault and maiming the Plaintiff.

500.*l.*damage.

THe Defendant Sir *German Poole* bearing malice to the Plaintiff, and having vowed revenge, did, with intent to murther him, ſhoot two Piſtols at him out at a Window, both whch miſſing him, he gave a charge to two of his Servants that they ſhould kill the Plaintiff whereſoever they met him, and ſwore he would have a Leg or an Arm of the Plaintiff; and the ſaid Sir *German*, not long after meeting the Plaintiff in a Lane near the Parliament Stairs at *Weſtminſter*, juſtled him, and the Plaintiff paſſing by, and taking it patiently, *Poole* called to the Defendant *Roby*, and another Servant who then attended him, and commanded them to kill the Plaintiff; whereupon they purſued him with their Swords drawn, and run him through the Cloak, between the Arm and the Body, and had like to have ſlain him before he perceived them; but upon the out-cry of a woman to look to himſelf, the Plaintiff drew his Sword, and ſo defended himſelf that they two could not hurt him, which Sir *German* perceiving, he likewiſe drew his Sword, and therewith cut and wounded the Plaintiff in his Arm, and bid him put that in his Sleeve; by reaſon whereof the Plaintiff loſt the perfect uſe of his right Arm and Hand; and for this Sir *German Poole* and *Roby* were committed to the *Fleet*; Sir *German* fined 500 Marks, and to pay the Plaintiff 500 *l.* damages, and *Roby* fined 100 *l.* Sir *German* bound to his good behaviour during life, and to pay *Robies* Fine, if he be not able: And *Roby* to be alſo liable to the damages if *Pool* be not able to pay them.

Almond *verſus* White *& al.*

Practice to procure the Eſcape of Priſoners in Execution.

The Defendant *Payn alias Fencer* being Priſoners in *Stafford* Goal in Execution for Debt, and knowing no other way to free themſelves, practiſed with the Defendant *Bunnington* to work their Eſcape, which they thus Effected: *Bunnington* at a day and place by them appointed and agreed on, attended with Horſes and Weapons, ſafely to convey and carry them away; and *Payne* and *Blackmore* knowing they were in Readineſs, *Blackmore* got the Under-Goaler, who kept the Keys of the Priſon, to go with him into the Under-Goal for a ſheet of Paper, and there ſhut him up, and got away the Keys of the Priſon, and then he and *Payne* opened the Priſon door and eſcaped, and they and *Bunnington* rid away together; And for this, *Payne* and *Bunnington* were committed to the *Fleet*, and fined 100 *l.* apiece, and the Plaintiff left to the Law for his Damages, he having made Proof of none here.

Mich. 4 Car.

Attorn. Regis per Rel. Mainard *Eſquire verſus* Rowe *Gent.*

THe Defendant *Rowe* being Head-Conſtable of *Taveſtock*, and being one of the eight men that had the ordering of the private Affairs of the Pariſh took upon him to diſpoſe of the Souldiers that were to be Billetted in the ſaid Town; and having conceived malice againſt one *Fairchild*, a Weaver of the ſaid Town, he offered to place three Souldiers with the ſaid *Fairchild*, who was willing to receive two of them, or to pay Twelve pence apiece a Week for their Entertainment elſewhere, but was unwilling to receive or Billet any more; and hereupon the Defendant went to the ſaid *Fairchilds* Houſe with three Souldiers, and

Mi. 4 Car.

Oppreſſion.

and finding the door ſhut, ſent for a Sledge, and endeavoured therewith to break open the Door; and the ſaid *Fairechilds* Wife then opening the Door unto him, he thruſt in the ſaid three Souldiers, and told them they muſt there expect their entertainment: And *Fairechilds* Wife then deſiring to have but two of them, the Defendant threatned her that her Husband ſhould be ſent away for a Souldier, and that ſhe ſhould be hanged by Martial Law, and thereupon procured a Warrant from one of the Commiſſioners for Billetting the ſaid Souldiers, who dwell five or ſix Miles off at the ſaid *Fairechilds*, but never acquainted the Commiſſioners, who lived in the ſaid Town, therewith, and the Commiſſioners, who dwelt ſo far off to carry the ſaid *Fairechild* and his Wife to *Plymouth* before the Commiſſioners for Martial Law, and ſerved his Wife therewith: But *Fairechild* for fear ran out of the Country; and then, to make a peace and reconciliation between them, the Defendant extortiouſly demanded, and received from *Fairechild* for a Compoſition a Piece of *Kerſey*, worth 4 *l.* 10 *s.* and upon delivery thereof *Fairechild* was ſuffered to return to his houſe without further trouble upon the Warrant: The Defendant did alſo unlawfully detain and keep in his hands the pay or Billet-money which he received from his Majeſties Commiſſioners, to pay for the Billetting of divers Souldiers, Captains, and other Officers; and when complaint was made thereof to his Majeſties Commiſſioners; and that they ſent ſeveral Precepts for him to come and give an account to them of the money he had received; the Defendant diſobeyed them, yet at laſt appeared upon their Warrant; and then, and there, in deſpiteful manner, reviled the Relator *Maynard*, being one of the Commiſſioners, and then ſitting in Commiſſion, tells him he went to *Plymouth* to tell Tales or Fables, and that he had cozened the Pariſh as little as the Relator had cozened the Earl of *Bedford*: And for theſe offences he was committed to the *Fleet*, fined 500 Marks, bound to his good behaviour a year, diſabled ever to be Conſtable after, to pay *Fairchild* for his Kerſey 10 *l.* and 100 *l.* damage to Mr. *Maynard*, and acknowledge his offence to the Relator in the Pariſh Church where he dwells.

Extortion in a High Conſtable.

Unjuſtly detaining of his Majeſties Pay for Billetted Souldiers.

Affronting his Majeſties Commiſſioners.
100 *l.* damage.

10 *l.* reſtitution.

Tayler *verſus* Tolwyn *& al.*

The Defendant *Joan Faulk*, with the privity, and by the advice of the Defendant *Tolwyn*, did falſely and maliciouſly accuſe the Plaintiff of a Rape, ſuppoſed to be by him committed upon the ſaid *Joan*, and thereupon procured a Warrant for him from a Juſtice of Peace, and at his coming before him, the Defendant *Joan* retracted her Accuſation; yet afterwards divers ſcandalous ſpeeches being by the Defendant divulged, accuſing the Plaintiff thereof, the Plaintiff commenced his Action at Law againſt them for the ſaid Scandal; but before the ſame was tried they procured another Warrant againſt him, and got him bound over to anſwer it at the Aſſizes, where they procured a Bill of Indictment to be preferred againſt him, and to be proſecuted, whereupon the Plaintiff was acquitted; and *Tolwyn* before the Aſſizes laboured two of the Grand Jury to appear upon his Trial, telling them they ſhould do Sir *John Henningham* a good turn, for that the Plaintiff had a great deal of Copy-hold that would come to him by Eſcheat, if the Plaintiff were convicted; and for this Conſpiracy the Defendants were committed to the *Fleet*, *Tolwyn* fined 200 *l.* and *Joan Faulk*, then the Wife of *Edmund Eaton*, 100 *l.* both bound to their good behaviour during life, and to acknowledge their offences, and ask the Plaintiff forgiveneſs at the

Conſpiracy to accuſe and Indict the Plaintiff of a Rape.
Labouring of Jurors in the name of a man of power to appear of a Jury.

Aſſizes, *Joan* to be whipped, and *Tolwyn*, for labouring the Jurors, diſabled ever to be of a Jury himſelf hereafter. But the Fine of *Joan Faulk* not to be levied upon the Lands or Goods of her now Husband, becauſe they were married ſince the offence committed, but to be levied on her Eſtate after her Husbands death.

Attor. Regis ore tenus verſus Heron *and* Banier.

The Defendant *Heron* about *Whitſontide* laſt at *Loham* in *Cambridgeſhire* fell into acquaintance with the Defendant *Banier*, whom he never ſaw before, and falſely told him his name was *Robert Rich*, and that he was a Kinſman to the Earl of *Warwick*, and that he had killed the Duke of *Buckingham* in the Kings Privy Chamber, and was glad to flee for it; and thereupon *Banier* entertained him, lent him money, and called him his Coſin, and agreed that *Heron*, who then took upon him the name of *Robert Rich*, ſhould be called *John Henderſon*, and be ſaid to come out of *Kent*, and to be *Baniers* Kinſman; but *Banier* never complained thereof to any Juſtice, whereby he might have been apprehended and puniſhed, but let him depart when he knew his news was falſe; and *Heron*, upon examination before the Earl of *Newcaſtle*, did, by the name of *Robert Savage*, confeſs himſelf privy to the intention of *Felton* to murder the ſaid Duke, and that *Felton* offered him money to effect it, and told him if he would do it, there would be many to back him, and that he would provide him a Piſtol and white Powder to effect it; and in that his Examination did accuſe divers Noblemen, and other perſons of good rank and quality to be Conſpirators with *Felton* to murther the ſaid Duke, and to have moved him the ſaid *Heron* to kill the Duke; and the ſaid *Heron* upon an Examination taken before the Lord Keeper, and other the Lords of his Majeſties Privy Council, confeſſed he had conference with *Felton* concerning the ſaid Murder, that *Felton* preſſed him to give an Oath to keep his Counſel, and that he did take an Oath to that purpoſe; and therein doth likewiſe accuſe ſome other noble and great Perſonages to have ſolicited him to murder the ſaid Duke, and that at *Huntingdon* Aſſizes he was burnt in the ſhoulder for taking on him to be the Earl of *Warwick*; and that he alſo took upon him the name of *Charles Percy*, and was whipt for it in *Suſſex*. And in the latter end of that Examination he confeſſeth, that all that he hath ſaid in his ſeveral Examinations concerning the Lords and other perſons of quality mentioned in his ſaid Examinations is utterly falſe, and that he knows not *Felton*, nor that any thing contained in his Examination, taken before the Earl of *Newcaſtle*, is true, and that his name is not *Savage*, but *Heron*; and for this *Banier* was committed to the *Fleet*, fined 1000 *l.* and bound to his good behaviour during life; and *Heron* was committed, fined 2000 *l.* to be whipt from the *Fleet* to *Weſtminſter*, and be there ſet in the Pillory, with one of his Ears nailed and cut off, his Noſtrils ſlit, his Face branded with the letter *F* in one cheek, and the letter *A* in the other cheek, for a Falſe Accuſer of himſelf and others: And at another time to be whipt from the *Fleet* to *Charing Croſs*, and be there ſet in the Pillory, with his other Ear nailed and cut off, and from thence be carried to *Bridewell*, there to be kept at work during life.

Going about the Country by falſe names, and with falſe news and tales to get money by it.

Helping to change his name, and to conceal him when he confeſt himſelf guilty of Murder.

Falſe accuſation and ſlander.

Huet *verſus* Overy *& al.* Riotous reaping and carrying away of Corn.

George Overy, upon pretence of title, came with the other Defendants, and eighteen or twenty more, to a parcel of ground where the Plaintiffs Wife with others were reaping of Wheat, and there bound up the Wheat that was reaped, reaped the reſt, and violently carried it all away, threw down the Plaintiffs Wife when ſhe oppoſed them, and ſtruck the Tythingman with a Truncheon when he required them to keep the peace, and refuſed to ſhew any right to the Corn, although he were offered to have it quietly, if he could ſhew any title to it; and for this they were all committed, *George Overy* fined 40 *l.* the reſt 20 *l.* apiece, and the principal to pay it, if they be not able.

Attor. Regis ore tenus verſus Sir Edward Herne *Knight, a Juſtice of the Peace.*

His Majeſty having granted Letters Patents under his Great Seal for a Collection to be made for the repair of the Port and Haven of *Rye* in *Suſſex*, one *Luxford* a Merchant was lawfully deputed to make the Collection in *Lincolnſhire*, who coming to the Town where the Defendant dwelt, and was a Juſtice of the Peace, the Churchwardens carried him before the Defendant, and the Defendant, notwithſtanding the ſaid *Luxford* ſhewed him the Letters Patents under the Great Seal, and his Deputation under the Hand and Seal of Sir *Thomas Sackvile*, and other Juſtices of the Peace of the County of *Suſſex*, made a Warrant, and cauſed the ſaid *Luxford* to be whipt as a wandring Rogue; for which offence, being done contrary to Law, and in contempt of his Majeſties Great Seal, the Defendant was committed to the *Fleet*, and fined 200 *l.* and to pay *Luxford* 50 *l.* damages.

Whipping a Patent-gatherer, contrary to Law. 50 *l.* damage to one no party to the Suit.

Eſcourt *Knight and Bar. verſus* Carleton *Eſquire & al.*

Carleton, having received information that the Plaintiff was charged with the murder of *Mary Winkle*, (notwithſtanding the Coroners Inqueſt had found and returned that ſhe died *Viſitatione Dei*) became a Suitor to the King for the forfeiture of his Eſtate, and having obtained a Grant of it, obtained a Warrant from the L. Chief Juſtice to have the matter better examined by two Juſtices of Peace, which was done, and no cauſe found to ſuſpect the Plaintiff for the Murther, yet the Defendant *Carleton*, who in perſon attended that Examination of the Juſtices, at the next Aſſizes cauſed an Indictment to be preferred againſt the Plaintiff for the ſaid ſuppoſed murther, and attended the ſame in perſon, and procured Witneſſes to be ſummoned to give evidence, yet the Jury returned *Ignoramus*; yet the Defendant *Carleton* being not ſatisfied, at the next Aſſizes cauſed another Bill of Indictment to be preferred againſt him, and attended in perſon to proſecute it; and the Defendant *Edwards* knowing the Plaintiff was queſtioned for the murther, and the forfeiture granted to Mr. *Carleton*, he being diſcontented with the Plaintiff, ſent for a woman, and examined her what ſhe could teſtifie concerning the Plaintiffs ſuppoſed ſtriking the ſaid *Winkles*, and ſhe anſwering ſhe could ſay nothing; *Edwards* ſent for her again, and told her, if ſhe could teſtifie that the Plaintiff ſtruck the ſaid *Winkles*, and ſaid, ſhe muſt hold with the poor, and bid her take heed what ſhe ſaid, for the Plaintiff did ſtrike the ſaid *Winkles*, and at the Aſſizes he came to her, and other Witneſſes, and bid them have a care, for if they would they could teſtifie that the Plaintiff ſtruck *Winkles*; and for this proſecution of *Carleton* againſt the Plaintiff, after he had begged his Eſtate, he was committed, and fined 500 Marks; and *Edwards* for ſolliciting and tampering with the Witneſſes, was Committed, and fined 200 *l.*

Proſecuting a man for murder after he had obtained a grant of the forfeiture of his Eſtate in caſe he were convicted.

Tampering with Witneſſes.

Crew *Knight verſus* Vernon *Knight.*

The Court upon the Plaintiffs motion, no cauſe being ſhewed to the contrary by the Defendant Archbiſhop, ſeveral days were given him in that behalf, did confirm a Decree, formerly made about 10 *Jacobi* between the ſame parties touching digging and graving of Turfs in a Moſs

Matter of Title Decreed.

called *Okehanger*-Moſs to be ſpent in his Mannor Houſe of *Crew*, and did alſo Decree and Confirm a Certificate made by the Lord Viſcount *Cholmley*, and others, with divers additions for the Plaintiff more full and free enjoying of the ſaid Turfs, and prevention of the deſtruction thereof in time to come.

Hill. 4 Car.

Goad Eſq; ver. Bainbrig Gent. Single Battery.

THE Defendant having long before conceived diſpleaſure at the Plaintiff, came up into a Room where the Plaintiff and others were ready to go to Supper, and there without any offence offered or given him, ſtruck the Plaintiff twice in the Face with his Hand and Fiſt, whereby one of his Eyes ſwelled very much, and called the Plaintiff (being then Deputy Clerk of the Court) baſe Rogue and Raſcal, and ſwore he would pull the Plaintiffs Gown over his Ears where or whenſoever he met him in the Streets, and cut it all in pieces, and for this the Defendant was Committed to the *Fleet*, Fined 100 *l.* to make his ſubmiſſion and acknowledgment to the Plaintiff at the Bar of this Court, and pay the Plaintiff 100 *l.* damages.

A hundred pound damages.

Garton *ver.* Mellerſhe.

The Plaintiff with three of his Brothers ſervants having taken an Oxe for a Herriot due to the Plaintiffs Brother, after the death of the Father of the Defendant *William Mellerſhe*, was purſued by the Defendants all Armed, and the Defendant having overtaken him, *William Mellerſhe* ſtrook him twice with his Spade Staff, and another of the Defendants with his Foreſt Bill gave the Plaintiff ſuch a Cut on the back of his Left Hand, that he fainted and hath loſt the perfect uſe of three of his Fingers, and for this Ryot they were all Committed to the *Fleet*, two of them Fined 100 *l.* apiece, and three others 40 *l.* apiece, and *William Mellerſke* to pay all their Fines, if the reſt be not able, and the Defendant to pay the Plaintiff 400 *l.* damage in reſpect of his Maim, notwithſtanding he had recovered and received 100 *l.* damage before upon an Action of Battery.

Riotous wounding the Plaintiff. Four hundred pound damage.

Paſc. 5 Car.

Treweene & *uxor ver.* Fredenick.

THE Defendant having receiv'd a Writ of *Fieri Facias* to Levy 20 *l.* Debt, and 50 *s.* Damages on the Goods and Chattels of Sir *Richard Carneſewe* on the behalf of the Plaintiffs, and another like Writ to Levy 16 *l.* Debt on the behalf of one Mr. *Bonithon*, did take eight Kine in Execution, and Sir *Richard Carneſewe* ſending to the Defendant to know wherefore he had taken his Kine, he ſaid he had taken them at the Plaintiffs Suit, but he had two Writs, and if he were well dealt with, he could keep them on either: Then *Carneſewe* ſent to redeem the Cattle, and ſhewed the Defendant a Releaſe of *Bointhons* Debt; and the Cattle being valued at 16 *l.* the Defendant received 6 *l.* in hand, and Bond for 10 *l.* more, and yet falſly returned upon the Plaintiffs Writ, that *Carneſewe* had no Goods nor Chattels within the County, whereof he could Levy the Plaintiffs Debt and Damages; and for this

Under-Sheriff making a falſe Return of a Writ.

was Committed to the *Fleet*; Fined two hundred Marks, and Ordered to pay the Plaintiffs Debt and Damage, if it were not ſatisfied before.

Attorney Regis *ver.* Chambers.

Seditious words at the Council-Board.

The Defendant being Convented before the Lords of the Council at the Council-Board, for ſome miſcarriages at the Cuſtom-Houſe; and there being then ſome Speeches concerning the Merchants of the Kingdom, and his Majeſties well and gratious uſage of them; the Defendant falſly, malitiouſly, and ſeditiouſly ſaid, that they, meaning the Merchants, are in no part of the world ſo ſcrew'd and wrung as in *England*; and that in *Turky* they have more incouragement; and for theſe Seditious words he was Committed to the *Fleet*; Fined 2000 *l.* and before his Enlargement to make an humble acknowledgment and ſubmiſſion at the Council-Board, in this Court, and at the *Royal Exchange*, at ſuch time, and in ſuch manner as this Court ſhould direct.

Attorney Regis *ore tenus ver.* Jo. Maud.

For ſaying the King went to Maſs with the Queen.

The Defendant being brought to the Bar, was charged by Mr. Attorney General, that he Wickedly, Undutifully, Traiterouſly and Seditiouſly had given out in ſpeeches, that he had heard that the King went to Maſs with the Queen, and having confeſſed it upon his Examination, and named ſeveral perſons to be the Authors thereof, who, being Examined, did deny it. The Court declared, that it was His Majeſties great Grace, that the Defendant was not dealt withal in a higher degree; and therefore Fined him 5000 *l.* Committed him to the *Fleet*; and Ordered him to acknowledg his offence in this Court, with a Paper on his head, declaring his offence, and to make the like acknowledgment at all the Bars of all the Courts at *Weſtminſter*, and at the publick Aſſizes of *Suffolk* and *Huntington*, and at *Pauls* Croſs, and the Preacher at that time to reprove the Raiſers and Publiſhers of ſuch Notorious, Falſe and Slanderous Reports.

Dominus Savile *ver. Vicecom.* Wentworth *& al.* Exhibiting a Libellous Bill and not Proſecuting thereof.

Fine to the King, and damages to the Defendants.

The Plaintiff for Filing a Bill in this Court, containing many foul and odious Charges againſt the Defendants, and letting the ſame hang as a Libel againſt them above three years, and never calling any of them to anſwer it, was Fined 100 *l.* to His Majeſty, and Ordered to pay to the Lord *Wentworth*, and Lord *Clifford* 100 *l.* apiece damages; to the Lord *Fairfax*, Sir *Richard Colmnley*, and Sir *Thomas Gower*, Sir *Edward Stanhop*, and Mr. *Jo. Ledgard*, 50 *l.* apiece damages; and to make an acknowledgment, in ſuch manner publickly in this Court, or otherwiſe, as ſhould be thought fit, unleſs he did, by the ſecond ſitting of the next Term, Exhibit a new Bill againſt them for the ſame offence, and proſecute it with effect; and this Bill was Ordered to be taken from the File and Cancelled.

Ep. Worceſter *ver.* Bowyer.

The Defendant for publiſhing a ſcandalous Libel againſt the Plaintiff (*Thornebrough*) being a Reverend and Learned Biſhop, was Committed to the *Fleet*, Fined 100 *l.* and Ordered to make an humble acknoledgment and ſubmiſſion to the Plaintiff at *Worceſter* Aſſizes, the Judges ſitting, and the Decree to be then and there Read.

Aſhton *Bar. ver.* Blundel *Armig. & al.*

The Plaintiffs Bailiffs having Lawfully ſeized two Oxen, and one Nag of the Defendants, *Rice*, for a Debt due by him to His Majeſty, divers of the Defendants, with fifty or ſixty others, reſcued them, wounded the Bailiffs, and ſaid, if his Majeſty himſelf had come, he ſhould have taken no Cattel thence, and the ſaid Plaintiff having by vertue of another Writ to him directed, made his Warrant to his Bailiffs to ſeize four Oxen, ſeventeen Sheep, nine Kine, and certain Swine, Corn, and Hay of the Defendant *Blundels*; and the Bailiffs going to take and ſeize the ſaid Goods; the Defendants Servants, and Tenants, went into the Fields, and brought up the Cattle ſuddenly into the Court-Yard, and guarded the Gates within and without, with Armed men, that the Bailiffs could not Execute their Warrant; and twelve of the Defendant *Blundels* men fell upon the Plaintiffs Bailiffs, and ſore beat and wounded them; and *Blundel* himſelf being within, and hearing the Cry of one of the Bailiffs who was wounded, called him diſſembling Raſcal, and ſaid, if he had not enough, he ſhould have more. And the Defendant *Blundel* being a Popiſh Recuſant Convict, and living in Little *Crosby* in *Lancaſhire*, incloſed a piece of Ground and Fenced it, part with a Stone-Wall, and part with a Hedg and Ditch, and kept and uſed the ſame for the ſpace of ten years, for the Burial of Popiſh Recuſants, and Seminary Prieſts: and for theſe Offences, two of the Rioters were Fined 500 *l.* apiece, three others 100 *l.* apiece, and *Blundel* for procurement of the Riots, and erecting the Church-Yard 2000 *l.* all Committed to the *Fleet*, and the Wall and Mounds of the Church-Yard to be pulled down by the Sheriff, and the Ground laid waſt, and the Decree to be Read at the Aſſizes; and *Blundel* Ordered to pay the Bailiffs a hundred Marks apiece damages, and the other Defendants to pay them 40 *l.* apiece damages.

Riotous Reſcue of Cattle ſeized and reſiſting the ſeizing of other Cattle, and beating the Bailiffs.

Unlawful Erecting of a Church-Yard for Burial of Popiſh Recuſants.

Damage to them no Parties to the Suit.

Trinit. 5 Car.

Barnes *ver.* Hill *&* *al.*

Great Riots and forcible Reſiſtance againſt Authority.

THE Defendant being Armed with ſeveral ſorts of Weapons, the 29. of *July* 2 *Car.* repaired to the Plaintiffs Dwelling-Houſe, and there brake down an outward Wall againſt a pair of Stairs in the Kitchin, and brake down a great part of a Glaſs-window into the Hall, and thereat the Rioters entred the Houſe, and one of them threatned and endeavoured to have killed the Plaintiffs Daughter, an infant, then in the Houſe; and ſhe and the Plaintiff, and his Brother crying out for help, ſome Officers and Conſtables hearing the outrage came to the Houſe, and required the Defendants and their Aſſiſtants to keep the Peace, and to ſhew by what Warrant, or Authority they Committed ſuch an outrage; whereat the Rioters derided the Conſtable, bid a Turd in his Teeth, and gave him other foul Terms not fit to be recited, and all of them refuſed to obey any Authority, but in unlawful manner, did, with their Weapons, and Engines, beat down ſix doors, and divers inner walls to come to the Plaintiff and his Brother, and having taken the Plaintiff they tumbled and lugg'd him through ſeveral Rooms down a pair of Stairs, and caſt him out of the Houſe, and kicked and ſpurned him upon the Back and Body, and the Plaintiffs Brother being got into a Hawks Mew, *John Hill* bid the Rioters fetch him down dead, or alive, and he would bear them out, if it coſt him 1000 *l.* and thereupon one of them gave him divers blows and thruſts on the Breaſt and Belly with a Pike, and drave him through a Wall into a Hay-mow, and there kicked and ſpurned him; which the Chief Conſtable perceiving, and ſuppoſing they had killed him, Hi. 5 Car.

him, made Proclamation and required the Rioters to keep the Peace, and to yield their Bodies to go before ſome Juſtice of Peace to anſwer their doings, which they refuſ'd; and *Hill* ſaid, if *Barns* were killed he would juſtifie it; and the Conſtable then endeavouring to go up and apprehend them on ſuſpicion of Murder, they made divers thruſts at him, and threatned to kill him; and as the Conſtable was going up the Ladder to them, they turned off the Ladder, and threw him to the ground, to the danger of his life, and after threw *Barns* amongſt Nettles and Weeds on the backſide of the Houſe, and would not ſuffer him to have any thing to wrap about him, although he lay almoſt ſpeechleſs, voiding ſtore of blood, and in danger of death, and in Unchriſtian manner bid let him die, or ſtarve, he ſhould have nothing from thence, *John Hill* ſaying, he would juſtifie all that they had done: And the Conſtables and others coming another day to keep the Peace, and apprehend the Rioters, they ſhot off Pieces at them, and Arrows, and did ſore hurt one of the Conſtables. And *Suſan Hill* being told that the Biſhop of *Hereford*, being a Juſtice, would come to view the Riot, and remove the Force: ſhe ſaid, ſhe thought he would have more wit; that it was fitter for him to be Preaching a Sermon, and that if he came thither, he ſhould have as many Holes made in his Black Jacket, as he had Eyletholes in his Doublet, and that ſhe would queſtion him and all his Company in the Star-Chamber. And the Biſhop coming thither, and requiring the Doors to be opened, they let in him, but would ſuffer none elſe to come into the Houſe, and when he was come forth, and would have gone in again to have taken a farther view of the Force, the Rioters would not ſuffer him. And for theſe Offences, *John Hill*, the Principal was Fined 100 *l.* divers others 50 *l.* apiece, ſome 40 *l.* apiece, and ſome 20 *l.* apiece, all of them Committed to the *Fleet*, and *John Hill* to pay the Fines of ſo many as were not able themſelves; *Suſan Hill* to make acknowledgment at the Aſſizes to the Biſhop and ask him forgiveneſs; and the parties hurt left to the Law for their damages, becauſe they did not here complain.

Talbot *armig.* & Glasbrooke *Gent.* Plaintiff *verſus* Cookes *Eſq;* & *al.*

The Defendant, *Thomas Cookes*, pretending Title to a yearly Rent of 4 *l.* to be iſſuing out of certain Lands in the Pariſh of *Broomſgrave* in the tenure of *John Smith*, al. *Arden*, and that Rent to be for ſome time arrear, did in *November* 2 Car. diſtrain two Mares of the ſaid *Smiths*, and according to the cuſtom of the Mannor at the next Court Baron held before the Plaintiff *Glasbrook*, the Plaintiff *Talbots* Steward, and the Bailiff and Suitors there, *Smith* pretending no ſuch Rent due, entred a Plaint in the Court againſt the ſaid *Cookes* for taking and deteining his ſaid two Mares, to which Action *Cookes* at the next Court appeared, *Smith* Declared, and *Cookes* took a Copy of the Declaration, and at the Court following, by avowry juſtified the impounding of the Mares, and *Smith* took a Copy thereof, and at the Court next Demurred in Law, and *Cookes* waved his former avowry, and put in a new, to which *Smith* likewiſe Demurred, and *Cookes* joyned in that Demurrer: and a peremptory day was appointed to argue it, but *Cookes* before that day came, ſued forth a Bill or Plaint of Aſſize of Freſh-Force for the ſame Rent againſt *Smith*, and a Precept from the Steward to the Bailiff of the Mannor to Summon a Jury to try the ſame, and to Summon the ſaid *Smith*, and at the next Court being the time alſo appointed to argue the Demurrer, and for Trial of the Aſſize of Freſh-Force, the Defendant *Thomas Cooks*, accompanied with *Edward* and *Henry Cooks*, Suitors and Judges of the ſaid Court, came into the Court, and heard the Arguments and debate of Council on both ſides concerning the Demurrer, and that being ended, the Plaintiff *Glasbrook* the Steward told the Suitors that the matter in queſtion was matter of Law, and ſeemed doubtful in divers points, and therefore wiſhed them to be adviſed before they gave Judgment therein: Whereupon *Edward Cooks* violently commanded the Steward to enter Judgment for *Thomas Cooks* the Avowant; but the Steward refuſing to enter Judgment, for that the major part of the Suitors would be further adviſed, he and the other Defendants called for a Retorn of the Precept for a Jury to try the Plaint, or Aſſize of freſh force, which was done; and thereunto, and to the Plaint it ſelf *Smiths* Council took exceptions, and much time being ſpent therein, the Aſſize was continued, and an *alias* Summons granted to reſummon the Recognitors in the Aſſize Returnable the next Court, when the Defendants *Thomas* and *Henry Cooks* procured and ſolicited the other Defendants to come thither, and twenty four Tenants being ſummoned, and returned to try the Plaint; they were ſeveral times called to appear, but many not appearing at the third call, the Defendants *Thomas* and *Henry Cooks* went to divers of the Recognitors returned, and deſired them to appear of the Jury, and to give their Voices for their Judgment upon the Demurrer to the ſaid Avowry; and one of the Recognitors ſeeming unwilling to come, *Henry Cooks* promiſed to ſave him harmleſs, and thereupon a full Jury appearing, the whole Array was Challenged, and the Challenge allowed; which the Defendants ſeeing, *Edward Cooks* the Elder and *Edward* the Younger again bid the Steward enter Judgment for the Avowant *Thomas Cooks* in the Avowry formerly argued, ſaying, he ought to enter the ſame: And the Steward refuſing ſo to do, for that the Major part held it not fit to enter Judgment until they were better adviſed, *Edward Cooks* the Elder, and *Edward* the Younger, commanded the Steward again to enter Judgment, ſaying, he was their Servant, and with great Oaths vowed he ought and ſhould enter Judgment, and gave Mr. *Low*, one of the Suitors, very unſeemly terms, and *Henry* and *Thomas Cooks* went about to ſome of the Suitors to get their hands to a Note that Judgment ſhould be entred: And for theſe indirect proceedings they were all committed to the *Fleet*; *Edward Cooks* the Elder, and *Edward* the Younger fined 200 *l.* apiece, and *Thomas* and *Henry Cooks* 40 *l.* apiece, and the Decree to be read at the ſaid Court Baron.

Unequal and indirect carriages upon a Trial in a Court Baron.

Attorn. Regis. verſus Craddock *&* *al.*

The Defendants, on *December* 22. 1625. about nine a Clock at night, went, and kept ſuch a rapping at the Doors and lower Windows of Mr. *Richardſon's* Houſe at *Durham*, as frighted his Wife; and one *Rangel* going out of the Houſe with a Ruler in his hand, to ſee what the matter was; the Defendants took his Ruler from him, and ſtruck him therewith on the face, to the effuſion of his bloud, and after kick'd and ſpurn'd him, and being gone from him, purſued him again, and in riotous manner aſſaulted and ſtruck him, ſaying, If he had not enough, he ſhould have enough; and for this three of the *Craddocks* were committed to the *Fleet*, and fined 50 *l.* apiece, and bound to their good behaviour a year, and the Party hurt left to the Law for his Damages.

Rout and aſſault.

The

Attorn. Regis per Rel. Clifford & Saintleger *Armig. verſus* Cunningham *& al.* Extortion in a Serjeant. Arreſting in one County, and carrying him into another County to be there arreſted.

The Defendant *Cunningham* for extorting ſeveral great Sums of money from the Relators, upon ſeveral Arreſts made on them by him, being a Serjeant of *London*; many of which Arreſts were occaſioned and drawn on by himſelf, and his Devices; and for procuring one of the Relators to be Arreſted in *Weſtminſter* Liberty, and then carried into *London*, and charged with Actions there on purpoſe to wreſt and extort more Money from him, was Committed to the *Fleet*, fined 500 *l.* bound to the good behaviour, and diſabled to be a Miniſter of Juſtice, or to execute any place, or Office.

Michael. 5 Car.

Brooman *verſus* Wilkins *& al.*

THe Plaintiff having obtained a Judgment in the Court of *Common Pleas* againſt the Defendant *John Wilkins*, for 163 *l.* 1 *s.* upon an Action on the Statute of Uſury, whereof by the Statute he was to have one Moity, and the King the other Moity, did agree with the ſaid Defendant to accept of 55 *l.* for his part, and left him to agree for the Kings Moity as he could; and then the Defendant *John Wilkins* being forced to pay the Kings Moity, Commenced an Action againſt the Plaintiff, and declared, that in conſideration of the ſaid 55 *l.* the Plaintiff did aſſume, and promiſe to diſcharge the ſaid *Wilkins* of the whole Verdict and Judgment aforeſaid, and that yet notwithſtanding he had been enforced to pay his Majeſties part alſo: To which the now Plaintiff appeared, and pleaded that he did not make any ſuch promiſe, and that Action coming after to be tried, the Defendant *John Wilkins* produced, as Witneſſes to prove the Iſſue, the Defendants *Nicholas Wilkins* and *Nicholas Wilcox*, whom he knew were not preſent at the Agreement, and they did then falſely depoſe, that the now Plaintiff did make ſuch agreement as the ſaid *John Wilkins* had declared; and for this Perjury the two Witneſſes were committed to the *Fleet*, fined 200 *l.* apiece, bound to their good Behaviour, diſabled ever to be Witneſſes, and be ſet on the Pillory at *Weſtminſter* and *Taunton*, with Papers Inſcribed. *For Wilful Perjury*; and *John Wilkins*, for ſubordination of Perjury, committed, and fined 300 *l.* and all of them to pay the Plaintiff 150 *l.* damages.

Perjury at an Aſſize.

150. *l.* damage.

Attorn. Regis verſus Yeomans *& al.*

The Defendant *Yeomans*, being a Silk-Dyer, dyed 11000 pound weight of light-coloured Silks for divers Silkmen into falſe and corrupt Dyes, whereby the Silks were made heavier by about three ounces in a pound, and much worſe than they would have been, if truly dyed; and dyed 40 pound weight of Raw Silks for himſelf into like corrupt Colours, and ſold it to one, who ſold it again for good and true-dyed Silks. *William Andrews*, being alſo a Silk-dyer, dyed 10000 pound weight of Silks into ſuch corrupt light colours for his Cuſtomers, and 2000 pound weight of his own Silk, and ſoaked the ſaid Silks in Gauls to make them heavy, and corrupt them, and bargained with his Cuſtomers to dye them ſo corruptly, and had greater allowance for it than he ſhould, if they had been truly dyed. And *Henry Wright*, being alſo a Dyer, dyed 100 pound weight of light black Silk corruptly by uſing Slip and Alderbark, whereby the weight of the Silk was much increaſed, and made leſs ſerviceable: And for theſe Deceits they were committed to the *Fleet*,

Falſe and corrupt dying of Silks.

T. in. 6 Car. *Attor. Regis verſ.* Hall *& al.* The Procurers of Silk to be corruptly dyed puniſhed.

fined 500 Marks apiece, and before their Enlargement to enter Bond with good Sureties never to offend in the like kind hereafter.

Morgan *Knight verſus* Morgan *& al.*

Riot.

The Defendants, being all Armed, Riotouſly aſſaulted, and grievouſly wounded the Plaintiffs Son in the Town of *Abergavenny*, and had murdred him, if they had not been prevented by the Officers of the Town: And for this they were committed to the *Fleet*, and two of them fined 50 *l.* apiece.

Shirley *Bar. verſus* Chetwin, *Eſquire.*

Single Battery on a Juſtice of Peace.

There having been long diſcontent between the Plaintiff and the Defendant, the Defendant, armed with a Truncheon of about a yard long, went out of the Highway into one of the Plaintiffs Grounds, where the Plaintiff, being a Juſtice of Peace, was walking alone, and did there aſſault, and beat, and grievouſly wound the Plaintiff: And for this ſingle Battery, being upon the perſon of a Juſtice of Peace, the Defendant was held worthy the Cenſure of the Court, and therefore Committed to the *Fleet*, fined 200 *l.* bound to his good Behaviour during life, pay the Plaintiff 500 Marks damage, and make an acknowledgment to the Plaintiff in writing, and therein deſire his pardon, and pronounce the ſame acknowledgment at the Aſſizes, and there ask the Plaintiff forgiveneſs.

Still *Cler. verſus* Owen *Gent.*

Single Battery on a Bailiff for doing his duty.

Reviling a Juſtice of Peace.

100 *l.* damage.

The Defendant about *Midſummer* Eve 4 *Car.* did ſeveral times kick and ſtrike one *Everet*, being a Bailiff, and with a Staff ſtruck him a blow on the ear, that he was amazed, and bled much; for that the ſaid Bailiff, according to a Warrant to him directed by the Sheriff, had ſummoned him to ſerve of a Jury at the Quarter-Seſſions, where he was Amerced for non-appearance; and the Plaintiff being informed thereof by the Bailiff, and of divers Threats uſed by the Defendant, made a Warrant to apprehend the Defendant, and the Defendant taking notice thereof, came to the Plaintiffs houſe, and asked the Plaintiff how he durſt grant a Warrant out againſt him, told the Plaintiff he lied, called him Knave, and Raſcal-Knave, and ſaid he cared not a fart for him, and that he was as good a man as the Plantiff; and the Plaintiff for his abuſe of the Bailiff, and his uncivil carriage, then requiring him to find Sureties, before he departed, for his good Behaviour, he flouriſhed his Staff over his head, and contemptuouſly ſaid he would not find Sureties, and would ſee who durſt ſtay him, and ſo departed. And for theſe offences he was committed to the *Fleet*, fined 400 *l.* bound to the good behaviour five years, make his acknowledgment at the Aſſizes, and pay the Plaintiff 100 *l.* damage, and his ſcandalous Anſwer in this Court to be taken from the File.

Hillar. 5 *Car.*

Attorn. Regis per Rel. Phillips *Knight & al. verſus* Stowel *Knight*. Affront of a High Sheriff, at an Election of Knights of the Shire.

THe Defendant, for affronting the High Sheriff at an Election of Knights of the Shire, and for repreſſing one of the ſaid Sheriffs Bailiffs, out of Malice, after he was ſent home by a lawful Paſs, and ſending him away again to ſerve as a Souldier, by colour of his Office of Deputy-Lieutenant; and for uſing provoking and uncivil Speeches of Sir *Robert Philips* on the Bench, the Juſtices ſitting, ſaying, He wondred

Hill. 5 Car.

Giving the Lye on the Bench, the Juſtices ſitting.

wondred Sir *Robert* would make ſuch a Certificate, for that it was a Lye, a baſe Lye, and a falſe Lye, and he would maintain it to be a Lye with the beſt bloud in his body, and that as good a man as Sir *Robert Philips*, or a better, would maintain it to be a Lye, was committed to the *Fleet*, and fined 200 *l.*

Phips *Cler. verſus* Eyres *& al.*

Conſpiracy to accuſe a Miniſter of a Rape.

The Defendants out of malice to the Plaintiff for that he had cauſed one *Jemmet*, an unconformable Miniſter, to be put from being Lecturer of their Pariſh, raiſed a fame, that the Plaintiff had Raviſhed, or attempted to Raviſh a Woman of *Sandford*, where the Plaintiff had formerly dwelt; and ſome of the Defendants were ſent by the reſt to *Sandford* to enquire out matter againſt him, and there meeting with a diſcontented woman, who told them (out of ſome diſpleaſure) that the Plaintiff had attempted her Chaſtity; the Defendant *Yates* telling her the Plaintiff did oppoſe the good people of *Leachlad*, and that they, for Conſcience ſake, deſired Matter to turn him out of his Living; told her ſhe might drink 10 *l.* if ſhe would juſtifie the Accuſation, and then gave her two ſhillings, and after came to her again, and told her the attempt of a Rape would not ſerve to turn the Plaintiff out of his Living, and therefore told her, if ſhe would teſtifie ſome Act done by him, ſhe ſhould be liberally rewarded by the Defendants *Eyres* and *Gearing*, and if ſhe would teſtifie a Rape it ſhould be worth her 40 *l.* and then gave her five ſhillings, and told her Maid, that if ſhe would teſtifie a Rape, ſhe ſhould be as well paid as her Miſtris; and ſeveral Sums were given and promiſed to him that went about to enquire out Matter againſt the Plaintiff. And at laſt by perſuaſions, promiſes of Reward, and Solicitations, they procured *Yates* and *Brown* to conſent, to accuſe the Plaintiff of a Rape, and to go to *London* to make good the Accuſation before the Lord Chief Juſtice, and gave *Brown* twenty ſhillings in hand, and to incenſe her, told her the Plaintiff had ſpoken very ill of her, and by this means got her to *London* to accuſe the Plaintiff; but her Husband, then coming to the knowledge thereof, diſſuaded her, and thereupon their practice took no effect. And for this foul practice and Conſpiracy to deprive the Plaintiff of his Benefice, and Life, they were all committed to the *Fleet*, fined 500 *l.* apiece, bound to their good Behaviours; *Yates* ſet on the Pillory, at the next Market-Town to *Leachlad*, and the Decree to be there read; all of them to acknowledge their offence, and ask the Plaintiff forgiveneſs in his Pariſh-Church, and pay him 200 *l.* damage. The Lady *Laurence*, and two more not ſentenced, but left with a ſevere Reprehenſion, and Admonition; aud the Lady *Laurence*, for turning up the back parts of a Child at the Font, when the Plaintiff would, and ſhould have ſigned it with the Sign of the Croſs, which was proved, but not charged by the Bill, was recommended to the High-Commiſſion Court.

200 *l.* damage.

Attorn. Regis verſus Long *Armig.* a High *Sheriff.*

Reſiding out of his County without Licence, contrary to his Oath

The Defendant being High Sheriff of the County of *Wilts*, and having taken his Oath for the due execution of that Place (part of which Oath was, that he would, in his own perſon, remain within his Bailiwick, during the time of his Sheriffswick, unleſs he had the King's Licence to the contrary) did, notwithſtanding, being Elected a Citizen for the City of *Bathe*, to ſerve in the Parliament, held 3 *Car.* attend that Parliament, and reſide in, and about the Cities of *London* and *Weſtminſter*, and for this was committed to the *Tower*, during his

Majeſties pleaſure; Fined two thouſand Marks, and before his enlargement to make an humble ſubmiſſion and acknowledgment of his Offence in this Court, and to His Majeſty.

Attorn. Regis *ver.* Hoſkings *& al.*

Riotous deſtroying the Incloſures in the Foreſt of *Gillingham.*

His Majeſty having diſaforeſted his Foreſt of *Gillingham* in *Com. Dorſet*, alloted ſeveral equal ſhares to all the Borderers and Commoners, and made Sir *James Fullerton* Knight, Farmer of his part thereof, who Incloſed, Railed and Fenced the ſame; the Defendants by an agreement among themſelves, did at divers times, by day and night, ſometimes a hundred in a Company, ſomtimes more, and ſomtimes fewer, all Armed, and moſt of them in ſundry ſorts diſguiſed, in a Riotous and Rebellious manner throw down, and fill up the Ditches and Fences thereabout, three miles in length, and bound themſelves by Oaths to be true one to the other, and not to reveal one another, and to reſiſt ſuch as ſhould endeavour to apprehend any of them, and to Reſcue thoſe apprehended; burnt the Plants, ſawed in ſunder the Rails and Poſts, buried them in the ground, and in triumph, when the Plants were burning, ſhot off their Guns and Piſtols, threatned to kill the Workmen, and burn their Houſes, if they came any more to Work there, and beat down part of their Houſes, and cut down their Fruit-Trees, and did Aſſault, and beat two of His Majeſties Meſſengers, who had apprehended ſome of the Rioters, and Reſcued their Priſoners from them. And for theſe Offences thirty of them were Fined 200*l.* apiece, and bound to their Good Behaviour two years; thirty five Fined 100*l.* apiece, and bound to their Good Behaviour two years, and nine others Fined 40*l.* apiece, and all of them Committed to the *Fleet*, and to pay 200*l.* damage to Sir *James Fullerton*, and the Reſcuers and Reſcued to pay 30*l.* apiece damage to the Meſſengers, and the Decree to be Read at the Aſſizes for *Dorſet*, *Wilts*, and *Somerſet*, and then the Defendants *Hoskins* the Collonel, *Alford* the Captain, *Cave* the Lieutenant, and *Miller* the Corporal of the Rebellious Troop to be ſet in the Pillory, with Papers on their Heads declaring their Offence.

Two hundred pound damage. Thirty pound damage apiece to the Meſſengers no parties to the Suit.

Paſ. 6 Car. *& Trin.* 6 Car.

Woodmongers London, *ver.* Wharfingers and Garmen London.

Orders regulating the Company of Woodmongers.

FOur hundred Cars only to be uſed within the City of *London*, and the Liberties and places adjacent; namely *Southwark*, St. *Katharines*, and the *Strand*, and all perſons within thoſe Liberties reſtrained from working any Cars, not being of that number allowed by the Company of *Woodmongers.*

A convenient number of thoſe Cars to be diſtributed to the Wharfs in *Southwark*, St: *Katharines*, and the *Strand*, as time will permit by the death of the preſent Owners.

And to the end prizes of Fuel may not be enhanced, nor the Owners of Wharfs that want Cars, too much prejudiced in the mean time; the *Woodmongers* are to allow to the Wharfingers in the ſaid places adjacent, till Car-Rooms fall by death, an indifferent number of Cars for 12*d.* a week, each Car, until they may be freely diſtributed.

The

Tri. 6 Car.

Attorn. Regis & *Dominus* Powis Plaintiffs *verſus* Vaughan *Arm.* & *al.*

The Deed complained of to be Forged was left as a ſuſpected Deed, and therefore referred to a Trial at Law for the Validity thereof, and all the Defendants in both Cauſes diſmiſſed.

Attorn. Regis *verſus* Dr. Leighton *ſuper confeſſ.* Libel againſt His Majeſty, the Peers, Biſhops and Prelates.

The Defendant being a *Romiſh* Catholick, framed and contrived a Seditious Book againſt his Majeſty, the Peers, Biſhops and Prelates of this Kingdom, Intituled (*An Appeal to the Parliament or Sions Plea againſt the Prelacy*) and cauſed about five or ſix hundred of them to be Printed, wherein were contained theſe Traiterous, Falſe, Libellous and Seditious Aſſertions and Poſitions following. 1. That we do not read of greater Perſecutions, higher Indignity done upon Gods people in any Nation profeſſing the Goſpel, than in this our Iſland. 2. He terms our Prelates Men of Blood, and Enemies to God and the State. 3. He ſaith it is the Main and Maſter-ſin, the Eſtabliſhing and Maintaining of Biſhops within this Realm, and that Miniſters ſhould have Voices in Councils, both Deliberative and Deciſive. 4. That the Prelacy of our Church is Antichriſtian and Satanical, and the Biſhops Ravens and Pye-Maggots that Prey upon the State. 5. That the Canons of our Church made 1603. are Non-Sence-Canons. 6. He Condemns the Religious and Devout Ceremony of Kneeling in receiving the Sacrament, alledging, that the Suggeſtion of falſe fears to the King by the Prelacy, and the ſeeking of their own unlawful ſtanding brought forth that received Spawn of the Beaſt, Kneeling, &c. 7. He ſaith the Prelates Corrupt the King, Foreſtalling His Judgment againſt God and Goodneſs. 8. He calls our Queen the Daughter of *Heth.* 9. He impiouſly commends him that killed Duke of *Buckingham*, and encourages others to do the like. 10. He Scandals the King and Kingdom, ſaying, All that paſs by us ſpoil us, and we ſpoil all that rely upon us, which being too well known, makes us odious to the world. 11. That no King may make Laws in the Houſe of God; for if they might, then the Scriptures ſhould be imperfect. Laſtly, He adviſeth all to conſider then what a pitty it is, and an indeleble diſhonour it will be to the State Repreſentative, that ſo Ingenuous and Tractable a King ſhould be ſo monſtrouſly abuſed by the Bane of Princes, to the undoing of himſelf and his ſubjects, and for this he was Committed to the *Fleet*, during life, unleſs the King enlarge him; Fined 10000 *l.* referred to the High-Commiſſion-Court to be degraded of His Miniſtry, and then to be whipped at the Pillory at *Weſtminſter*, and ſtanding on the Pillory to loſe one of his Ears, his Noſe ſlit, and his Face Branded with a double S. and in like ſort to be whipped and loſe his other Ear at the Pillory in *Cheapſide.*

Mich. 6 Car.

Attor. Regis verſus Norton *& al.*

THE Defendant *Bonham Norton* having a Cauſe depending in the Court of Chancery before the Right Honourable *Thomas* Lord *Coventry*, Lord Keeper of the Great Seal, endeavoured to have faſtned a Bribe upon his Lordſhip, and thereby to have procured his favour in the ſaid Cauſe; but being diſappointed therein, and the Cauſe coming to be heard upon his Petition, and not ſucceeding as he expected,

the

Scandal of the Lord *Coventry*, Lord Keeper of the Great Seal.

the ſaid Defendant raiſed and divulged Rumours of ſuppoſed unjuſt proceedings by his Lordſhip in that Cauſe; and to give colour to the Scandals did, of his own head contrive, and put in Writing divers falſe and feigned Notes, Intituled Memorials, whereby he pretended he received private Informations from the Defendants *Lee*, and *May* of the Sum of 600 *l.* and of other ſeveral great Sums of Money ſuppoſed to be given to the Lord Keeper, for favour to be done to the Defendants in Chancery; with other paſſages how, and by whom that Favour was compaſſed; and he, and the other Defendants publiſhed the ſaid Notes and Memorials, and out of them drew Caſes in Letters, whereby they Traduced the Lord Keeper, calling him by the Name of Sir *J. K.* and terming him the *Unjuſt Judge*, and the Decree made by him an *Unjuſt Judgment*, and carried thoſe Notes to Council, and thereby framed a Falſe and Scandalous Petition to his Majeſty againſt the Lord Keeper, therein taxing him with Injuſtice and Corruption; and the Defendants cauſed the ſame to be preſented to his Majeſty, and publiſhed the ſaid Scandals in divers parts of the Kindgom; and the Defendants *May* and *Lee* had ſeveral Rewards from *Norton* for raiſing theſe Falſe Reports. And for theſe Foul Scandals and Aſperſions, *Bonham Norton*, the Principal Offender, was fined 3000 *l.* to acknowledge at the Chancery-Bar, with a Paper on his head declaring his offence, that the Decree of that Court betwixt him and *Barker* was juſt and agreeable to the Rules of Equity, and a good Conſcience; and then humbly acknowledge his Offence, and ask his Majeſty and the Lord Keeper forgiveneſs; and to make the like acknowledgment and ſubmiſſion in this Court, and at the Aſſizes at *Salop*, where the Decree ſhall be read. *Lee* and *May*, his Agents and Inſtruments in raiſing and publiſhing the Scandals and Memorials, committed, and fined 1000 *l.* apiece; and to ride to *Weſtminſter* from the *Fleet* with their Faces to the Horſe-tail; and at the Chancery-Bar, and in this Court, with Paper on their heads declaring their Offence, and acknowledge their Offence, and ask Forgiveneſs, and then be ſet on the Pillory with one Ear nailed to it, while the Courts ſit; and another day to ride into *Cheapſide* in ſuch manner as before, and be there ſet on the Pillory, with their other Ear nailed, and be carried to Priſon, there to remain during Life. *John Norton*, for contriving the Caſes, and Petitioning to the King, and publiſhing the Scandals, committed, fined 1000 *l.* and ask forgiveneſs at this Bar. *Diggs*, *Winſton*, and *Harper*, Publiſhers of the Scandals, fined 100 *l.* apiece, committed, and ask Forgiveneſs at this Bar. *Hingate*, for his malicious publication of the Scandals, committed, fined 1000 *l.* and ask forgiveneſs, *ut ante*: And *Smith*, for publiſhing the Scandals, joyning with *Norton* to faſten the Bribe on the Lord Keeper, committed, till he make his acknowledgment, ſubmiſſion, and ask forgiveneſs in this Court, and fined 1000 *l.* Serjeant *Aſhley* reproved, and not to practiſe before the Lord Keeper, until he had privately ſubmitted unto him. *Lowns* left with a *Non Liquet*, and the Defendants fined to pay the Lord Keeper 3000 *l.* Damages.

3000 *l.* Dam.

Attorn. Regis ver. Sampſon. Corrupt Dying of Silk.

The Defendant, being a Silk-Dyer in *London*, uſed Slip and Alder-bark in the dying of black Silks, and kept them in ſteep much longer than they ſhould, being truly dyed, and by that corrupt means made the ſaid Silks rotten, and much heavier than otherwiſe they would have been, and leſs ſerviceable. And the Wardens of the Company, aſſiſted with

Reſiſtance of the Lords of the Councils Warrant.

with a Conſtable, and other Officers, by vertue of their Charter, and a Warrant from the Lords of the Council, coming to ſearch the Defendants houſe for ſuch corrupt died Silks, and finding ſome, endeavoured to ſeize them, to the end to make trial of them; the Defendant, in contempt of the Warrant, took up a Halbert, and aſſaulted the Wardens, Conſtables, and Officers, forced the Silk from them, and drave them out of Doors; and for theſe Offences was committed to the *Fleet*, fined 100 *l.* and to make an acknowledgment of his offence, and ſubmit himſelf to the Wardens at the Dyers Hall.

South *Knight a Juſtice of Peace, verſus* Ward *Cler.*

Baſe Knight and Stinkard.

The Defendant, out of malice to the Plaintiff, did, in the preſence of divers Gentlemen of good Rank, flouriſh his Truncheon over his head, and in diſgrace of the Plaintiff, whom he then knew to be a Juſtice of of the Peace, ſay with a loud voice; that the King had done great wrong to make the Plaintiff a Juſtice of the Peace, and him the Defendant no Juſtice, for he was more worthy than the Plaintiff; and that the Plaintiff was a baſe Knight, and a Stinkard; and for this was committed to the *Fleet*, fined 100 *l.* and to acknowledge his Offence, and ſubmit himſelf to the Plaintiff at the Aſſizes, the Judges ſitting.

Bacon *verſus* Boulton *& al.*

Conſpiracy falſely to accuſe and Indict the Plaintiff of Felony.

100 *l.* damage.

The Defendants, out of the malice to the Plaintiff did conſpire together to accuſe and Indict him for ſuppoſed ſtealing of ſeveral petty things, which were long before delivered by themſelves unto him, and left with him in keeping: And accordingly did prefer two ſeveral Indictments againſt him for the ſaid things; whereupon the Jury returned *Ignoramus*; and by like Conſpiracy and Agreement they preferred another Indictment againſt him in his abſence at the Quarter Seſſions for ſtealing a Ring, a Silver Spoon, and twelve pence in money, (which in truth were long before given him by *Jane Hemingway*, one of the Defendants) yet upon her evidence of the Felony, the Jury returned *Billa vera*, and thereupon he was by them at the next Quarter-Seſſions Arraigned and Tried for his life, yet Acquitted, notwithſtanding their malicious Proſecution. And for this they were all committed to the *Fleet*, one fined 100 *l.* another 100 Marks, and their Wives 50 *l.* apiece; all bound to their good Behaviour, and diſabled ever after to be Witneſſes in any Court whatſoever, and pay the Plaintiff 100 *l.* damage.

Attorn: Regis verſus Jones.

Slander of a matter of the Chancery, Sir *Euble Thelwall.*

The Defendant being diſcontented at ſeveral Reports made by Sir *Euble Thelwall* Kt. one of the Maſters of the Chancery, contrived a Libellous Writing in the nature of a Petition, containing, that Sir *Euble* had made a falſe Report in his Cauſe againſt one *Hughs & al.* and that he was not an Indifferent perſon in the Cauſe; and to this Petition annexed a Schedule of Exceptions, containing, that Sir *Euble* had made two falſe Reports againſt him; that he was become his perſecutor by indirect means for laying down of Truth under his hands, and that he did challenge property in part of the Lands in queſtion; and cauſed this Petition to be written by a Scrivener, and then delivered to the Maſter of the Rolls, deſiring the Reference to be transferred: And by another Writing, which he cauſed a Scrivener to write, and then delivered it to Sir *Euble* himſelf, he falſely charged him with ordering things not referred, making of falſe Reports in two Cauſes without Warrant, Cauſe, or Colour, and that he was become a Party againſt him, and therefore required him to meddle no farther in his Buſineſs. And for this the Defendant was committed to the *Fleet*, and Fined 200 *l.* and to acknowledg his Offence at the Chancery-Bar, and at the Court of Great Seſſions for the County of *Denbigh*, and the Decree to be then Read.

But no damage to Sir *Euble*, becauſe he died before the Sentence.

Attornat. Regis Rel. Sir *Edward Powel* Knight and Baronet *ver.* Vanlore *Bart. & al.* Practice to get away a Bond to the prejudice of an Executrix.

The Defendant by practice with *Love* and his Wife, two of the Servants of Dame *Jacoba Vanlore*, his Mother Executrix of the Will of Sir *Peter Vanlore*, his Father Deceaſed, and for Bribes and Rewards to them given and promiſed, got into his hands a Bond of 16000 *l.* being the Goods of his Deceaſed Father; and belonging to his Mother, as Executrix, and then went to Sir *Sackville Crow*, one of the Obligors, and told him there were Suits like to grow between him the ſaid Defendant, and his ſaid Mother; and that if he would procure the Duke of *Buckingham*, for whoſe Debt the ſaid Bond was entred into, to aſſiſt him the Defendant to overthrow the Will of his Father, he would deliver up the Bond into the Dukes hands; and one of the Defendants being Arreſted at the Lady *Vanlores* Suit; four other of the Defendants, Armed with ſeveral ſorts of Weapons, Riotouſly Reſcued him, and beat and hurt the Bailiff that made the Arreſt, and conceiving that one *Bilmore*, the Lady *Vanlores* Servant accompanied the Bailiff to ſhew him the party to be Arreſted, they lay in Ambuſh for him, and at his coming Riotouſly beat him with their Staves, and brake one of his Arms. And the Defendant Sir *Peter Vanlore* endeavouring to fruſtrate a Conveyance made by his Father, and to keep his Mother from the Poſſeſſion of the Parſonages and Rectories of *Compton* and *Beenham*, did procure the other Defendants at ſeveral times, to go Armed in warlike manner into the Fields, and to take away ſeveral parcels of Corn, of ſeveral ſorts, belonging to the ſaid Lady *Vanlore*; ſome before it was Tithed, and ſome after; which the other Defendants by his Abetment performed in very Inſolent and Riotous manner, and threatned that if any came to reſiſt them they ſhould be ſoundly beaten; and for theſe Offences Sir *Peter Vanlore* was Committed to the *Fleet*, and Fined one thouſand Marks for his practice to procure the Bond, and five hundred Marks for procuring and maintaining the Riots, and pay the Lady *Vanlore* 11000 *l.* damage, unleſs he did by the firſt day of the next Term deliver her up the ſaid Bond of 16000 *l.* undefaced and uncancelled; and *Love* for his Treachery and Infidelity to his Lady, in delivering up the ſaid Bond was Committed and Fined 200 *l.* the Reſcuers and Reſcued, Fined a hundred Marks apiece, and the ſix Rioters 50 *l.* apiece, and all Committed to the *Fleet*; and Sir *Peter Vanlore* to pay the Fines of ſo many of the Rioters as are not able to pay it themſelves: and Sir *Peter* to make an acknowledgment, and ask Sir *Edward Powel* forgiveneſs; for ſaying Sir *Edward Powel* was a Fellow would ſay, or ſwear, any thing, which words were proved, but not Charged by the Information. *Quod Nota.*

Riotous Reſcue.

Riotous carrying away of Tithed-Corn.

Submiſſion for words not complained of.

Attornat. Regis *ore tenus ver.* Levingſtone *& al.* Practice to procure the Eſcape of a Priſoner out of the *Fleet*.

The Defendants practiſing with one *Leighton*, a notable Offender to procure his Eſcape out of the *Fleet*; *Levingſton* put off his Cloak, Hat and Breeches, being all of a Gray colour, and *Anderſon* his Doublet, and *Leighton* put them on, and in that Diſguiſe they all went out of the *Fleet* unſuſpected; but he was afterward taken again. And for theſe Offences, in reſpect of their Penitence, they were only Fined

500 *l.* apiece, and Committed to the *Fleet* during His Majeſties pleaſure.

Hill. 6 Car.

THE Defendant being a Popiſh Recuſant, and being Convented before Sir *John Bridgeman*, and Sir *Marmaduke Lloyd* Knights, Juſtices for the County Palatine of *Cheſter*, and County of *Flint*, and Accuſed to them to be a Popiſh Prieſt, was required to take the Oath of Allegiance, which he refuſing in open Court, he was Indicted and Attainted in a *Premunire*, and committed to Gaol. And thereupon, in revenge, he wrote a Libellous and Scandalous Letter to the ſaid Juſtices, taxing them with injuſtice; and after framed another Libellous Writing, which he intituled, *The ſtate of Flintſhire*, and therein Traiterouſly alleaged his Majeſty to be depoſed, the Authority of his Privy Council abrogated, the Biſhop of *Chalcedon* made King, the Inhabitants of *Flintſhire* his Slaves, and Sir *John* and Sir *Marmaduke* his Juſtices; and after contrived another Writing more Libellous unto them; and cauſed it to be delivered to the High Sheriff in open Court, wherein he termed the ſaid two Juſtices Traitors to the Kings Crown, and the State of the Common-wealth; and ſaith, they are Favourers and Furtherers of the ſaid Biſhop of *Chalcedon*. And for this he was committed to the *Fleet*, during his life, fined 1000 Marks, and be ſet on the Pillory at *Weſtminſter*, and at the Aſſizes for *Flintſhire*, with one Ear nailed at each place, and a Paper on his head declaring his offence, and there ſhew himſelf heartily ſorry and penitent.

Attorn. Regis ore tenus verſus Morgan.

Slander of the two Juſtices in the County of *Flintſhire*.

The Defendant *Tires* being Clerk to the Under-Sheriff of the County of *Lincoln*, and hearing that a Writ of *Fieri Facias* was ſued forth on the behalf of the Lady *Dymock* againſt the Plaintiff upon a Judgment of 200 *l.* directed to the ſaid Sheriff, did before any Writ delivered, and againſt the Will of the ſaid Lady, and her Solicitor, make a Warrant without Warrant upon the ſaid Writ directed to himſelf and the other Defendant *Winter*, one of the Sheriffs ſworn Bailiffs; and out of a greedy diſpoſition to gain to himſelf the benefit of the ſaid Execution, he, and the Defendant *Winter*, with others Armed, by colour of that Unlawful Warrant, went to the Plaintiff's Houſe, brake open the Stable door, and therehence, and out of the Yard drove away two Geldings, and nine young Beaſts of the Plaintiffs. And for this *Tires* and *Winter* were committed to the *Fleet*, fined 40 *l.* apiece, and to pay 50 *l.* damage to the Plaintiff.

Bincks *verſus* Beeſton *&* *al.*

Riotous taking away of Cattel by colour of a falſe Warrant.

50 *l.* damage.

The Defendants, contrary to his Majeſties Proclamation, prohibiting the Counterfeiting of Farthing-Tokens, or the making of any Engines wherewith they might be Counterfeited, being Confederates together, did, at ſeveral times, and ſeveral places make, and counterfeit great quantities of Farthings, like the Farthings allowed by his Majeſty, and made by his Patentees, and vented the ſaid counterfeit Farthings to ſeveral perſons at 24 *s.* 25 *s.* and 26 *s.* in Farthings for 20 *s.* in Current Money; and *Tailor* made the Stamps, and Rolls wherewith thoſe Farthings were made. And for theſe offences, in Contempt of the

Attor. Regis ore tenus verſus Taylor *and* Stephenſon.

Counterfeiting of Farthing-Tokens.

King's Proclamation, and to the abuſe and prejudice of the King's People and Patentees, they were committed to the *Fleet*, bound to their good Behaviours during Life: *Taylor* fined 1000 *l.* and *Stephenſon* 500 *l.* and both of them to be ſet on the Pillory with Papers on their Heads, declaring the nature of their offences, at *Weſtminſter*, *Cheapſide*, *York*, *Rippon*, *Biſhops Awkland*, *Newcaſtle*, and *Durham*, and there the Decree to be publickly read.

Monk *verſus* Blackburn *& al.*

Conſpiracy to accuſe the Plaintiff of Treaſon.

500 *l.* damage.

The Defendant *Dorothy Blackburn*, out of malice to the Plaintiff, for that he had cauſed her Husband to be Arreſted for Debt, Intercepted two of his Letters, and one Letter from his Attorney to him, and in his two Letters procured the other Defendants to inſert Treaſonable words, and Scandalous matter againſt the Lord *Gray*, and cunningly drop'd one of thoſe Letters in a Market-Town, ſo as it might come to her hands again, and then carried them to the ſaid Lord *Gray* (to the end to take away the Plaintiff's Life) who thereupon ſent his Warrant for him, and committed him (after Examination) to Priſon, and after ſent him to the Lords of the Council, who committed him firſt to the *Gatehouſe*, and then to the *Tower* to be Rack'd. And for this wicked Conſpiracy ſhe was committed, during his Majeſties pleaſure, bound to her good Behaviour during Life, and if ever his Majeſty enlarge her, diſabled ever to be a Witneſs in any Cauſe whatſoever, and be well whipt in the *Palace-yard* at *Weſtminſter*, ſtanding on a high place with a Paper on her head declaring her offence, and be branded in the face with the Letters *F* and *A*, ſignifying a Falſe Accuſer, and to ſtand in like ſort, and be whipt at *Leiceſter*. *Skellet*, her Agent, in carrying, and intercepting the Letters, committed, fined 100 *l.* and bound to his good behaviour: And *Betſon*, the Counterfeiter of the Letters, committed, fined 500 Marks, bound to his good Behaviour, diſabled ever to be a Witneſs in any Cauſe hereafter, and to ſtand on the Pillory at *Weſtminſter*, with a Paper on his head declaring the nature of his offence, and all of them to pay 500 *l.* damage to the Plaintiff.

Paſc. 7 Car.

Weſton Kt. *& al. verſus* Pargiter *Arm.*

THe Defendant was charged with the Publication of an Inſtrument, termed an *Innoteſcimus*, contrived, and obtained by undue practice, bearing Teſt in *February* 16 *Eliz.* under the Great Seal, containing an Indenture pretended to be dated 9 *Eliz.* and made between *Jo. Vaughan* Eſquire, Dame *Ann Knevet*, and *Thomas Knevet* on the one part, and *Edward*, then Lord *Windſor*, on the other part, of the Mannor of *Greatworth* in *Northamptonſhire*, and other Lands, and for juſtifying that *Innoteſcimus* to be a true and lawful Inſtrument, and a true Teſtimony of the Deed contained therein; but upon the Hearing the Defendant was cleared *à Pœna, & Culpa*; yet for that it did appear that this Inſtrument was not Inroll'd in the Rolls, as it ought to have been; and for that this Inſtrument differs in Form from all other like Inſtruments of *Innoteſcimus*, the Deed exemplified being Teſtified in this manner: *Cujus Tenor, ut dicitur, ſequitur in hæc verba*; the words, *ut dicitur*, in all other ſuch Inſtruments preceding the words, *Cujus Tenor*, ſo as this doth not import any certain Affirmation, or Teſtimony of the Deed to be then ſeen, but

An *Innoteſcimus* made void, yet the Defendant acquitted.

is rather a Teſtimony of a Report only of ſuch a Deed; and for that no Warrant can be found, or is produced from the Lord Chancellor, Lord Keeper, or Maſter of the Rolls for the Paſſing thereof, nor any accompt made for the ſame in the Hanaper; the Court adjudged the *Innoteſcimus* worthy of no Credit, and fit to be damn'd, and made void: and therefore did Decree, that neither the Defendant, nor any claiming under him, ſhould ever give the ſame in Evidence; but would not abſolutely damn it, becauſe it was alſo the Evidence of a third perſon, no party to this Suit; and left the final damage thereof, till the other be made a party.

Moor *Arm. ver.* Norris Knight *&* *al.*

Aſſaulting and giving the lye to a Juſtice of the Peace. Libels againſt a Juſtice of Peace.

Fifty pound 100 *l.* and 20 *l.* damage.

The Defendant being diſcontented, as it ſhould ſeem, at the Plaintiff about matter of Preſentments delivered in by the Church-wardens of his Pariſh, told the Plaintiff he had been too preciſe in examining the Church-wardens touching his, the ſaid Sir *Williams* not coming to Church, and that it was Ungentleman-like-dealing; and the Plaintiff anſwering him, that he was too credulous of the Speeches of the Church-wardens, concerning him the ſaid Complainant, and did therein wrong him; the Defendant Sir *William* thereupon gave the Plaintiff the Lye, and he returning it in his throat, the ſaid Defendant drew his Sword, and ſtrook the Plaintiff twice therewith, being then a Juſtice of the Peace: and the Defendant *Mercer* framed and publiſhed two Scurrilous and Infamous Libels againſt the Plaintiff, his Wife and Daughter: and *Bryers* alſo publiſhed one of the Libels at ſeveral times and places; and for theſe Offences *Mercer* was Committed to the *Fleet*, Fined 1000 *l.* bound to his Good Behaviour, during life, and diſabled ever to practiſe, as Attorney, in any Court, and if he were then an Attorney to be thrown over the Bar; and to ſtand on the Pillory at *Weſtminſter*, and at *Lancaſter*-Aſſizes with a Paper on his head declaring his Offence, and then to make an acknowledgment, and ask the Plaintiff forgiveneſs: *Bryers* Committed, and Fined 200 *l.* and Sir *William Norris* Committed, Fined 1000 *l.* and to pay the Plaintiff 50 *l.* damage, *Mercer* to pay 100 *l.* damage, and *Bryers* 20 *l.* damage to the Plaintiff, and in caſe *Mercer* be not able to pay his 100 *l.* then *Bryers* to pay that, and be freed of the 20 *l.* and the Decree to be Read at the Aſſizes at *Lancaſter*.

Caſton *Gent. ver.* Hitcham *Mil. ſervient. ad Legem.* Undue publiſhing of Libellous Articles againſt the Plaintiff.

The Defendant the morning before he went to the Seſſions, being a Juſtice of the Peace, received Scandalous and Libellous Articles againſt the Plaintiff, carried them to the Seſſions in his Pocket, and in open Court, in diſgrace of the Plaintiff, pulled them out, and ſaid, You ſhall ſee what a Lewd Fellow this is, and not fit to ſpeak in this place; and then cauſed the ſaid Libellous Articles to be Read in the Publick Seſſions, and the Plaintiff then deſiring a Copy of them, and to be Tryed upon them, the Witneſſes to prove them being noted in the Margin, the Defendant did not ſuffer him to have a Copy, or to be Tried thereupon, nor took any Courſe, that he might at the next Seſſions, or at any time after be queſtioned for them, but took the Articles again out of the Seſſions, and carried them away; and after farther to diſgrace the Plaintiff in his Practice, (being an Attorney,) ſent the ſaid Articles to Mr. Juſtice *Harvey*, at the Reference of a Cauſe to him, which *Caſton* attended; and a Jury having given a Verdict againſt the Defendant, he ſent for the Jurors, and queſtioned them about their Verdict, and told them they were

Reviling Jurors for giving a Verdict according to their Conſcience.
Nota.

a Company of Fools, and that if there had been but one wiſe man among them, their Verdict had not been ſo: and for theſe Offences he was Committed to the *Fleet*, and Fined 200 *l.*

In this Decree the getting of Jurors hands to a Note, to Impeach a Verdict, was held to be an Offence here puniſhable.

In this Cauſe the Defendant would have had Witneſſes to prove the matters of the ſaid Scandalous Articles to be true, but that was diſallowed by the Court.

Attornat. Regis ver. Ewer *Arm.*
Slander of the Earl of *Danby.*

One thouſand pound damage.

The Defendant at ſeveral times, in ſeveral places, and to ſeveral perſons, did, in Scorn, Diſgrace, and Contempt of the Earl of *Danby*, uſe theſe words, *viz.* my Lord of *Danby*, my Lord of *Danturd*, he is a Baſe Cheating Lord, and a Cozening Lord, and a Baſe Fellow, and I care not ſo much for him as I do for a Fart of my Arſe; I am a better man than he; he hath Cozened the Country people in taking away their Common, ſo as he hath the dayly Curſes of thouſands: and for this he was Committed to the *Fleet*, during His Majeſties pleaſure, bound to his Good Behaviour, during life, Fined 1000 *l.* pay 1000 *l.* damage, and at the Bar of this Court, and the Aſſizes at *Oxon* to acknowledg his Offence, and ask the ſaid Earl forgiveneſs.

Faulkland *Dominus verſus* Savage *Mil.* & *al.*

Miſdemeanor in a Sheriff to the Defrauding His Majeſty.

Slander of the Lord Viſcount *Faulkland* Lord Deputy of *Ireland*.

One *Philip Buſhen* being Accuſed of High Treaſon within the Kingdom of *Ireland*, for murdering of his Wife, the Plaintiff being then Lord Deputy, required the Defendant *Welden*, being then High Sheriff of the County, to Sequeſter his Goods and Chattels into ſure hands, (an Appraiſement or Inventory thereof being firſt taken) until the ſaid *Buſhen* was Tried, which he did, but Appraiſed the Goods under value; and the Defendant Sir *Arthur Savage*, by colour of an agreement between him and *Welden*, poſſeſſed himſelf of *Buſhens* Caſtle; and the Plaintiff afterward, for good cauſe directing a Commiſſion under the Great Seal of *Ireland*, to Authorize certain Commiſſioners to Inquire of, Take and Seize all the Lands, Tenements, Goods, and Chattels of the ſaid *Buſhen*, being then Convicted of the ſaid Treaſon, and to Inquire of the Values of them, and to prohibit all other Officers to Intermeddle therein: The Defendant Sir *Arthur*, would not deliver the poſſeſſion of the ſaid Caſtle to the Commiſſioners, and *Welden* claiming the Goods as Eſcheats, and Perquiſites of his Office, refuſed alſo to deliver them, until a ſecond Commiſſion was Awarded by the Lord Deputy for that purpoſe; and then the ſaid *Welden* did not make a true delivery of the proper Goods of the ſaid *Buſhen*, but kept one hundred and twenty of *Buſhens* beſt Sheep, and delivered the like number of other Sheep; ſome Marked with his own Mark, and ſome with Sir *Arthur Savages* Mark, and ſome with *Clarks* Mark, and ſent twenty of his Sheep to Sir *Arthur Savage*, and kept, and ſent away divers of *Buſhens* Goods Unappraiſed, to his own uſe, and without any accompt to His Majeſty, and the Defendants being diſcontended that the Goods were taken from them, a Rumor was then raiſed, that *Buſhen* had Injuſtice and hard meaſure done him in his Trial by the practice of the Plaintiff, and the Lord *Sarsfield*, the Judg before whom he was Tried. And the Defendant *Buſhen* then falſly and malitiouſly reported, that Sir *Terence Dempſie*, one of the Commiſſioners ſhould be paid his Grand-Childs Wives Portion out of

Buſhens Eſtate, and produced a Paper falſly containing that the Plaintiff procured the Lord *Sarsfield* to go that Circuit on purpoſe, that *Buſhen* might be Convicted, and that the Plaintiff cauſed his Goods to be delivered to Sir *Terence Dempſie*, as part of the Plaintiffs Daughters Marriage-Portion. And after theſe Rumors and Reports were ſpread in *Ireland*, then *Buſhen* the Son came into *England*, and procured a Petition to be preſented to His Majeſty containing divers Grievances touching the Execution of the ſaid *Buſhen* his Father, and that not ſucceeding, he intended to preſent his ſaid Grievance to the Commons Houſe of Parliament then Aſſembled, but was diverted from that Courſe by Sir *Arthur Savage*; who adviſed him to alter the direction of his Petition, and to preſent it to the Duke of *Buckingham*, and ſubtilely to Traduce the Plaintiff and his Government: adviſed him to pray a Commiſſion to examin the ſuppoſed practice; which advice *Buſhen* purſued, and the Duke having received his Petition, acquainted Sir *Arthur* therewith, and asked his advice, who contrary to his own direction, and cunningly to entrap the Plaintiff, diſſuaded the Courſe of a Commiſſion, and perſuaded the Duke, in reſpect the Buſineſs was Foul, to write his Letter to the Plaintiff to cauſe ſome Relief to be given to *Buſhens* Wife and Children, and ſo to ſtop their Mouths, which if the Plaintiff had given way to, it would have argued him foully Guilty: and the Duke directing his Secretary to prepare a Letter to that purpoſe, Sir *Arthur* Dictated the ſame unto him, and then affirmed the Contents of the Petition to be true, though he knew them to be falſe: and the Letter being written, it was delivered to the Defendant *Buſhen* to give unto the Plaintiff, who undertook ſo to do, but never delivered it. Yet after the Dukes death he opened the Letter, and annexed it to another like Scandalous Petition, and preſented it to the Commons Houſe of Parliament where it was publickly divulged to the diſhonor of the Plaintiff; and Sir *Arthur* gave out Speeches, both in *England* and *Ireland*, that if ever the Plaintiff were queſtioned about the matter of *Buſhen*, he would be found faulty, and that he ſent the Lord *Sarsfield* that Circuit, only to Execute the ſaid *Buſhen*: and for theſe Offences *Welden* was Committed, and Fined 1000 *l.* *Savage* Knight Committed, Fined 2000 *l.* to the King, and 3000 *l.* damage to the Plaintiff; and *Buſhen* Committed, and Fined 500 *l.* and both he, and Sir *Arthur Savage* to acknowledg their Offences at the Bar of this Court, and ask the Plaintiff forgiveneſs: Sir *Arthur Savage* to make the like acknowledgment and ſubmiſſion at the Council-Board in *Ireland*, and *Buſhen* at *Kildare* Aſſizes in *Ireland*, and this Decree to be there Read, and then Recorded, and Entred among the Records and Entries of the Caſtle-Chamber in that Kingdom.

Three thouſand pound damage.

Trinit. 7 Car.

Cooper *Cler. & al. verſus* **Crokey** *& al.*

THere having long been Suits between the Defendants *Crokey* and *Wright*, and the Plaintiff *Smith* touching certain Lands belonging to the School of *Wootton Underedge* in the County of *Glocester*, and the ſame being at laſt Decreed in the Court of Chancery againſt the Defendants, and a Leaſe thereof granted by the School to the Plaintiff *Smith*; the Defendant *Crokey*, malitiouſly contrived and cauſed to be Printed a great number of Libellous Books, and many of them to be Exhibited to

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Contriving, Printing, and Publiſhing Libellous Bohks.

the Lords and others then aſſembled in Parliament, and others, to be publiſhed in divers other places; and the Defendant *Wright* alſo publiſhed many of them, which Book contained much matter Scandalous to the Plaintiff *Smith*, and to the Courts of Juſtice, where their Suits had depended: and for this Malitious Libel, the Defendants were both Committed to the *Fleet*; *Crokey* Fined 200 *l.* and *Wright* 100 *l.* the Decree to be Read at the Aſſizes to clear *Smiths* Reputation, and *Crokey* then to acknowledg his Offence, and ask him forgiveneſs, and the Books to be there publickly burnt.

Waterhouſe *Gent. verſus* Ingram *Mil.*

Fine and damage on the Plaintiff *pro falſo Clamore.*

The Plaintiff by his Bill Charged the Defendant with ſeveral Forgeries, and other foul Offences, whereof he was able to make no manner of proof, but the Defendant gave clear and full ſatisfaction to the Court of his Innocence: and therefore the Court Fined the Plaintiff 500 *l.* and gave the Defendant 500 *l.* damage, and Ordered the Plaintiff to make a ſubmiſſion and acknowledgment to the Defendant in the Court, and at the Aſſizes at *York*, and there this Decree to be publickly Read, and after to make the like acknowledgment and ſubmiſſion at the Block at *Hallifax.*

Attornat. Regis ore tenus ver. Archer.

Hoarding of Corn to Enhance the Price.

The Defendant contrary to Law, and in Contempt of certain Ordinances ſet forth by His Majeſty, and of His Highneſs His Proclamation, and Directions of the Lords of the Council, did Engroſs and Buy much Seed, Wheat and Rye out of the Market, he having about eight Seams or Quarters of Wheat, and about ſixty one Seams or Quarters of Rye of his own growing that year; and having only ſix perſons in Family, did forbear to bring any of his own Corn to the Market until about the later end of *July*, after he was preſented by the Grand Jurors in *Eſſex*, for that the Overſeers of his Pariſh having bought of him five Quarters of Rye for Relief of the Poor at 7 *s.* 3 *d.* the Buſhel, he refuſed to deliver the ſame, unleſs they would give him 9 *s.* the Buſhel; but kept in his Corn, and had then at leaſt thirty Quarters of Wheat and Rye in his Houſe: and for this he was Committed to the *Fleet*, Fined one hundred Marks, and 33 *l.* to be divided among the Poor of his own Pariſh, and the Poor of other Pariſhes in that Hundred, at the Diſcretion of the two next Juſtices of the Peace, and to ſtand on the Pillory with a Paper on his head declaring his Offence, at *Weſtminſter*, *Newgate*-Market, *Leaden-Hall*-Market, and *Chelmsford* in *Eſſex.*

Morgan *Arm. verſus* Welch *& al.*

Riotous Reſcue.

Welch, Defendant, being Arreſted upon an Attachment out of the Court of Chancery, for non-payment of 10 *l.* Coſts to *Morgan* the Plaintiff, gave the Bailiff a blow on the Face, and immediately thereupon, being Aſſiſted by three other of the Defendants, Reſcued himſelf, Reviled the Bailiffs, and bid them fly or he would cut off their Legs: and for this Riotous Reſcue they were Committed to the *Fleet*, *Welch* Fined 100 *l.* and the other three twenty pounds apiece.

Ferriby *ver.* Houlding *& è contra.*

The Defendants to *Ferrebies* Bill riotouſly aſſaulted, beat, and wounded the Plaintiff, and one *Mullan*, and with their Weapons purſued them, and gave them divers wounds in their Heads, and other parts of their bodies; and *Houlding*, the Plaintiff in the other Cauſe, was ſtricken to the ground, and two of the Defendants lay upon him, and bit out a piece of his Cheek, and one of them with a Sword drawn gave the Plaintiff divers Blows on ſeveral parts of his Body. And for theſe Riots committed at one and the ſame time, four of the Defendants, in the firſt Cauſe, were committed to the *Fleet*, two of them fined 50 *l.* apiece, one 40 *l.* and the other but 20 *l.* in reſpect a piece of his Cheek was bitten out: And two of the Defendants, in the other Cauſe, were committed to the *Fleet*, and fined 40 *l.* apiece.

Mi. 7 Car. Croſs Riots.

Several Cauſes were publiſhed in this Court, wherein Witneſſes had been examined by Commiſſion in the Country; one wherein *Watſon* and his Wife were Plaintiffs againſt the now Plaintiff *Allen*, and others; and the ſaid *Watſon* perceiving, that his Witneſſes had not ſo Depoſed, as would ſerve his turn, to convict the Defendants, did, upon pretence of examining his Copies, obtain the Cuſtody of the Records in his Attorneys Chamber; and then to work his own ends, and to miſlead the Court in their Judgment, did at the Hearing raze, interline, and alter the Depoſitions of divers Witneſſes examined on his part, and made ſuch of them Poſitive and Affirmative for him, which were before Negative and againſt him. And for this he was committed to the *Fleet*, never to be enlarged, unleſs his Majeſty pleaſe to grant him a ſpecial Pardon, and if ever he be enlarged, then to be bound to his good Behaviour during Life; Fined 1000 *l.* be ſet on the Pillory at *Weſtminſter*, and then branded on the Forehead with the Letter *F*; and after to be in like ſort ſet on the Pillory at *Stafford*; and both the Cauſes, wherein the Commiſſions were falſified, diſmiſſed out of the Court.

Allen *verſus* Watſon.

Falſifying the Records of the Court of Star-Chamber.

Mich. 7 Car.

HIs Majeſty out of his Princely Care and Providence, to increaſe the Profits and Revenue of his Crown, and for the good of the Commonwealth, did, with the Conſent and Advice of his Privy Council, Article under his Hand, and Great Seal with the Relator to drain and make dry divers ſurrounded Grounds and Commons in the Counties of *Lincoln*, *Nottingham*, and *York*, which before yielded no benefit at all, but were oftentimes very prejudicial to the Inhabitants thereabouts by Inundations; and withal granted ſome part of the Grounds ſo to be drained and recovered by the Relators Induſtry, and at his Charge, to the ſaid Relator, reſerving a good Fee-Farm-Rent for the ſame; and the Relator was bound to drain and lay dry the ſaid Grounds. And his Workmen being at work thereabout, the Defendants and others, at ſeveral times, came unto the Workmen, and beat and terrified them, threatning to kill them, if they would not leave their Work, threw ſome of them into the River, and kept them under water with long Poles: And at ſeveral other times, upon the knelling of a Bell, came to the ſaid Works in Riotous and Warlike manner, divided themſelves into Companies to take the Workmen, and filled up the Ditches and Drains made to carry away the water, burned up the Working-Tools, and other Materials of the Relator and his Workmen, and ſet up Poles in the form of Gallows to terrifie the Workmen withal; and threatned to break their Arms and Legs, and beat, and hurt many of them, and made others flee away, whom they purſued to a Town with ſuch Terrour and Threats, that they were forced to guard the Town. And for theſe outrageous

Attorn. Regis per Rel. Vermuyden *verſus* Forkeſey *& al.*

Riotous oppoſing and deſtroying the Drain-works in *Lincolnſhire.*

rageous Riots, whereby the Relator was dammified 2000 *l.* the Defendants were all committed to the *Fleet*, bound to their good Behaviour; three of them fined 1000 *l.* apiece, one 500 *l.* and nine others 500 Marks apiece; all of them at the next Aſſizes, after their apprehenſion, to acknowledge their offences, the Judges ſitting, and pay 2000 Marks damage to the Relator.

2000 Marks damage to the Relator.

Leech *Mil. verſus* Waddington *Cler. & al.*

Champartie.

Maintenance.

Riotous taking away of Tyth-Corn.

There being difference between the Plaintiff and the Defendant *Waddington*, Vicar of *Cheſterfield*, touching the Tythes there; which the Plaintiff claimed as Leſſee to the Dean of *Lincoln*; the Defendant *Fuliambe*, being a perſon of great power in the County, took a Leaſe, for three years of the ſaid Tythes, from *Waddington*, at the Rent of 20 *l. per annum*; when as the ſaid *Waddington* was never in poſſeſſion of the ſaid Tythes, though he claimed them as belonging to his Vicarage, nor was in truth to receive any of the Rent reſerved on the ſaid Leaſe, which the Court held to be Campartie in them both. According to that Leaſe *Fuliamb*'s Servants took part of the Tythes, and the Plaintiff brought ſeveral Actions at Law for them, the Charges of which Suits, Sir *Francis*, by way of unlawful maintenance did bear; yet a Verdict paſſed againſt *Waddington*'s Title. Nevertheleſs the other Defendants with others, by the Abetment of Sir *Francis*, and *Waddington*, Riotouſly beat the Plaintiffs Work-folks, and carried away part of the ſaid Tythed Corn to the uſe of Sir *Francis:* And afterward, at ſeveral other times, the Defendants, and others Nick-named, took away Tythes from the Plaintiffs Servants, trod ſome under foot, and threw ſome into the water, carried ſome away to *Fuliamb*'s uſe, and wiſhed the Right might be tried by force, and therewith cried, *A Fuliamb, a Fuliamb*, and *Waddington*'s Servant and Horſe helped to carry part of the ſaid Tythes for *Fuliamb*'s uſe; and for theſe offences they were all committed to the *Fleet*, Sir *Francis Fuliamb* fined 500 *l. Waddington* 50 *l.* two of the Rioters 200 Marks apiece, and two others of them 100 *l.* apiece.

Dalton *Cler. verſus* Beck *& al.*

Libellous words againſt a Miniſter.

50 *l.* damage.

The Defendant *Eleanor Beck* did falſifie, and did Libellouſly publiſh, and give out ſpeeches at ſeveral times, and to ſeveral perſons, that the Plaintiff had got her with Child, and falſely named the time and place when, and where it ſhould be done; and *Richard Beck*, her Husband, ſaid his Wives Report was true; although they now both ſwear they believe the Plaintiff to be innocent of any ſuch Crime; and *Heyton*, another of the Defendants, out of malice to the Plaintiff, publiſhed and ſaid, that the Plaintiff lived in Adultery with the Pedlers Wife; and that *a Prieſt had gotten a Pedlars Wiſe with Child*, meaning the Plaintiff and the Defendant *Eleanor Beck*; and for this, *Beck* and his Wife were committed to the Houſe of Correction, to be ſet at work three Months, and be well whipped, and fined 40 *l.* apiece; *Heyton* committed, and fined 100 Marks; all of them to ask the Plaintiff forgiveneſs in his Pariſh-Church, and at the Aſſizes where the Decree ſhall be read; and alſo pay the Plaintiff 50 *l.* damage.

Attorn. Regis verſus Rogers *& al.*

The Defendant *Rogers*, being of mean Eſtate, and knowing one *Jane Cockaine* to be under the Age of eleven years, and his Majeſties Ward, and that an Eſtate of 300 *l. per annum* deſcended to her upon the death of her Father, practiſed with the other Defendant *Mary Partridge*, who attended the ſaid Ward, to procure the ſaid Ward without the conſent

or

Mic. 7 Car.

Practice to Contract for Matrimony with a Ward but eleven years old.

or privity of her Mother, to whom the Cuſtody of her was committed, to contract her ſelf for Marriage with the ſaid *Rogers*, which they effected by the ſaid *Partridge* her admittance of the ſaid *Rogers* privately into the ſaid Wards Mothers Houſe by night, and bringing the ſaid Ward being in Bed, down in her Arms to the ſaid *Rogers*; and there cauſed her to ſubſcribe to a Writing, purporting a Contract, in the preſence of one whom they cauſed to ſwear not to reveal it; and then they procured one *Dunſterfield* to ſwear that the ſaid Ward was ſixteen years of Age, and had the Conſent of her Mother to Marry the ſaid *Rogers*, and upon that falſe Oath procured a Licence for their Marriage, and after endeavoured to have married her without her Mothers privity in *Greenwich-Park*; but being prevented, they procured her again to uſe words of Contracting her ſelf with the Defendant *Rogers*. And for this they were committed to the *Fleet*: *Rogers* fined 2000 *l.* and *Partridge*, in reſpect of her penitency, but 40 *l.* and *Rogers* not to be enlarged of his Impriſonment until the ſaid Ward ſhould by Legal Courſe and Sentence in the Eccleſiaſtical Court be freed of the ſaid Contract.

He that made the falſe Oath to procure the Licence, could not be brought in to anſwer.

Attorn. Regis ore tenus verſus Hammond *& al.*

The Defendant *Owen ap Richard* in contempt, and contrary to his Majeſties Proclamation, and Letters Patents prohibiting the making, or uſing of any other Farthings than thoſe which were made by his Highneſs Patentees, and prohibiting the Counterfeiting the ſaid Farthings, or making any Engines wherewith to counterfeit the ſame, did make ſo many Counterfeit Farthings of Copper, as came to 5 *l.* in Money, and ſpent, and vented them for his own uſe; and the Defendant *Hammond* lent other Counterfeiters of Farthings Money to buy Tools wherewith to Counterfeit the ſame, and provided them a Working-place, and bought them Copper to make Farthings withal, where they did work, and make Farthings, and gave him part thereof, allowing 25 *s.* in Farthings for 20 *s.* Sterling; and thoſe Farthings *Hammond* ſpent and diſburſed, as good Farthings, knowing them to be Counterfeit. And for theſe Contempts and Deceits they were committed to the *Fleet*, and fined 500 *l.* apiece, be ſet on the Pillory in *Cheapſide*, and then be carried to Bridewell, there to be ſet and kept to work, during his Majeſties pleaſure, and not be thence enlarged, but by a ſignification of his Highneſſes pleaſure under his Hand and Seal.

Counterfeiting and uttering falſe Farthing Tokens.

Attorn. Regis ore tenus verſus Taylor *& al.*

The Defendant *Taylor* bought twenty Quarters of Barley in the Market, but the Corn was never brought to the Market, and did not bring any Corn of his own that year to the Market, nor ſell any, although he had 100 Quarters of Barley, 10 Quarters of Wheat, and 10 Quarters of Rye of his own growing that year, and had but fifteen perſons in Houſhold. And all the other Defendants, being ſix in number, did, in like ſort buy much Corn out of the Market, and brought none of their own to the Markets that year, although they had great quantities growing; but ſome of them ſold divers quantities out of the Market, although they did know of his Majeſties Proclamation, and the Book of Orders ſet forth that year for ſerving the Markets with Corn, to the end the Price might not be enhanced. And for theſe Offences, which the Court adjudged to be Offences, as well againſt the Common Law, as his Majeſties Proclamation, and the Book of Orders ſet forth by the Lords of the Council, the Defendants were all committed to the *Fleet*, fined 100 *l.* apiece, and at the Aſſizes for *Norfolk* Publickly to acknowledge their

Hoarders of Corn to enhance the Price. Buying and ſelling out of the Market.

their Offences in the face of the Court, the Judges and Juſtices ſitting, and the Court did forbear putting Ignominious Puniſhment on them, becauſe that they alleaged in their excuſe, that the Juſtices, after their Poor were provided for, gave them Licence to diſpoſe of the reſt of their Corn as they pleaſed. This Licence the Court held did extenuate, but not excuſe them; and declared it to be a great offence in the Juſtices to give them ſuch Licence.

Attorn. Regis verſus Carrier *Cler. & al.*

Riotous taking the *Guiſter* Ore.

The Defendant *Carrier*, taking upon him the Office of Bar-maſter, wherewith he had nothing to do, appointed the other Defendants to be Deputy-Bar-maſters within the Wapentake of *Wirkeſworth*; and the ſaid Deputy-Bar-maſters, by the Abetment and encouragement of the ſaid *Carrier*, and his Wife, did, at ſeveral times, demand, exact, and take by force and ſtrong hands *Guiſter* Ore from divers of the Miners there, alleaging it to be their due: And *Carrier* ſaid, they ſhould not meaſure their Ore, unleſs they would pay *Guiſter* Ore, and ſaid, the Bar-maſters might take what they pleaſed, and he would bear them out in it. And all the Defendants, at ſeveral times, repaired to one *Buxton*'s Grove, or Cove, and at one time brake open the Cove, and took away one Diſh of *Guiſter* Ore by Force and Violence; and another time *Noton* by *Carriers* Wives Procurement took from them one other Diſh of *Guiſter* Ore; and another time from one *Hill*, as much *Guiſter* Ore, by colour of the ſaid Office. And at another time they all came in Forcible and Riotous manner to *Buxton*'s Grove; and there by force offered to take away ſix Load of Ore; and being reſiſted, *Carrier* ſaid, he was Bar-maſter, Judge, Juſtice, and Lord of the Mine, and whoſoever reſiſted, he would ſet them in the Stocks by the Neck, Middle, or Legs; and *Carriers* Wife drew forth a long Knife, and ſaid, ſhe would take a ſhorter Courſe with them: And being deſired to put up her Knife, ſhe ſaid, it was but a hanging-matter if ſhe killed one of them. And for theſe Riots, and forcible taking away of *Guiſter* Ore (*pendente Lite* in the Dutchy) they were all committed to the *Fleet*. *Carrier* fined 500 *l.* his Wife 100 *l.* *Noton* 100 Marks, *Wright* 50 *l.* and two others 20 *l.* apiece; *Carrier* diſabled, and made Incapable to have, or to deal or intermeddle in the Execution of the Office of Bar-maſter, or to hold, or execute any Temporal Office of Judicature; and referred to the Lord Keepers Conſideration, whether he be fit to be a Juſtice of Peace any longer.

Nota.

The Defendant *Carrier* appeared to be guilty of ſeveral other Offences committed with a high hand, by colour of the Office of Bar-maſter, both in the Bar-moot-Court, upon Trial of Cauſes, in Managing, Countenancing, and Directing the Suits, or Matters there Depending, and the Jurors what to find, and of divers Examinations, and Extortions; yet the Court would not ſentence him for them, becauſe they were complained of only in a general Charge of Oppreſſion, and Extortion, not naming any particulars thereof, in what Cauſes, or between what Perſons, or of whom the ſaid Extortious Fees were exacted, taken, and received. And for other Offences, proved but by one ſingle Witneſs, he was referred to the High-Commiſſion-Court.

Hill. 7 Car.

Attornat. Regis verſus Greenvile *Bar.*
Slander of the Earl of *Suffolk.*

THE Defendant upon Conference with one *Taylor* touching the Earl of *Suffolk*, did in the preſence of two or three others, maſitiouſly, and diſgracefully ſay, and affirm, that the ſaid Earl of *Suffolk* was a baſe Lord, and had dealt baſely with him; and that he would make him repent it, and ſhortly after wiſhed *Taylor* to tell him ſo; and afterward told one *Brabant* what he ſaid to *Taylor* of the ſaid Earl; that he was a baſe ignoble Lord, and had dealt baſely with him, and that he had wiſhed *Taylor* to tell him ſo: and for this he was Committed to the *Fleet* during His Majeſties pleaſure, Fined 4000 *l.* to make an humble acknowledgment and ſubmiſſion to the ſaid Earl in this Court, as this Court ſhould direct, and pay him 4000 *l.* damages.

Four thouſand pound damage.

Bacon *Arm. ver.* Carter, Oviat *& al.* Killing His Majeſties Deer in *New-Foreſt.*

The Defendants *Carter* and *Nicholas* did, at ſeveral times, by night Hunt, Shoot, and Kill divers of His Majeſties Red and Fallow Deer in *New-Foreſt*, and the Purlues thereof within the Plaintiffs Walk, and carried the ſame away, and diſpoſed thereof: and for this they were Committed to the *Fleet*, and Fined 100 *l.* apiece, and after they have been Priſoners a while in the *Fleet*, then to be ſent into the Country, and Committed to the Houſe of Correction, until they ſhall give ſecurity to the Juſtices in *Eyre* to be of Good Behaviour ever after toward His Majeſty and his Game there; and *Whitmerſke*, one other of the Defendants whoſe Offence ſtood proved but by one Witneſs, ſo as the Court could not Fine him, was Ordered to be alſo bound to his Good Behaviour before the Juſtices in Eyre, as the others were.

Bayncham *ver.* Grymes *& al.*

Grymes uſing the Trade of making and ſelling of Hat-Bands, made ſeven or nine Hat-Bands of Silver intermingled with Copper-thred, and made twelve Dozen of Silver and Gold Hat-Bands mixt with Purl and Oes of Copper double-gilt, and ſold them all for good and perfect Ware, made of good Gold and Silver; and *Wood* being a Spinner of Gold-thred, and maker and ſeller of Gold and Silver Hat-Bands, did deceitfully make and cauſe to be made three or four Dozen of Hat-Bands Trimmed with Copper Oes, and ſold the ſame; and *Knight* uſing the Trade of making and ſelling of Gold, and Silver Hat-Bands, did in the making up of twenty Dozen of Hat-Bands uſe, and work half an Ounce of Copper Oes, and Purl, and ſold them for all perfect Gold and Silver: and for theſe Deceits and Abuſes they were Committed to the *Fleet*; *Grymes* Fined 50 *l.* *Wood* and *Knight* 20 *l.* apiece, and all to be bound with good Sureties never to offend in the like kind hereafter. The Decree to be read at the *Guild-Hall*, *London*, at the next General Meeting of the Lord Mayor and Liveries there; and then the ſaid Defendants to make a publick acknowledgment of their Offences, and the Lord Mayor required to make ſearch for all ſuch Deceitful Ware, and to ſee it deſtroyed.

Deceitful mixing of Copper Purl and Oes in Silver and Gold Hat-Bands.

Note.

Knight was Fined for matter not Charged in the Bill, but confeſſed by him on his Examination.

Paſc. 8 Car.

Attornat. Regis verſus Caston *Attorney.*

Champarty in Buying his Clients Judgment.

Oppreſſion by Multiplicity of Actions Vexatious, and Arreſts on Writs of priviledg.

Suing in other mens names without their privity.

Filling up of Blank Warrants.

Ambodexter.

Reproachful words to a Juſtice on the Bench.

THE Defendant being Attorney for one *Armiger* and *Goddard*, put a Bond of 100 *l.* in Suit againſt one *Walton*, and obtained Judgment thereupon, and upon that Judgment Sued forth a Writ of *Fieri Facias* to Levy the ſaid Debt with 5 *l.* Coſts, and procured a Warrant thereupon to be directed to the Defendant *Walton*, who by vertue thereof, took in Execution Goods of the ſaid *Walton*, which were valued at 77 *l.* 18 *s.* 6 *d.* which being ſold, *Caſton* received the mony, and then refuſed to deliver either the mony or Goods to the Sheriff, yet cauſed the Sheriff to be amerced 40 *l.* for not returning his Writ, the ſaid *Caſton* having before bought the ſaid Judgment of his Clients, which the Court Judged to be Champarty; and *Caſton* afterward Sued forth an *Elegit*, and extended the Moity of the ſaid *Waltons* Lands for the reſt of the Judgment, and *Goddard* his Client, had only 5 *l.* for his ſhare of the ſaid Judgment: and one *Jenner* owing *Caſton* 20 *l.* upon a Bond, which was forfeited, being made payable on a *Sunday*; *Caſton*, although the mony was tendred him the day before it was due, and the day after, procured *Jenner* to be Arreſted by the Defendants *Walton* and *Gonnel*, his ſpecial Bailiffs, upon a Writ of priviledg, whereupon *Jenner* acknowledged a Judgment with a Defeaſance, and paid the mony at the day. Yet the Defendant *Caſton*, for vexation, took advantage againſt the Bailiff of the Liberty of St. *Etheldreds*, and five of his Bailiffs for Arreſting the ſaid *Jenner*, and taking him out of the Cuſtody of the ſaid *Walton* and *Gonnel*, who had Arreſted him at *Caſtons* Suit, but would not acknowledg it, though they were asked, and cauſed *Walton* and *Gonnel* to return a Reſcue againſt them, and the five Bailiffs were thereupon Fined, Impriſoned and Out-lawed; and yet *Caſton* not therewith ſatisfied, cauſed all the ſaid Bailiffs to be Arreſted upon ſeveral Actions, and ſeveral Writs of priviledg, for the ſame Reſcue, at his Suit, and brought one of the Actions down to Trial, but would not proceed; and the reſt, being Arreſted, gave Bond to the Sheriff to appear, but did not, in reſpect they were not able to find ſpecial Bail; and then *Caſton* got from the Under-Sheriffs Clerk their Bonds to the Sheriff, and without the Sheriffs conſent, put them all in Suit, ſeverally, againſt them and their Sureties, to their great Charge and Vexation. The Defendant *Caſton* alſo procur'd ſeveral Blank Warrants from the Under-Sheriff with the Sheriffs Hand and Seal thereunto, and filled up ſome of them by inſerting the names of Special Bailiffs. He alſo Sued one *Hills*, both in the Court of Kings Bench, and Court of Common Pleas for one and the ſame Debt, and made him pay the Charges of both Suits. He alſo Sued forth Execution upon a Judgment againſt his own Client, and offered mony to have it Executed. He alſo taxed Sir *Robert Hitcham* Knight publickly ſitting on the Bench with other Juſtices, at a General Seſſions, that he was partial, and not indifferent in a Matter then in Diſpute, and was not fit to hear the Buſineſs, for that he bore Malice to the Party, and that he was both Witneſs, Judg, and Party, and would not deſiſt until he was Committed, and bound to his Good Behaviour. And the ſaid Defendants practice with a Maid-Servant of Sir *Robert Hitchams*, and with her Mother, procured her Treacherouſly to take a parcel of Articles out of her Maſters Chamber-window, which were delivered him againſt

Paſ. 8 Car.

Caſton, and to ſend them to him the ſaid *Caſton*; and would have perſuaded her falſly to have ſworn, that they were written by her Maſter. *Walton*, having Arreſted one *Burd* ſeveral times, refuſed to take Bail upon both Arreſts, but beat, kicked, and dragged him, becauſe he would not go to the Attorney againſt him: and the Defendant *Gonnel* at *Bury*-Aſſizes, at the Trial of a Cauſe between one *Spooner* Plaintiff againſt *Threlkeld*, by Perſuaſions, Threats and Bribes, procured two of the Plaintiffs Witneſſes to go away before they had given their Evidence, ſo as the Plaintiff was forced to be Non-Suited: and for theſe ſeveral Offences *Caſton* was Committed, Fined a thouſand Marks, thrown over the Bar, and diſabled ever to be an Attorney; the Decree to be read at the Aſſizes, and there *Caſton* to acknowledg his Offences, and ask Sir *Robert Hitcham* forgiveneſs: *Gonnel* Committed and Fined 100 *l.* bound to his Good Behaviour, and diſabled to be a Bailiff; and *Walton* bound to his Good Behaviour, and diſabled to be a Bailiff ever after; but not Fined, in reſpect his Offence ſtands proved but by one Witneſs. *Quod Nota.*

A Bailiff beating his Priſoner.

Indirect procuring Witneſſes to depart, and not give Teſtimony, being called.

Nota.

Smith *verſus* Stoner & *al.*

Fraud.

John Stoner by the advice of *Angelo Stoner*, his Brother, after the Deceaſe of one *Henry Eveſeed*, made an Aſſignment in Writing to the ſaid *Angelo* of a ſuppoſed Leaſe, which he pretended the ſaid *Eveſeed* had made to him the ſaid *John* in his life time, of all his the ſaid *Eveſeeds* Lands for ninety nine years, and in that Aſſignment expreſſed a pretended conſideration of 500 *l.* to be paid to the ſaid *John* by his Brother *Angelo*, for the ſaid Aſſignment, and the ſame was Signed, and Sealed, as an Aſſignment of a Good Deed made *bonâ fide*, and ſo publiſhed by the Defendants, who confeſs they never knew of any ſuch Leaſe, as is mentioned in the ſaid Aſſignment, neither was there any one penny of the pretended 500 *l.* conſideration paid, or intended to be paid by the ſaid *Angelo*, to the ſaid *John* for the ſaid Aſſignment: and for this new kind of Fraud to Diſturb Titles and Eſtates, the ſaid Defendants were both Committed to the *Fleet*, and Fined 200 *l.* apiece. This Sentence was grounded upon Matter confeſſed, but not Charged by the Bill. This Suit was alſo for the forgery of a Will, but the Court would not proceed to damn the Will, becauſe the parties charged with the Forgery died, *Pendente Lite*; and for that the Lands in queſtion by the Will of one of the Defendants Deceaſed came to an Infant, His Majeſties Ward, no party to the Suit.

Nota. On Confeſſion, not in the Charge of the Bill.

Trin. 8 Car.

Young *Gen.* & Sales, *ſervus ſuus ver.* Broughton *Arm.* & *al.*

THE Defendant *Broughton* coming unto the Chappel of Eaſe in *Charnes* in *Com. Stafford* to hear a Sermon, placed himſelf in a Seat, where the ſaid *Sales* then was by his Maſters direction, being a Seat whereto Mr. *Broughton* claimed an Intereſt, and holding *Sales*, being *Youngs* Plow-man, unfit Company to ſit with him, and conceiving it was done to affront him (as in truth it was) the ſaid Defendant wiſhed *Sales* to go forth of the Seat, which he refuſing, *Broughton* took him by the Hair, or Ear, with one Hand, and therewith, and with his other Hand forcibly thruſt him out of the Seat, and threw his Staff after him, which *Young* perceiving intended to go ſit there himſelf, and in the Sermon-time endea-

Diſturbance in the Church in Sermon time.

endeavoured ſo to do, but *Broughton* perceiving him coming, met him at his entrance, took him by the Collar of his Doublet, and haſtily thruſt him backward, ſaying he ſhould not ſit there, whereat the Preacher made a pauſe: and for this he was Committed, and Fined 100 *l.* but no Coſts on either ſide.

Broughton *Arm. verſus* Young *& al.*

Diſturbance in the Church.

The Defendant *Young*, ſeeing the Plaintiff put *Sales*, the ſaid *Youngs* Plow-man out of the Seat, where the ſaid *Broughton* was to ſit in the Chappel of *Charnes*, and where *Young*, and his Anceſtors alſo uſed to ſit, being the Chief Seat there, roſe out of his own Pew in the Sermon-time, and endeavoured violently to get into the ſaid Seat, but was reſiſted by the Plaintiff, to the diſturbance of the Preacher and people: and for this diſturbance *Young* was Committed, and Fined 50 *l.* the diſturbance being occaſioned by the ſaid *Youngs* placing his Plow-man in the uppermoſt Seat, to ſit with the Plaintiff, which the Court miſliked, and Condemned; yet ordered neither ſide to have Coſts.

Jackſon *Mil. ver. Dominum* Savile *& al.*

Riotous Aſſault and Diſgraceful uſage of the Plaintiff.

Two hundred and fifty pound [damage.

The Lord *Savile*, out of Malice, and to Diſgrace and Affront the Plaintiff, did by color of preſervation of His Majeſties Game, come into *Materfriſton* Fields with twenty or thirty others in his Company Armed, where the Plaintiff, with divers other Gentlemen were, by the leave of Mr. *Vavaſor*, who had free Warren in the Mannor, Hunting the Hare, and applying himſelf to the Plaintiff, with a frowning diſcontented Countenance, ſaid, Sirrah, by what Authority do you Hunt here? and the Plaintiff anſwering, by Mr. *Vavaſors* leave: the Lord *Savile* in diſgrace of the Plaintiff replied, Sirrah be gon, or I will ſend you packing, I ſcorn both you and Mr. *Vavaſor*: and thereupon he and divers others of his Company drew forth their Swords, and the Lord *Savile* furiouſly aſſaulted the Plaintiff, who had nothing to defend himſelf but his Hunting-Pole, and purſued, and chaſed him about the Field, called him Coward, challenged him to Fight with him, and in diſgrace told him, a Pot of Ale was fitter for him than a Sword; yet the Plaintiff to avoid Bloodſhed, neglected his provocations, and went out of the Field: and for theſe Offences the Lord *Savile* and *Graunt*, who alſo drew his Sword, and purſued the Plaintiff, were Committed to the *Fleet*; the Lord *Savile* Fined 1000 *l.* and *Graunt* 200 *l.* but the Lord *Savile* to pay that alſo, if he be not able, and he to pay 250 *l.* damage to the Plaintiff, and make him ſuch other Reparation for his foul and diſgraceful Speeches, as this Court ſhould direct.

Dymock *Arm. verſus* Chambers *&* Dee. Champarty and Maintenance.

The Defendants after a ſpecial Verdict given up by the Jury, upon a Trial touching certain Lands in Controverſie between the Plaintiff, and one *Jenkins*, did by way of Unlawful Champarty buy the ſaid *Jenkinſes* Eſtate in the Lands in Controverſie, and procured a Deed thereof to be made to the Defendant *Chambers*, but to *Dees* uſe, and a Fine to be Levied; and did by way of Unlawful Maintenance of the ſaid Suit, aſſiſt *Jenkins*, and retain Council, and an Attorney, and gave them Fees, and the Clerks employed in the Buſineſs; and after the ſpecial Verdict Argued, and given for the Plaintiffs Title, the Defendants Sued forth, and at their own Charge Proſecuted a Writ of Error in the Court of Kings Bench, in *Jenkinſes* name, and Agreed, that if *Dee* did not pay *Chambers* all the mony he diſburſed at the end of the Suit, *Chambers* ſhould have the Land: and for this they were both Committed; Fined

Mi. 8 Car.

30 *l.* Damage.

fined 100 *l.* apiece, 30 *l.* damage to the Plaintiff; and the Decree to be read at the Aſſizes in the County of *Flint*.

Michael. 8 Car.

Smith & *al.* *verſus* Tufton *Armig.* & *al.*

Libel.

100 *l.* damage.

THe Defendants *Harriſon* and *Spyer*, at ſeveral times, and places, and in preſence of ſeveral Perſons, publiſhed an infamous Libel, which they called, *Verſes made of the purer ſort*, to the ſcandal and diſgrace of the Plaintiffs, whom all the Defendants confeſs to have lived in good repute, and to be of honeſt Life and Converſation. And the Defendant *Tufton* having procured a Copy of the ſaid Libellous Verſes from *Harriſon* and *Spyer*, he publiſhed them to divers Jurats of the Town of *Rye*: And after he was told, he would be puniſhed for it, he gave his Copy to a Gentlewoman, and told her, that Libel was intended by the Plaintiffs. And the Defendant *Martin*, upon Conference about the ſaid Libel, ſaid, he would bear out him that was the Contriver of them though it coſt him 100 *l.* and ſaid the Libel was true, and that the Plaintiff *Smith* lay with the Plaintiff *Martha Oſmonton*, and therefore it was not a Libel, but a True Bill. And for this they were committed to the *Fleet*, *Martin* fined 500 Marks, the other three 200 *l.* apiece, and 100 *l.* Damage to the ſurviving Plaintiffs, one being dead; *Martin* bound to his good Behaviour, and all of them to acknowledge their Offences, and great Injury done to the Plaintiffs, both at this Bar, and at *Rye*, in the preſence of the Plaintiffs, and the Mayor, and Jurats there, and ſhew themſelves heartily ſorry for the ſame.

Dr. Peterſon *Deacon of* Exeter *verſus* Travers *Cler.* & *al.*

Conſpiracy to accuſe the Plaintiff of Incontinency.

250 *l.* damage.

The Defendant *Travers*, upon ſome heart-burning and diſcontent taken againſt the Plaintiff for croſſing his Advancement to the Place of a Canon-Reſidentiary in the Church of *Exeter*, did conſpire with the Defendant *Froſt*, and *Katharine Bampton*, his Daughter, falſely, and maliciouſly to accuſe the Plaintiff with the foul Crime of Incontinency with her the ſaid *Katharine*, which the ſaid *Katharine* was drawn to do, partly by Wine, and partly by Promiſes and Importunities. And for this, *Travers* was committed to the *Fleet*, fined 1000 *l.* to the King, and 250 *l.* damage to the Plaintiff, and to make his acknowledgment, and ask the Plaintiff forgiveneſs at this Bar, and at the Aſſizes at *Exeter*, and the Decree to be then read. *Froſt* committed to the *Fleet*, during his Majeſties pleaſure, bound to his good Behaviour, fined 500 *l.* to be ſet on the Pillory at *Exeter*, with a Paper on his head declaring his offence, and there to make an acknowledgment, and ask the Plaintiff forgiveneſs, the Decree being read: And *Katharine Bampton* committed to the *Fleet*, thence to be carried down into the Country, to be well whipp'd at *Cullampton*, and through the City of *Exeter*; and then committed to the Houſe of Correction a year, and before her enlargement find Sureties for her good Behaviour. Others of the Defendants reproved, and left with a *Non Liquet*, and all the Records in this Cauſe, ſaving the Plaintiffs Bill, and this Decree, as alſo all Copies thereof to be called in, and burned, that no Scandal remain to the Plaintiff hereafter.

Pelham *Bar.* *verſus* Lunsford *Jun.* & *al.*

The Defendant *Lunsford*, having conceived diſpleaſure againſt the Plaintiff, did, together with the other Defendants in *January* 5 *Car.* go into

Riotous hunting and killing the Plaintiffs Deer, and beating the Keepers.

into the Plaintiffs Park, and there by day, and night, being provided with Grey-hounds, and armed with ſeveral unlawful Weapons, and there hunted, and killed one Male Deer, and a Doe, and a Fawn, and carried away the Male Deer, and left the Doe and Fawn behind; and the Plaintiffs Keepers hearing the Bray of a Deer, and coming in unto them, the Defendant *Lunsford* with a long Staff gave one of them ſeveral blows, one on the ſhoulders, and another on the back; and another of the Defendants with a Foreſt-Bill knock'd down the other Keeper, and whilſt he was on the ground, he was run through the Back, and ſo into the Breaſt, three or four Inches deep, with a Rapier; and one of them took a Piſtol from his ſide, and ſwore he would ſhoot the Rogues, meaning the Keepers, and told them they ſhould never come back if they followed them; and *Lunsford*, at ſeveral other times by day, and night, in ſeaſon, and out of ſeaſon, did, in revenge, hunt, kill, and carry away the Plaintiffs Deer; and upon Conference with one Mr. *Levet* touching his hunting, and killing the Plaintiffs Deer, he uſed many words of ſcorn and contempt againſt the Plaintiff, terming him Fool, and ſaying, He cared not a Fart for him. And for this, *Lunsford* was committed, fined 1000 *l.* bound to his good Behaviour, with Sureties 10 *l.* apiece Lands in the Subſidy in the Sum of 2000 *l.* and in reſpect he is fled into another Kingdom, to ſhun the Juſtice of this Court; They held fit, his Majeſty ſhould be moved for his Privy Seal to command him to come over, which if he did not do by *Whitſuntide* next, his Fine then to be doubled, and he to endure three years Impriſonment when he did return: The other two committed to the *Fleet*, fined 200 *l.* apiece, and bound to their good Behaviour; and all the Defendants to acknowledge their offences at the Quarter-Seſſions in the County of *Suſſex*, and pay the Plaintiff 500 *l.* damage, and 200 *l.* damage to the Plaintiffs Keepers.

500 *l.* damage to the Plaintiff, 200 *l.* damage to the Keepers no Parties to the Suit.

Attorn. Regis verſus Steward *& al.*

The Defendants, with about five hundred others in their Company, 28 *Mar.* 7 *Car.* aſſembled themſelves in *Feckenham* Foreſt, upon that part thereof, which upon the Diſaforeſtation was allotted for his Majeſties part, and wherein his Majeſties Farmers had made and ſet up Hedges and Ditches, about three Miles in length, and did there, with Spades, Shovels, and Pitch-forks, in Riotous and unlawful manner throw down about 1000 Perches of the ſaid Fences: And the Sheriff and Juſtices coming thither, making Proclamation, and commanding them to depart, and give over their ſaid Riotous Actions; they not only refuſed ſo to do, but alſo Riotouſly aſſaulted the Sheriffs Company that came with him to ſuppreſs the Riot, threw ſtones at them, hurt divers of them, and beat them back, and would not be drawn to yield any obedience. And for this they were all committed to the *Fleet*, fined 500 *l.* apiece, bound to their good Behaviours, and at their own Charges between that and *Chriſtmas*, repair, and make up all the Ditches, Hedges, and Fences by them and their Confederates Riotouſly thrown down, and what in them lie, ſave the ſaid Fences from farther ſpoil hereafter; the Decree to be read at the next Quarter-Seſſions for *Worceſterſhire*, and then the Defendants publickly to acknowledge their offences, and ſhew themſelves ſorry for the ſame.

Riotous deſtroying the Incloſures in *Feckenham* Foreſt.

Attorn. Regis [illegible] Jupp.

The Defendant in *July* laſt bought in *Leadenhall*-Market 110 Flemiſh Ells of Minikin-Bays of *Bocking* making, and three other Pieces of

about

Deceitful putting Counterfeit ***Colcheſter*** **Seals to** ***Bocking*****-Bays.**

about 50 like Ells the Piece, for one *Goddard* a Seafaring man; and afterward to grace the Commodity, and to make them ſell the dearer beyond Sea, (where it ſeems they are bought, and their goodneſs known by the Seal, without opening them) the Defendant affixed Seals to the ſaid Bays, like the *Colcheſter* Seals, which he made with Stamps he had gotten for that purpoſe, *Colcheſter*-Bays being better, and ſelling dearer than other Bays, and this Bays being worſe than the worſt *Colcheſter* Bays. The Defendant alſo confeſſeth, that a hundred and a hundred times, and above he hath for Merchants made the Faulty Bays of *Colcheſter* have the whole Seal, which before had but the half Seal, and was marked as faulty by cutting off a piece, and fixing the Seal at the Angle, and this he did by cutting off the Puckle of the Bay at the Angle, and drawing it, and fixing that Seal at another place. And for theſe Frauds the Defendant was committed during the Kings pleaſure, not to be enlarged, until he had diſcovered and made known the Names of ſuch Merchants for whom he uſed and practiſed the ſaid deceit, and found Sureties for his good behaviour, fined 1000 *l.* and a power of inflicting further puniſhment, and Compulſory means to make him confeſs their Names; if he continued ſtubborn, and will not diſcover them, and to be ſet on the Pillory in *Cheapſide*, *Cornhil*, *Blackwel-Hall*, *Bocking*, and *Colcheſter*, with a Paper on his head declaring his offence, and at each place the Decree to be read, and Printed Copies thereof to be ſet up upon the Pillory, and other places thereabout, to the end they may there remain, and be ſeen, and that the cauſe of his puniſhment may be generally known to the Clothiers in all parts of the Kingdom.

Vide Attorn. & Coleman. Paſch. 14 *Car.*

Nota.

The Court declared, that whoſoever ſhould diſcover and bring to to Sentence any Delinquents of this kind, they ſhould for their Reward have half the Fines, which ſhould by this Court be impoſed upon them.

Herbert ***Arm. & al. verſus*** **Lownes** ***& al.***

Peter Bland, being in 1615. ſeized of Lands to the value of 230 *l. per Annum*, and alſo poſſeſſed of a Perſonal Eſtate of good Value, did, by a Will made that year, diſtribute the greateſt part thereof unto, and among his three Children, and their Iſſues; and in 1621. Eſtated his Lands upon his Brother *John Bland*, and the Defendant *Lownes* (who had then married his Neece, with whom *Bland* gave him 150 *l.* Portion, and truſted him, being a Scrivener, with the letting out of his Money) and to their Heirs in Truſt, to ſell the ſame, and diſpoſe the Money according to his the ſaid *Peter Bland's* Will, or in default of ſuch appointment, then to be diſtributed among his Children, and Grand-Children, at the diſcretion of the ſaid *Lownes* and *John Bland*, with a Proviſo therein to revoke the ſame, paying 200 *l.* apiece to the ſaid *Lownes* and *John Bland*, and in *March* 1622. *Peter Bland* made a ſecond Will, and thereof made Executors the ſaid *Lownes* and *John Bland*, and one Mr. *Baldwin*, his beſt truſted Friend; and to preſerve that Will, he put it into a Box with three Locks and three Keys, and delivered to each Executor a Key, and ſaid it ſhould not be opened until they all met; and by that Will, as himſelf reported, he deviſed his Lands among his Children and Grand-Children, and alſo all his Perſonal Eſtate, ſaving ſome ſmall Legacies to his Friends. After which *Lowns* by a Letter written by the Defendant *Hoskins*, who was *Peter Bland's* Servant, to Mr. *Baldwin*, whereto *Peter Bland's* Name was ſuſpiciouſly ſubſcribed, got Mr. *Baldwin's* Key, and then the Cheſt wherein the ſaid Box with

Fraudulent procuring of a Deed and Will from a man in great age and weakneſs, to the diſinheriting of his Children, and Grand-children.

A Counſellour ſuffering himſelf to be miſled, and drawing a Deed and Will by the Inſtruction of him who was to have the benefit by them, and not of the Party himſelf, being a very aged weak man.

three Locks was kept, was carried to *Lownes* his Houſe, and what is become of that Will ſince cannot be diſcovered: but *Peter Bland* being grown very Aged, and Infirm, and weak in Body and Underſtanding, by reaſon of his Age, and of an Apoplexy, and being wholly guided by the Defendants *Lownes* and *Hoſkins*, was, in *July* and *November* 1624. during ſuch Weakneſs, drawn to make two other Wills, and ſeal and deliver ſome Conveyances of his Lands to the ſaid *Lownes*, and others in Truſt for *Lownes* his uſe; and in *June* 1 *Car. Lownes* having gotten him to his Houſe, did, by practice with *Hoſkins*, circumvent *Peter Bland* in his greater Weakneſs, and drew him to Sign and Seal one Deed Indented, Dated 25 *Junii* 1 *Car.* whereby *Lownes*, in Conſideration of the ſaid former Conveyance to him, and others to his Uſe, of the ſaid *Peter Bland's* Lands, and of 1150 *l.* in hand paid to the ſaid *Lownes* by the ſaid *Bland*, did Covenant to pay ſeveral Sums of Money therein mentioned to ſeveral perſons therein named, in ſuch ſort as was therein expreſſed: And *Lownes* then Sealed a Bond of 4000 *l.* to *Peter Bland*, and his Executors, *&c.* to perform thoſe Covenants, and at the ſame Inſtant, by the practice of the ſaid *Hsokins*, drew the ſaid *Peter Bland* to ſeal, and publiſh a Writing, as his laſt Will and Teſtament, but dated *June* 27. reciting, and confirming the aforeſaid Deed; and of that Will made the ſaid *Lownes*, and *John Bland* his Executors, but none of *Bland's* Children, or Grand-children were privy thereunto, nor any of his Friends Witneſs thereunto; and by this means *Lownes* would have defeated all *Peter Bland's* Children, and Grand-children of his whole Eſtate: and by making himſelf Executor of that Laſt Will, he made void the Bond of 4000 *l.* by him entred into to perform the Covenants of the Deed of 25 *Junii*. And for this Fraud, Deceit, and Circumvention, *Lownes* and *Hoſkins* were committed to the *Fleet*, and fined, *Lownes* 1000 *l.* and *Hoſkins* 300 *l.* and did confirm and ſtrengthen the Decree in *Chancery*, whereby the now Plaintiff *Bland's* Children are relieved for his Eſtate. And Sir *Richard Minſtall* Knight, who was of Council with *Lownes*, for the drawing of the Deed of the 25 of *June*, and the Will of the 27 of *June*, for ſuffering himſelf to be miſled by *Lownes*, and receiving his Inſtruction from *Lownes* to draw them, and not from *Bland*, to whom he did often reſort; and for ſuffering the ſame to paſs with unfit Clauſes and Proviſo's and never acquainting *Bland* how prejudicial it was to his Children and Grand-children, nor aſking him whether it were his Intention ſo to prejudice them, as he ought to have done, being preſent alſo at the Sealing, and delivery of them, was committed to the *Fleet*, and fined 500 *l.*

Kilvert *verſus* Hanger.

Libel.

The Defendant, being diſcontented with an Award made by the Plaintiff and another Merchant, did, out of malice, under colour of ſetting down in Writing, Exceptions to the ſaid Award, and the proceedings thereupon, frame, and put in writing a Libel againſt the Plaintiff, wherein he unjuſtly and ſcandalouſly charged him as a general Wrongdoer, Deceiver, and Oppreſſor of the King's Subjects, who reſided at *Sevil*, and other parts in *Spain*, during ſuch time as he reſided there, and falſely terming him, *A Briber, a Judas, and Viper*, and ſtuffed the ſame with divers other notorious, falſe, and Libellous untruths, nothing concerning the Award or Reference; and the more to ſcandalize him, denoted and ſignified the Plaintiff by the Letter *K*, ſaying, he came to ſhew the falſhood of that baſe and ſhameleſs *K.* and publiſhed the ſame. And

for

Mi. 8 Car.

Five hundred pound damage.

for this he was Committed and Fined 500 *l.* to the King, and 500 *l.* damage to the Plaintiff, and make a Recognition and acknowledgment to the Plaintiff of the wrong done unto him.

Beſt, Pauper *verſus* Neale & Winter *Arm. & al.*

The Defendant *Neal* with intent to get the Poſſeſſion of the Houſe whereto he Claimed Title, and wherein the Plaintiff, his Wife, Children and Mother then dwelt; and knowing no other way to get the Poſſeſſion, but by ſtarving them out, did to that end take away a Womans Horſe, as ſhe was going with Food to them, and turned her back again on Foot, and threatned her with what violence he would uſe her, if ever ſhe came to bring them any more Food or Suſtenance, and by this means the Plaintiffs Mother being Fourſcore years Old, was ſtarved for want of Food, the Neighbours not daring to come to Relieve them for fear of *Neale*, and *Neale* with others in his Company came to the Houſe, and with an Ax, or Hatchet, did Riotouſly cut down three of the doors of the Houſe, the Plaintiffs Wife and Children being therein, carried away the doors, and Reviled his Wife and Children; and another time with others in his Company did Riotouſly, being Armed with a Bill; throw and beat off part of the Tiles of the Houſe: and for this he was Committed, and Fined 500 *l.*

Riotous proceedings.

Attornat. Regis ore tenus verſus Palmer *Armig.*

Reſiding in *London* contrary to Proclamation.

The Defendant having ſeveral Mannor-Houſes and Lands in the Country, of great Value, did (in contempt, and contrary to his Majeſties Proclamation, whereby all Noblemen, Gentlemen and others were Commanded to reſort into their Countries, and not to make their Reſidence in *London*, or Suburbs there) Reſide and Live in *London*, for divers years paſt, and went not to his Country-Dwelling: and for this Contempt and Diſobedience he was Committed to the *Fleet*, and Fined 1000 *l.*

Tapſon *Gen. verſus* Rowe *Gen. & al.*

The Defendant *Gregory*, and *John Rowe* Aſſaulted and Beat the Plaintiff aboard a Ship, being then a Head-Conſtable; and at his going away, *Gregory Rowe* challenged him to Fight, which the Plaintiff refuſing, the ſaid Defendant told him that if he would not Fight with him at their next meeting, he ſhould take what fell out: and the ſame day *Gregory Rowe* Armed with a Sword and Piſtol, together with *John Rowe*, and ſix or ſeven others Armed with Swords, came before the Plaintiffs Houſe, and *Gregory* there Challenged the Plaintiff to Fight with him; ſaying, if the Plaintiff would not Fight he would be revenged on him; and thereupon an Officer of the Town requiring *Gregory* to keep the Peace, and yield up his Weapons, he refuſed ſo to do, and another of the Company then ſaid they came to Fight, and they would Fight, and ſo there continued half an hour in that Tumultuous manner. And the next day the two *Rowes* came to a Tipling-Houſe, near the Plaintiffs Houſe, and there *Richard Rowe* ſaid that he would knock down the Plaintiff whereſoever he met him, and be revenged on him, although he died in the place: And the Conſtables being thereupon ſent for to keep the Peace, they found the two *Rowes* ſtanding before the Plaintiffs door, one of them being Armed with a Sword and Dagger, and the other with other like Weapons, and a Piſtol Charged with a Brace of Bullets; and the Conſtables requiring them to keep the Peace and deliver their Weapons, they refuſed; and *John Rowe* being thereupon diſarmed,

Riotous Outrages.

A hundred pound damage to the Plaintiff, 40 *l.* damage to another no party to the Suit.

armed, *Gregory* promiſed to deliver his Weapons to one of the Conſtables; but on a ſudden drew forth his Sword, and asked, who durſt come near him, he would drive the whole Town before him; and then *Richard Rowe* alſo drew his Sword, and ſo Reſcued themſelves, and went out of the Town, and *Creeſe*, a Conſtable, and others going after them to ſee them out of the Town, *Richard Rowe* with a Staff, and *Gregory* with a Sword, and a Piſtol with the Cock bent, turned back upon them, preſented the Piſtol againſt the Conſtable, and thruſt at him with a Sword, no Violence at all being offered unto them: and for theſe Offences the three *Rowes* were Committed to the *Fleet*, *Gregory Rowe* Fined 500 *l.* the other two 400 *l.* apiece, all bound to their Good Behaviours, and 100 *l.* damage to the Plaintiff; and 40 *l.* damage to *Creeſe* the other Conſtable.

Hill. 8 Car.

Trevanion, *Gent. verſus* Vivian *Mil. & al.*

Breach of Truſt, and Deceit in a Captain of a Caſtle.

THE Defendant having by Letters Patents from His Majeſty the Captainſhip, Cuſtody and Government of the Caſtle of St. *Maures* in *Cornwal*, and having for it a Fee of 3 *s. per diem*, and power to Elect a Deputy or Lieutenant, a Porter, a Maſter Gunner and twelve Souldiers for his Aſſiſtance in Guarding the ſaid Fort, with a Fee of 1 *s.* 6 *d. per diem* for the Lieutenant, 1 *s. per diem* for the Porter, 1 *s. per diem* for the Gunner, and 8 *d. per diem* for each Souldier, and all thoſe Fees to be paid Quarterly to the Defendant, and he to pay the others, did, contrary to the duty of his Place, and the Truſt repoſed in him by His Majeſty neither maintain and keep the Caſtle Guarded with ſo many Souldiers as he ought, nor give thoſe Souldiers, which did Attend and Guard the Caſtle, ſuch proportion of mony as was allowed by His Majeſty, but continued the Caſtle guarded with a leſs number, and thoſe that were he abated much of their Wages, and put it into his own Purſe, and when His Majeſty ſent to take a view of the Caſtle, he would get a compleat number of Souldiers to attend, and ſome were Enrolled there, as Souldiers, who lived far off, and never had penny of Pay, nor ever did any ſervice there: and for this deceit and breach of Truſt he was Committed to the *Fleet*, Fined 2000 *l.* Suſpended from the Execution of his Place, until His Majeſty give him farther Licence to Execute it; and Mr. *Attorney General* required to call him to an accompt for the monies by him received from His Majeſty, and unduly kept in his own Purſe.

Dominus Barkley *ver.* Poole *& al.* Killing the Plaintiffs Deer.

The Defendants at divers ſeveral times Hunted and Killed the Plaintiffs Deer, both Red and Fallow, in his Park called the *Worthy*, with Nets and other Inſtruments: and for the ſame *Rowland Poole*, whoſe Offence was aggravated by his denial of it upon Oath, and perſuading the reſt to Perjure themſelves alſo, and to deny the ſame, was Committed, Fined 200 *l.* bound to his Good Behaviour ſeven years, and at *Glouceſter* Aſſizes, ſtanding in an eminent place with a Paper on his head declaring that he did in this Cauſe forſwear himſelf, and perſuade others to forſwear themſelves alſo, acknowledg his Offence, and ask the Plaintiff forgiveneſs: two others Committed, Fined 100 *l.* apiece, and bound to their Good Behaviour four years, and five more Committed, Fined

50 *l.* apiece, and bound to their Good Behaviour three years; all of them to acknowledg their Offences at the Aſſizes, and ſubmit themſelves to the Plaintiff, and pay him 100 *l.* damages.

A hundred pound damage.

Bacon *Armig. ver.* Anderſon *Mil.* & *al.*

The Defendant, Sir *Henry Anderſon*, Coveting to gain unto himſelf the Rectory of *Eaſt-Cowton* from the Plaintiff, threatned the Plaintiffs Tenant to ſet fire on his Hay, and that he would be Troubleſom to him, and *Maultus* told him he would be undone by it: and they bearing malice to the Plaintiff for that, as it ſhould ſeem, he would not ſell the ſaid Rectory to Sir *Henry*; Sir *Henry* ſent the Plaintiff a meſſage full of provoking Language: and *Maultus* meeting him in the Town of *Eaſt-Cowton*, bid him get out of the Town, like a Skip-Jack-Fellow as he was; for he would have him packed out of the Town; and that if he did not go, he ſhould be beaten out, And ſoon after, as the Plaintiff was going to the Pound to releaſe a Horſe of his Tenants there Impounded, which they would in no wiſe deliver, unleſs the Plaintiff came in perſon; the Defendant *Henry Anderſon* came to the Plaintiff, picked a quarel with him, and *Maultus* being come almoſt to him, took hold of the Plaintiffs Horſe-Bridle, and ſtrook the Plaintiff on the Breaſt with a Staff, and *Green* beat him about the Neck and Shoulders with a Pitch-Fork; and the Plaintiff having gotten from them, *Maultus* ſtanding by ſaid, ſtay Sirrah, ſtay, you go not ſo, I have ſomthing to ſay to you before you go, I told you you ſhould be beaten out of the Town; and Sir *Henry* after ſaid, he was not Cudgelled half enough: and for this they were all Committed to the *Fleet*; Sir *Henry*, for abetment of the Riot, and *Henry*, his Son for the Riot, Fined 300 *l.* apiece, *Green* and *Maultus* Fined 200 *l.* and bound to their Good Behaviour a year, and Sir *Henry*, and *Henry Anderſon* to pay their Fines, if they be not able, and the Defendants Convicted to pay the Plaintiff 100 *l.* damages.

Riot and procurement thereof.

A hundred pound damage.

Paſ. 9 Car.

Wickſteed *verſus* Conſtantine. Maintenance.

THE Defendant *Conſtantine* diſburſed mony toward the Suing forth of a Writ of *Scire Facias* out of the Court of Exchequer againſt the Plaintiff, which, at his inſtance, was Executed, and Returned; and did, at his own Charge, procure a Judgment againſt the Plaintiff, and a Writ of Extent to be thereupon Sued forth, and Executed, he having no Intereſt in the Debt or Suit, whereupon the Writ was Sued forth, and Executed: and for this Maintenance he was Committed to the *Fleet*, and Fined 100 *l.*

Southern *Mil. verſus* Herne & *al.*

Seventeen of the Defendants with about three or fourſcore others *July* 9. 6 Car, aſſembled themſelves upon a piece of Ground called *Weſtland-Heath*, which was then Fenced by the Plaintiff with Hedges, Ditches, Gates, Rails and Poſts, and whereon the Plaintiff had then Corn growing; and being Armed and provided with ſeveral ſorts of Weapons and other Inſtruments, did Riotouſly break down, pull up, and cut in ſunder the Gates, Poſts, Rails, Hedges and Fences there, and burned and conſumed them, and the Quickſets there with fire, ſtrook up a Drum, and ſhouted, laughed, and rejoyced thereat; and the Conſtables coming to keep the Peace, they threatned to burn them too, if they

Riotous deſtroying and burning of Fences.

they reſiſted the Rioters, and had a Captain and Lieutenant among them: and for theſe Riotous proceedings, although ſome of them had, the day before, upon a Trial Recovered Common of Paſture in the ſaid Ground; the Defendants were Committed to the *Fleet*; *Webſter* the Captain, and *Brown* the Lieutenant Fined 100 *l.* apiece, bound to their Good Behaviour a year, and to acknowledg their Offences at *Norfolk*-Aſſizes, the Decree being there Read; and the reſt of the Defendants Fined 50 *l.* apiece: but the Court would give the Plaintiff no damage, for that ſome of the Defendants had had two Verdicts for Common in the ſaid Ground.

Nota.

Attornat. Regis ver. Sherfeild *Arm.*

Defacing of a Church-window by colour of a Veſtry-Order.

The Defendant being troubled in Conſcience, and grieved with the ſight of the Pictures, which were in a Glaſs-window in the Church of St. *Edmonds* in New *Sarum*, one of the ſaid Pictures, to his Underſtanding being made to Repreſent God the Father, did procure an Order to be made by the Veſtry, whereof himſelf was a Member, that that Window ſhould be taken down, ſo as the Defendant did, at his own Charge, Glaze it again with White Glaſs; and by colour of this Order the Defendant, without acquainting the Biſhop or his Chancellor therewith, got himſelf into the Church, made the doors faſt to him, and then with his Staff brake divers holes in the ſaid Painted Window, wherein was deſcribed the Creation of the World: and for this Offence Committed with neglect of the Epiſcopal Authority from whom the Veſtry derive their Authority, and by colour of an Order of the Veſtry, who have no power to alter, or reform any of the Ornaments of the Church, the Defendant was Committed to the *Fleet*; Fined 500 *l.* and Ordered to repair to the Lord Biſhop of his Dioceſs, and there make an acknowledgment of his Offence, and Contempt, before ſuch perſons as the Biſhop would call unto him.

Attornat. Regis ver. Overman *& al* Sope-boilers. Uſing Fiſh-Oyl in Sope-making.

Not ſuffering the Eſſay-Maſter to Try or Mark their Sope.

Unlawful Meetings to ſet Prizes on their Commodities.

The Defendants being Sope-Boilers of the City of *London*, did, contrary to His Majeſties Proclamation, uſe divers great quantities of Fiſh-Oyl in making their Sope, and four of them alſo uſed Spike-Oyl in the making thereof, to qualifie the ſent of the Fiſh-Oyl; His Majeſty by that Proclamation having Prohibited the uſe of any other Oyl than Olive, and Rape-Oyl to make Sope withal, ſo as it might be ſweet and more ſerviceable: and the Defendants *Griffin*, *Cox*, and *Revel*, in farther Contempt of His Majeſties Proclamation, and in Contempt and Oppoſition of His Majeſties Letters Patents granted to the New Corporation of Sopers of *Weſtminſter*; and by the Inſtigation and Encouragement of the Defendant *Whitwell*, refuſed to ſuffer the Eſſay-Maſter for Sope to Try or Mark their Sope, although His Majeſty by His Proclamation Commanded the doing thereof, and that none ſhould be ſold until it were Marked and Tried: and albeit the Defendants were no Corporation, Body, or Fellowſhip by any Lawful Authority, yet the Defendants *Overman*, *Baker*, and *Troughton*, with others, did, at ſeveral times, and at ſeveral Taverns in *London*, aſſemble themſelves together, and Confer about the Sale of their Sope, and buying of Fiſh-Oyl of the *Greenland*-Company, and did there conclude, and agree not to ſell their ſecond beſt Sope under 54 *s.* a Barrel, and did after ſell it at greater Rates, and did buy ſix hundred Tun of Fiſh-Oyl not long after to uſe in making their Sope: and for theſe Offences they were all Committed to the *Fleet*, during His Majeſties pleaſure: *Griffin* Fined 1500 *l.* *Overman* the Elder and *Whitwell* 1000 *l.* apiece, *Baker*, Paſ. 9 Car.

Troughton, *Cox* and *Revel* one thouſand Marks apiece, *Hardwick*, *Overman* junior, *Bareſoot*, *Hayes*, *Hynde*, *Waſher*, *Barber*, *Weedon* and *Monck* 500 *l.* apiece; and all of them diſabled by themſelves, or their Workmen, Servants, Agents, or any other to Uſe, or Exerciſe their Trade of Sope-Boiling at any time hereafter.

Diſabled to uſe their Trade.

Wren *Armig. verſus* Houghton *Armig. & al.*

The Plaintiff being put into the poſſeſſion of the Mannour-Houſe of *Lea* with other Lands thereto belonging, by vertue of a Commiſſion out of the Court of Exchequer, being extended for a Debt of 365 *l.* due to his Majeſty, the ſaid Mannour and Lands being granted to the Plaintiff by Letters Patents, at a certain Rent, for ſo long time as the ſame ſhall remain in his Majeſties hands, by reaſon of the ſaid Debt. The Defendants *Houghton*, *Barton*, and *Dawſon*, with others, to the number of about 60. came and entred into part of the ſaid Houſe, and being charged and required by the Plaintiff to depart, and ſuffer him quietly to enjoy the Poſſeſſion; the Defendants *Dawſon* and *Barton* ſaid, they were ſent thither by their Maſter Sir *Richard Houghton*, and they would be there; and then divers of the Company in a terrifying manner gave out threatning ſpeeches againſt the Plaintiff, and the Commiſſioners that put him in Poſſeſſion. And the Defendant *Houghton*, making ſhew of Compounding with the Plaintiff for the ſaid Debt, drew the Commiſſioners out of the Houſe, and then the Doors and Gates were locked up by the Riotous Aſſembly, and the Plaintiff and his Company kept as Priſoners without Fire, or Candle. And for this Riotous Aſſembly, and diſturbing the Plaintiffs Poſſeſſion, in oppoſition and contempt of the ſaid Commiſſion, the ſaid three Defendants were committed to the *Fleet*, *Houghton* fined 100 *l.* the other two 50 *l.* apiece.

Riotous diſturbance of a Poſſeſſion.

Wingfield *Mil. verſus* Ogle *Armig. & al.*

The Defendant *Thomas Ogle* Eſquire, being diſcontented at the Plaintiff, and having an intention to wound and miſchief him, went with the other Defendants to ſeveral places to enquire for the Plaintiff, and being told which way he was gone, and where he would Dine that day, they went to meet him, and found him walking with one only in his Company, and without any Weapons; and after ſome ſpeeches had paſſed between them, *Ogle* told the Plaintiff he *Lied*, and *Lied in his Throat*; and the Plaintiff thereupon hitting him in the face with his Gloves, *Thomas Ogle*, Arm'd with a Dagger, Sword, and Piſtol, and having a Riding Rod in his hand, ſtruck the Plaintiff therewith over the face; and then he, the other Defendants, and others drew their Swords, aſſaulted, and wounded the Plaintiff in the head, and cut him through the *Pericranium*, and Scul, ſo that three or four pieces of the Scul were taken out; and he was a year and half before he was perfectly Cured. And for this the three *Ogles* were committed to the *Fleet*, fined 500 *l.* apiece, bound to their good Behaviours two years, and acknowledge their offences, and ask the Plaintiff forgiveneſs in this Court, and pay the Plaintiff 1500 *l.* damage.

Riotous aſſault and wounding the Plaintiff.

1500 *l.* damag.

Eleemoſynarius *Regis verſus* Turney.

The Defendant upon the Hearing, being for matters Civil and Criminal, was ordered to pay unto the Plaintiff 31 *l.* 4 *s.* which was due from one *Howes* to *John Turney*, late *Felo de ſe*, upon a Bond of 60 *l.* for that he having poſſeſſed himſelf of the ſaid Bond, had received 24 *s.* Intereſt thereupon, and after delivered up the Bond to be Cancelled, and taken a new Bond for the Debt in his own Name: And time was given him to ſhew cauſe, why he ſhould not alſo ſatisfie the Plaintiff other Debts alſo, which he confeſſeth he did owe the *Felo de ſe*; but ſaith, and proves not, he ſurrendred Lands to him to ſatisfie thoſe Debts in his Life-time.

Barker *verſus* Hamond *&* *al.*

Riot.

20 *l.* damage.

The Defendants *Hamond* and *Detton*, in contempt of an Order of the Court of Wards, came into the Field where the Plaintiff had Corn cut, and ready to be carried, and being Armed, *Hamond* with a Bill, and *Detton* with a Sword and Pitch-fork, and being accompanied alſo with one *Myſey*, armed with a Sword and Piſtol, gave out that the Plaintiff ſhould fetch no Corn there, and as the Plaintiff was coming to fetch ſome of the Corn, *Myſey* ſtanding at the Gate where he was to come in, and *Hamond* and *Detton* being within the Ground, told the Plaintiff he ſhould fetch no Corn thence, and *Myſey* ſwore, if he came in, he would ſhoot him with his Piſtoll, the Cock whereof he pulled up, and preſented it to the Plaintiff. And the Plaintiff coming another time to fetch ſome of the Corn, being cut by *Hamond*'s Servants, *Hamond* beat the Oxen with a Pitch-fork, and wounded them ſo, as the Plaintiff could have none of the Corn. And for this, *Hamond* and *Detton* were committed to the *Fleet*, fined 40 *l.* apiece, and 20 *l.* Damages to the Plaintiff.

Dunne *verſus* Rea *&* *al.* Riotous taking a Poſſeſſion.

Oppreſſion by Arreſts in other mens names without their privity.

Diſturbing and driving away the Kings Witneſs at a Quarter-Seſſions.

Two of the Defendants, on behalf of the Defendant *Watmore*, entred into a Houſe wherein two of the Plaintiff's Children were keeping the Poſſeſſion, and then Riotouſly with Weapons, having firſt Lock'd up the Doors, kept the Poſſeſſion from the Plaintiff, and reſiſted them that offered to come in for the Plaintiff, ſaying, *None ſhould come in but upon the ſharp:* And then *Whitfield*, another of the Defendants, came to the Houſe armed, and his entrance being withſtood by the Plaintiff's Wife, he ſhouted, and thereupon the other Defendants came preſently to him: And upon their coming, *Jo. Rea*, being a Conſtable, bid the other Defendants take the Plaintiffs Wife from the Door, or knock her down; whereupon they ruſhed her from the door, and *Whitfield* got into the Houſe to help keep the poſſeſſion: And *Jo. Rea*, to oppreſs the Plaintiff, procured him to be Arreſted in an Action of 100 *l.* and kept in Priſon three nights, at the Suit of one *Weſt*, but without his privity or allowance; and when the Plaintiff had given Bail to that Action, he cauſed him to be again Arreſted in another Action of 100 *l.* at *Weſt*'s Suit without his privity or allowance, and then gave out, that he had ſeveral other Writs to charge him withal, which he would lay upon him as ſoon as he was enlarged, if he would not yield to ſuch Articles as the ſaid *Rea* would propoſe; which were, that he ſhould releaſe ſeveral Bonds, and all the perſons that had forcibly taken his Poſſeſſion, and give ſecurity to pay *William Weſt* ſuch Money as he ſhould demand of him. And *John Rea*, at ſuch time as *Nathanael Dunne* was giving evidence againſt him, at a Quarter-Seſſions, upon an Indictment for the King, did interrupt him, pinched him backward, and ſtruck him on the Arm with his hand, and thereby enforced him to go away without giving Evidence. And for theſe offences the Defendants were all committed to the *Fleet*, bound to their good Behaviours; *Jo. Rea* fined 200 *l.* four others 40 *l.* apiece, and two more 20 *l.* apiece.

The

Paſ. 9 Car.

Webſter *verſus* Lucas. Libellous Letters.

The Defendant, bearing malice to the Plaintiff, procured a Libellous and Scolding Letter to be written to the Plaintiff, and then to be written over by a Scrivener's Boy, and ſent him by a Porter, the Letter being ſubſcribed *Joan Tell-Troth*; and publiſhed this Letter in ſeveral Taverns and Ale-houſes, and to ſeveral perſons in diſgrace of the Plaintiff, whom in the Letter ſhe often termed *Scoggin*, with other diſgraceful Names, and the Plaintiffs Wife *Jezabel*, and *the Daughter of Lucifer*, with other Invective terms; and alſo cauſed another like Scandalous and Invective Letter, ſubſcribed *Tom Tell-Troth*, to be written, and ſent to the Plaintiff. And therefore ſhe was committed, fined 40 *l.* bound to her good Behaviour, to be Duck'd in a Cucking-ſtool at *Holborn-Dike*, make an acknowledgment of her offence at the Veſtry, and pay the Plaintiff 20 *l.* damage.

20 *l.* damage.

Stephenſon *verſus* Turner *& al.* Forcible Entry, and detaining a Poſſeſſion.

The Defendants, being Armed, made ſeveral Riotous Entries into the Plaintiffs Houſe and Land, and forcibly diſturbed and detained his peaceable Poſſeſſion thereof, after he was reſtored thereunto by the Juſtices of the Peace. And for the ſame they were all committed to the *Fleet*; *Richard Turner* fined 50 *l.* and two others the like Fine, and ſeven others 20 *l.* apiece; and five of them to be bound to their good Behaviours, before the Juſtices of Aſſize, by the ſpace of a year.

Nota.

All theſe Defendants were formerly Indicted at a Quarter-Seſſions, for the ſame forcible detaining of the Poſſeſſion, and upon their Travers fined for the ſame.

Trin. 9 Car.

Briggs *Armig. verſus* Littlehales *& al.* Riotous killing the Plaintiffs Deer. 80 *l.* damage.

IT did appear by Circumſtances (but no direct proof) that the Defendant *Richard Littlehales* Senior, and *Richard Littlehales, alias, Briſtoe* were guilty of unlawful Hunting, and killing of the Plaintiffs Deer. And therefore they were committed to the *Fleet*, fined 100 *l.* apiece; bound to their good Behaviour, and pay the Plaintiff 40 *l.* apiece damages.

Darby *Counteſs Dowager verſus* Baker *& al. Inhabitants of* Woxbridge *in Com. Mid.*

An Award touching *Woxbridge*.

The Defendants being charged with ſeveral offences touching the taking and receiving the Tolls and other profits of the ſeveral Fairs and Markets kept in the ſaid Town, which they claimed as belonging to them, as Burgers there, and which the Plaintiff claimed to belong to her as Lady of the Mannour. The matter was referred to the Award of the Earl of *Mancheſter*, Lord Privy-Seal, the Earl of *Bridgewater*, Mr. *Noy* the Kings Attorney, and Sir *John Banks* Knight the Province Attorney, who certified the Court, That the ſaid Town of *Woxbridge* was no Corporation; and that neither the Defendants, nor any other of the Burgagers of that Town ever had any right to any the Tolls, Liberties or Franchiſes within the ſaid Burrough, but by the permiſſion of the Plaintiff, or former Lords and Ladies of the ſaid Burrough for the time being: And that the Plaintiff is ſeized of the Mannour of *Colham*, and of the Burrough and Town of *Woxbridge*, as a Member thereof; and of the Fairs, Markets, Tolls, and other profits incident, or belonging to the ſaid Fairs and Markets; and that the Choice of the Bailiffs there doth belong to the Plaintiff, who may remove them at her pleaſure. All which the Defendants acknowledged, and promiſed obedience for the future. And therefore the Committee held fitting the Defendants ſhould pay the Plaintiff 200 *l.* in recompence for the Tolls, and other Profits by them received, and for her Coſts of Suit, and ſo the Bill to be diſmiſſed hence; which this Court Decreed to be performed *ut per Cur.* and the Defendants to pay a Fine of 20 *l.* to the King *pro Licentia Concordandi.*

Attorn. Regis ore tenus verſus Reignolds.

Scandal of the Lord Biſhop of *Cheſter.*

The Defendant framed, and wrote a witleſs, and malicious, Libellous Letter, directed to Mr. *Brooks*, a Proctor, at *York*, and *Thomas Squire*, a Clerk in the Office of Conſiſtory at *York*, or to either of them, wherein was contained, *That the Biſhop is ſo ſtrong, that if Bribery will be taken, you muſt lie all along, (becauſe the Biſhop ſhits Warrants at every door)* meaning thereby the Biſhop of *Cheſter*; and ſent that Letter to them to *York* by one *Markland*, and *Markland* delivered it to one *Leigh*, who brake it open. And for this malicious Libel the Defendant was committed to the *Fleet*; fined 500 *l.* and be ſet on the Pillory at *Wigan*, *Lancaſter*-Aſſizes, at the City of *Cheſter*, with a Paper on his head, Inſcribed with words declaring the nature of his offence, and at each place publickly, and penitently acknowledge his offence, and Scandal of the Biſhop in ſuch manner as it ſhould be penn'd, and delivered unto him.

Bulkly *Arm. verſus* Biſhop *& al.*

Pulling up the Pump, or Sluce of a Fiſh-Pond.

The Defendant *Rowley*, in *March 6 Car:* deſpitefully and maliciouſly took away the upper part or Cap of the Pump or Sluce of the Plaintiff's Fiſh-pond, and threw the ſame into the Pond, and thereby a great part of the water of the Fiſh-pond did run out, whereby the Fiſh therein might (as the Court conceived) have come to have been utterly ſpoiled, and deſtroyed. And therefore the Defendant was committed to the *Fleet*, and fined 100 *l.* to his Majeſties uſe.

Attorn. Regis per Rel. Kent *Mayor of Lincoln verſus* Fowkes *Gent.*

Contempt of Proclamation and Orders.

Refuſing to furniſh the Market with Corn in a time of Want.

The Defendant, in contempt of his Majeſties Proclamation, and Book of Orders, whereof he had notice, and in contempt of ſeveral Orders made by the Relator, then Mayor of *Lincoln*, and other the Juſtices there to reſtrain him from ſelling any Corn, or Mault out of the Market, or in any other Market than *Lincoln*, and to injoyn him to bring both Mault and Corn weekly into the Market, and to ſell it as the Market would afford, he having then 400 Quarters of old Mault in ſtore, and 300 Quarters of Barly, which he bought out of the Market-ſtanding: and alſo to prohibit him from Maulting any more at that time, did not bring above ſix Strikes of Barley into the Market from *October* the ſixth until *Auguſt* following; but did buy ſeveral Quantities of Barley himſelf out of the Market, as it was coming to the Market, and Maulted above 200 Quarters, and continued Maulting from *October* the ſixth till *Whitſontide* following; yet in all that time did not ſell above twenty Quarters of Mault in the ſaid Market of *Lincoln*; but many times ſent Mault to the Market by his Servant, and ſet ſo great a Price upon it, that he ſometimes carried it away unſold, and refuſed 36 *s.* and 38 *s.* a Quarter; and being asked, Why he would not ſell at the Maket-price? He ſaid, The Mayor and Juſtices had injoyned him to bring his Corn to the Market, but they ſhould not, nor could not ſet a price on it; but he ſold twenty Quarters of Mault at *Newark*-Market to a Common Badger, Tri. 9 Car.

and ſeveral Quarters of Malt out of the Market to Ale-houſe-keepers, and other Cuſtomers weekly. And for theſe Contempts, and breach of the Proclamation and Orders aforeſaid he was committed to the *Fleet*, fined 1000 *l.* and to acknowledge his offences before the Juſtices of Aſſize, Mayor, Magiſtrates, and Juſtices at the Aſſizes to be held for the City of *Lincoln*; and the like acknowledgment at the Aſſizes to be held for the County of *Lincoln*, and 200 *l.* damage to the Relator for proſecuting this Cauſe, and defending another vexatious Cauſe proſecuted here againſt him by the ſaid *Fowkes*.

Buying and ſelling Corn out of the Market, Malting contrary to Direction and Order of the Juſtices. 200.*l.*damage.

Stace *verſus* Walker.

Practice to defame the Plaintiff by accuſing and Indicting him for ſtealing Sheep and Wooll.

Libellous hanging Wool on a Tree with a Halter before the Plaintiffsdoor.

Libel.

The Defendant, out of malice to the Plaintiff, for that the Plaintiff would not let him hold certain Lands, which the Plaintiff had in Farm, pretended that he had loſt two Sheep, and that the Plaintiff had ſhorn them among his Sheep, and marked them with his Mark; and to be revenged on the Plaintiff, he preferred an Indictment of Treſpaſs againſt him at the Quarter-Seſſions, at *Tenterden*, for taking away his Sheep, and Wool; and in the Afternoon of the ſame day, at the ſame Seſſions, he preferred another Indictment of Fellony to the Grand Inqueſt againſt the Plaintiff for ſtealing two of his Weathers, Price 20 *s.* and 16 pounds of Wooll, Price 16 *s.* of the ſaid Defendants Goods; and did there give Evidence, that the Plaintiff had ſhorn five of his Sheep, and marked them with the Plaintiffs own Mark: That three of the Sheep came home again; and that the Plaintiff kept, and conveyed away the other two, and the Wool; Yet upon this Indictment the Inqueſt returned *Ignoramus*. And in *December* following, as the Plaintiff, being one of the Jurats of *Tenterden*, was ſitting at the Bench with the Mayor and Jurats, the Defendant publickly charged, and accuſed the Plaintiff of Felony, for ſtealing his Sheep, and Wool, and preſſed the Mayor and Jurats, either to commit him, or bind him over to the next Seſſions to anſwer the Felony: And thereupon the Defendant having put his Accuſation in Writing, and ſet his hand to it, the Defendant was bound over to anſwer it at the Seſſions, and there the Defendant preferred the like Indictment, and gave the like Evidence as before; and brought three Fleeces of Wooll, which he pretended were ſtolen by the Plaintiff, and ſent home again unto him, into the Court, and ſhewed them to the Mayor, Jurats, and Grand Inqueſt, and then laid them on the Bank before the Seſſions-Door, the more to Traduce the Plaintiff; yet the Inqueſt then returned *Ignoramus*. And in farther diſgrace of the Plaintiff, the Defendant afterward hung ſome Wooll upon a Tree near the High-way, before the Plaintiffs Dwelling-houſe in *Tenterden*, Tied about with a Rope or Halter, and faſtned to the Tree, as if it had been Wooll ſtolen by the Plaintiff. And the Defendant in ſcoffing manner told one of the Neighbours, that he heard the Plaintiff had a Tree that bare Wooll, and wiſhed he had a Graft of that Tree, and that the Plaintiff could not chooſe but be rich having ſuch a Tree; and told another Neighbour, that there was a Tree before his Friend ſheep-ſtealers Houſe that bare Wooll, and wiſhed him to get him a Graft. And the Defendant framed another Libel againſt the Plaintiff, containing, *Free-gift Stace, beware of Sheep, for he did take, drive away, and ſhear the Wooll, ſteal, and bear it away in the year* 1628. and this Libel he fixed to a Turn-pike in the Foot-way between the Plaintiffs Houſe, and his Pariſh-Church, where it was found by a Neighbour. And the Defendant reported that he would have a ſtanding made to ſell Wooll upon *Tenterden*-Fair-day, before the

Plaintiffs Dwelling-houſe, and went to borrow Boards for that purpoſe, and offered one mony to ſell Wooll there, being about half a Mile from the place where the Fair was uſually kept: and in farther purſuance of the Defendants malitious intention to defame the Plaintiff, he cauſed two other Bills of Indictment to be preferred againſt the Plaintiff for the ſame Felonies, at a Seſſions held at *Canterbury* twenty Miles off, and there gave the like Evidence as before; and thereupon, in the abſence of the Plaintiff, the Inqueſt returned on both Bills, *Billa vera*; and the Plaintiff being at the next Seſſions Tried thereupon, was, notwithſtanding the falſe and malitious Evidence then given againſt him by the Defendant, and others, acquitted: and for theſe Offences the Defendat was Committed to the *Fleet*, during life, Fined 1000 *l.* be ſet on the Pillory at *Tenterden* before the Plaintiffs door, and at *Canterbury* at the Seſſions with a Paper on his head declaring his Offence, and at each place acknowledg his Offence, and have an Ear cut off: to be tied to the Tree where he hanged the Wooll a whole day, with the Wooll about his Neck; be ſet in the Pillory at *Maidſtone* with the like Paper on his head, and there acknowledg his Offence, and pay the Plaintiff five hundred Marks damage.

Five hundred Marks damage.

Orders Decreed upon the Motion of His Majeſties Attorney General touching Sope, and Sope-Boilers, ut ſequitur.

Attornat. Regis verſus **Sope-boilers.**

I. THAT the Governour, Aſſiſtants, and Society of the New Corporation of Sopers of *Weſtminſter*, ſhall uſe all diligence to proſecute their Undertakings with His Majeſty for Eſtabliſhing that Work, wherein this Court will give Aſſiſtance from time to time.

II. That that Company ſhall the laſt day of every *Michaelmas* and *Eaſter*-Term, and oftner if it ſhall be required, make true Certificate into this Court, under the Hands of the Governour and Eſſay-Maſter, and two of the Aſſiſtants at the leaſt, of the goodneſs of their Sope, and whether the Standard be duely renewed, and the Sope made according to the goodneſs of that Standard.

III. That the Eſſay-Maſter do diligently attend, and juſtly and faithfully Search, and Mark all Sope, which ſhall deſerve to be ſo Marked, and refuſe to Mark all ſuch Sope as ſhall be defective in ſweetneſs or goodneſs, and not anſwerable to the Standard; and that no Sope-maker whatſoever put any Sope to Sale, which is not ſo Marked, and of like goodneſs with the Standard. Neverthele ſs, if hereafter it appear to the Court, that for inferior uſes, or other uſes than Waſhing of Linnen, there be cauſe to make Sope of leſs goodneſs and ſweetneſs, and of a lower price, this Court will ſo Order the making and uttering thereof ſo, as that it ſhall not be an Evaſion for the making and uttering of Sope contrary to the meaning of His Majeſty and this Court, and to the abuſe of the Subject.

IV. That no ſoft Sope be hereafter uttered or ſold by any Sope-maker, their Factors, Workmen, or Servant, for above 3 *l.* 4 *s.* the Barrel, which is 3 *d. per* Pound, under penalty of being puniſhed in this

Court, for an oppreſſour of the Kings Subjects. Nevertheleſs the Court reſerves power to increaſe the Price hereafter, if the Price of Materials increaſe.

Tri. 9 Car.

V. That no perſon or perſons, who on the 22. of *November* laſt did not uſe the Trade of Sope-making or Sope-boiling for themſelves, nor any perſon or perſons, who by reaſon of their Profeſſion or Apprenticehood are capable of uſing their Trade, ſhall continue, or ſet up the ſaid Trade directly, or indirectly, till this Court ſhall (upon examion of the true ſtate of each particular mans Caſe, that deſires, or intends to ſet up ſuch Trade) receive ſatisfaction of the juſtneſs of his pretences to uſe that Trade; of the conveniency and fitneſs of the place where he intends to uſe and exerciſe the ſame; and that he doth not colourably pretend to uſe that Trade for himſelf, and his own uſe, when in ſubſtance he uſeth it for the benefit of the Sope-boilers, diſabled by this Court; and this to continue until this Court give further Order to the contrary.

VI. The Servants and Workmen of the Sope-boilers diſabled, recommended to the Governour and Company of New Sope-boilers to Employ them in their Works, in ſome convenient manner for their Livelyhood, elſe this Court will take a fit courſe for them.

VII. That the Eſſay-Maſter and Searchers, and their Deputies ſhall, from time to time, Execute their Offices, and that with a Conſtable, when they think fit to require it, by going into the Houſes, Work-Houſes, or Cellars of thoſe, who ſhall be Makers of Sope, to ſearch for all Sopes made, and for Oyls and other Materials provided for making Sope; and to Eſſay the Sopes, Oyls and other Materials; and that none oppoſe, hinder or delay ſuch Search to be made, and Eſſay taken.

VIII. That the New Company of Sopers do erect, and continue their Work-houſes for Sope-making, in, or within one Mile of the City of *London* and *Weſtminſter*, and no other Sope-boiler to erect any other Work-houſe, or place for making or boiling of Sope, but within *London*, *Weſtminſter* or *Briſtol*, or within one Mile of thoſe Cities; or in ſuch other place or places, as this Court ſhall upon other good Reaſons firſt approve of and allow: and the Governour, Eſſay-Maſter, or New Company of Sopers to have notice where their Work-houſes are, or ſhall be erected, before they uſe the Trade there.

IX. That all Sope-boilers and Sope-makers, not being of the New Company, ſhall be under the Survey, Rule, Order and Government of the ſaid Company and Officers thereof; ſo far forth only as concerns the Trade and true making of Sope, and not otherwiſe, or to any other purpoſe, without their own free conſents thereto:

X. That the Governour, Aſſiſtants, and Fellows of the New Society of Sope-makers, ſhall henceforth, from time to time, take care, that there ſhall be and continue of the ſaid Society thirty perſons at the leaſt.

XI. And Laſtly, That if any perſon ſhall Offend againſt any thing therein Contained, Ordered, and Decreed; every ſuch perſon ſhall incur and undergo ſuch Impriſonment, and other puniſhment, as this Court ſhall hold fit, and inflict for the ſame.

• *Mich.* 9 Car.

Attornat. Regis ore tenus ver. Sandford *Arm. & al.* Tranſporting of Wooll *cont. Procl.*

Deceiving the King of His Cuſtoms. Tranſporting Goods Uncocketted.

Attornat. Regis verſus Cox Tranſporting Fullers Earth.

THE Defendants *Sandford* and *Hills* being Partners, cauſed ſeventeen Packs of Wooll to be ſent Over-Sea to *Diep*, and there ſold by the Defendant *Webb*, who was ſent over to *Diep* for that purpoſe; and all theſe ſeveral parcels of Wooll were Shipped and carried away, part by the Defendant *Rowland*, and part by *Shipwright*, and was laden in the Night-time, at an unuſual place, from a Marſh-houſe of the Defendant *Sandfords*, and carried over Uncuſtomed and Uncocketted, and there ſold by the Defendant *Webb*; and for theſe Offences, Contempts to His Majeſties Proclamation Prohibiting the Tranſportation of Wooll, and deceits of His Majeſty in his Cuſtoms, carrying it away Uncocketted, and Lading it at an unuſual place; they were all Committed to the *Fleet*; *Sandford* and *Hills* Fined 400 *l.* apiece for Tranſporting Wooll, 400 *l.* apiece for deceiving the King of His Cuſtoms, and 400 *l.* apiece for ſending away their Goods Uncocketted: and Mr. *Sandford* to be bound with Sureties, that no Commodities ſhould thereafter be Laden or Shiped from the ſaid Marſh-houſe: *Webb* for being aiding, privy or conſenting thereunto, Fined five hundred Marks; and *Rowland* and *Shipwright* for carrying away the Wooll in their Barks Uncuſtomed, and Uncocketted, and Lading it at an unuſual time and place, Fined 200 *l.* apiece, and bound with Sureties never to Offend ſo again.

Robinſon *Arm. ver.* Stafford *Arm. & al.*

Beating a Gentleman with a Horſe-Whip; and inticing him to an Inn for that end, under pretence of Buſineſs.

Five hundred pound damage.

Stafford bearing malice to the Plaintiff, vowed revenge, and to give him a Knock when he met him; acquainted Dr. *Scott* with the difference, and his determination, and *Scott* knowing that Mr. *Stafford* would be at the Bull in *Stamford* the fifth of *September*, ſent for the Plaintiff to meet him the ſaid Dr. *Scott* there that day, upon pretenſe of buſineſs: and at his coming thither they went, and ſate together in a Room, and the Defendant *Nanton* came to him; and at length Mr. *Stafford* came to the ſaid Inn, and inquired for the Doctor, and being told that the Doctor and the Plaintiff were above together; *Stafford* ſaid the Plaintiff was a Raſcal Rogue, and ſo went up the Stairs to them, and at his coming whiped the Plaintiff with a Horſe-Whip before he could riſe, and then with the great end of his Whip, having an Ivory-handle, ſtrook the Plaintiff ſeven or eight blows on the Head, and brake his Head in divers places, and then offered to draw his Sword, but was prevented by *Nanton*, who was ſent thither by *Stafford* to keep them Company till he came, and from that time *Scott* neglected the Plaintiff, and never offered to viſit him, whilſt his Hurts were dreſſing: and for this the Defendants were all Committed to the *Fleet*: *Stafford* Fined 1000 *l.* *Scott* 500 *l.* and *Nanton* 100 *l.* *Stafford* to pay the Plaintiff 500 *l.* damages, and at *Northampton*-Aſſizes publickly acknowledg his Offence, and ask the Plaintiff forgiveneſs, the Judges and Juſtices ſitting.

Mi. 9 Car.

Read *Gen. ver.* Bent *Gen.*

The Defendant *Bent* being *Feodarie* of *Leiceſterſhire*, and an Office being to be found within that County; the Heirs Evidence was by his means rejected, and not allowed to be taken; ſo that an *Ignoramus* was then found, and after the Heir was forced to attend four ſeveral times, at ſeveral places, about the finding of an Office, but no Office could be found, until the Heir being adviſed to give the Defendant 10 *l.* to let the Office go fairly on; one of his Friends offered him 5 *l.* for that purpoſe, but the Defendant would not, unleſs he would give one *Fawlkner*, his late ſervant 10 *l.* which 10 *l.* was afterward paid to the Defendant, and as he appointed (but all for his uſe) although part was paid to one *Alſop* as for Charges: and after all the mony paid, the Heirs Lands were found to be held in Socage. And another Office being to he found after the death of the Lord *Beamont*; the Defendant was promiſed 20 *l.* to ſuffer an Office to paſs, and for his Fees and Pains thereabout; 10 *l.* whereof he received, and threatned to take a Courſe in Law for the other 10 *l.* if it were not paid: and the Defendant took 18 *l.* to free one *Clark*, His Majeſties Ward, both of his Wardſhip, and all trouble thereabout: and after the death of one *Sacheverell*, an Office was found by the Defendants Privity and Conſent, that all the Lands whereof he died ſeiſed were held in Socage, and for that Office the Defendant demanded 40 *s.* as a due Fee, and was paid it: yet afterward the Defendant, without giving any notice to the Heir, found another Office; that *Sacheverell* died ſeiſed of Lands held by *Knights* ſervice (another man being in truth Seiſed thereof to his own uſe, at *Sacheverells* death) and then the Defendant corruptly offered to deliver up that Office to the Heir, if he would give him 100 *l.* and twenty Marks for Charges: and for theſe Extortions and Fiſhing for a Bribe, the Defendant was Committed to the *Fleet*; Fined 1000 *l.* and diſabled to Execute his Place or Office of *Feodarie.*

Extortions in a *Feodarie.*

Attornat. Regis ver. Bent *Gen.*

The Defendant being *Feodarie*; upon the finding of an Office after the death of one *Mitchell*, did take, by way of agreement before hand made, 8*l.* for his favour therein, beſides 6 *l.* for Charges, and ſo by the Office found by the Defendants ſufferance, the Lands were found to be held in Socage: and upon finding an Office after the death of one *Feare*, the Defendant fiſhed for a Bribe of one hundred Marks to free the Heir from being Ward; and after the Lands were found to be held in free Socage, and the Defendant took 3 *l.* for his and the Eſcheators Fees, and a Bond to pay twenty Marks to one *Alſop* (but in truth for the Defendants uſe) and after the death of one *Wakelin* an Office was found, that he died Seiſed of Lands held in *Capite*, and his Son under Age (his Son being in truth twenty two years Old) and his Wife Joint-purchaſer with him: and the Defendant being told that he was twenty two, delivered up that Office, but told him it coſt mony, and by that means got 40 *s.* from the ſaid *Wakelins* Son. And after the death of one *Armeſton*, an Office was found, that the Lands whereof he died ſeiſed were held in Socage of the Earl of *Stamford*, and 40 *s.* was tendered to *Bent*, and he, being not therewith contented, had 3 *l.* given him: and yet afterward upon his own Evidence, without giving notice to the other ſide to attend the Defendant, procured another Office to be found, that *Armeſton* died ſeiſed of ſome Lands held by *Knights* ſervice, one of the Jury being gon, and neither the Sheriff, nor Under-Sheriff there.

Extortions and Oppreſſions by colour of his Office of *Feodarie.*

And an Office being to be ſound after the death of one *Reade*, the Heirs Witneſſes attended at the day, and place appointed, but the Defendant told them they needed not to attend, for nothing would that day be done; and thereupon, and upon notice given them that the Jury was diſcharged, they went out of Town, and when they were gone, the Defendant upon his own Evidence, and without any Evidence on *Read's* part, and about Sun-ſet that day, found an Office, that *Read* died ſeiſed of ſome Land *in Capite*, and upon this ſurreptitious Office, Proceſs Iſſued out of the Court of Wards, and *Reade* the Son was Arreſted for 127 *l.* mean Rates, when as in truth *Read* the Son was ſeized of thoſe Lands before, and at the death of his Father, and not *Read* the Father. And for theſe offences he was committed, fined 1000 *l.* and diſabled ever to execute the Office of Feodarie, Coroner, or Eſcheator of any County.

An Office delivered up to the Party, when a Tenure was ſound for the King.

Bernard *verſus* Stafferton Gent. *& al.*

The Plaintiff being ſeized in Fee, acccording to the Mannour of *Hall-Place* in the County of *Southampton* of a Meſſuage called *Hornes*, and of certain Lands and Cloſſes there; the Defendant *Stafferton*, being Lord of the Mannour, pretended Title thereunto, ſuppoſing it was Eſcheated; and the Defendant *Greenway* alſo pretended Title thereunto in right of his Wife: And thereupon the Plaintiff to clear his Title commenced a Suit in *Chancery* againſt them both, which coming to Hearing, a ſpeedy Trial at Law was directed, and the Plaintiff to keep the Poſſeſſion till *Greenway* recovered it by Law. Then the two Defendants combine together, and reſolve of a courſe to overthrow the Plaintiff's Title, but not *Greenway's*, and to turn the Plaintiff out of poſſeſſion, which they thus effected: *Stafferton*, by *Greenway's* conſent, made a Leaſe to one *Stone* to try the Title upon a ſuppoſed Eſcheat, and *Greenway* by like conſent then enters, and becomes the Ejector, to the end a Suit might be brought privately, and the Plaintiff never know of it: *Greenway*, before the Leaſe ſealed, procured a Writ againſt himſelf, as the next Ejector, got himſelf Arreſted thereupon in *Stafferton's* preſence, and *Stafferton*, being Plaintiff in the Action, became his Bail: And upon his appearance, by like Agreement *Greenway* confeſſed a Judgment, and thereupon a Writ of Execution was Awarded, and the now Plaintiff's Tenant put out of Poſſeſſion, and the Poſſeſſion given to *Stafferton* and his Leſſee; and *Stafferton* having by this indirect means gotten the Poſſeſſion, he alſo poſſeſſed himſelf of the Plaintiff's Goods. And for this lewd practice they were both committed to the *Fleet*; *Stafferton* fined 1000 Marks, *Greenway* 200 *l.* both bound to their good Behaviour during their lives; pay the Plaintiff 100 *l.* damages: *Stafferton* to ſtand on a Stool at *Wincheſter* Aſſizes with a Paper on his Head declaring his offence, and there make an acknowledgment thereof, the Decree being read; and *Greenway* to be ſet in the Pillory at *Weſtminſter* with the like Paper, and at *Wincheſter*, where he was alſo to be well whipp'd.

Practice to get the Plaintiff out of Poſſeſſion by a Suit Commenced, Arreſt and Judgment entred by conſent, without the Plaintiffs privity.

100 *l.* damage.

***Attor. Regis verſus* Bowyer.**

The Defendant, in ſcandal of the State, but eſpecially of the now Lord Archbiſhop of *Canterbury*, did, as himſelf confeſſeth, falſely, and meerly by the Inſtigation of the Devil, ſay and affirm in *Reading*, *That the Biſhop of Canterbury was confined to* Fulham-*Houſe*; *That he had twenty four of the Guard, twelve by Day, and twelve by night ſet to watch him*; *That his Confinement was for four Points of High Teeaſon*; which he affirmed to be theſe: 1. *That the ſaid Archbiſhop was an Arminian.* 2. *That he*

Slander of the Archbiſhop of *Canterbury*.

had ſent Letters to the Pope. 3. *That the Archbiſhop ſaid the Midwife of the Virgin* Mary *was a Mediatrix to our Saviour.* 4. *That the Virgin* Mary *was no Humane Creature.* And alſo affirmed, that he had ſeen four Letters written with the Archbiſhops own hand, which were to be ſent to *Rome*, two to the Pope, and two to Cardinal *Blunt*, the ſubſtance whereof was, as he affirmed, *That the ſaid Archbiſhop was ready to do for thoſe at* Rome *was at was in his power*; *And that they ſhould direct their Letters to the Queen of* Englands *Court*; *That the ſaid Biſhop would be an Agent for them to ſend Letters back again*; *That the Archbiſhop Preached a Sermon before the King in* Scotland, *that was fit to be preached before the Pope*; *and that he was reproved for the ſame in a Sermon Preached by Biſhop* Hambleton *before his Majeſty*; *That the Archbiſhop allowed* 500 *l. a year of his own Means to the Pope, and that* 17000 *l. a year was alſo allowed the Pope by his means.* And for this he was committed to *Bridewel*, there to be kept at Work, during his Life, and never ſuffered to go abroad, fined 3000 *l.* be ſet in the Pillory at *Weſtminſter*, a Paper on his head declaring his offence, and there acknowledge, and confeſs the ſame; be ſet in the Pillory in *Cheapſide*, with the like Paper, and there make the like ſubmiſſion and acknowledgment, and be burn'd in the Forehead with the Letters *L.* and *R.* and be ſet in the Pillory at *Reading*, with the like Paper, and both his Ears nailed thereto, and make the like ſubmiſſion and acknowledgment as before.

Attor. Regis verſus Fowlis *Mil. & al.*

A Commiſſion being gone forth, directed to the Lord Viſcount *Wentworth*, and others, to Compound with ſuch as deſired ſo to do, for their Contempts in not attending his Majeſty at his Coronation, to have taken the Order of Knighthood, as they ought to have done; and the Lord *Wentworth* being made Collector or Receiver of the ſaid Fines: The Defendant, Sir *David Fowlis*, at ſuch time as the Commiſſioners had ſummoned divers Gentlemen, dwelling near the Defendant, to attend them about their Compoſition for their Fines of Knighthood, endeavoured and practiſed what he could to oppoſe the Service, and to diſſuade and divert men from Compounding; and to that end declared publickly his diſlike and diſaffection of, and to that Service, and encouraged divers to ſtand out and refuſe to Compound. And farther to hinder the ſame he did, in Conference with divers Gentlemen thereabout, ſay, *That York-ſhire Gentlemen in times paſt had been accounted ſtout-ſpirited men, and would have ſtood for their Rights and Liberties, and were wont to be the worthieſt of all other Shires*; *and that in former times other Shires did depend, and would direct all their great Actions by that County*; *but in theſe days York-ſhire-men were become degenerate, more Daſtardly and more Cowardly than the men of other Counties, wanting their wonted Courage and Spirit*: And then extoll'd and highly commended one *Maleverer*, for denying to compound with the Commiſſioners, ſaying, *He was the wiſeſt, and worthieſt man in the Country, and that he was a brave Spirit, and true York-ſhire-man, and that none durſt ſhew himſelf ſtoutly for the good of his Country but the ſaid* Maleverer, *who was to be honoured therefore.* And farther to hinder that Service, alleaged, *That in other Shires the Fines advanced for Knighthood were not ſo high, as by theſe Commiſſioners in* Yorkſhire; *and that many in* Oxford *and* Buckingham *Shires utterly refuſed to Compound*; And he alſo blamed and reproved ſome who had Compounded, ſaying, *They had thereby done themſelves ſome wrong, and that the Country hereafter would be much troubled with ſuch Impoſitions.* And

Undutiful oppoſing his Majeſties Commiſſioners for Compounding for Fines for Knighthood.

Scandal of the Lord *Wentworth*, Lord Deputy of *Ireland*.

Scandal of his Majeſties Juſtice.

Contemptuous and Derogatory ſpeeches againſt the Council at *York*, whereof himſelf was then a Member.

3000 *l.* dam.

the ſaid Defendant, farther to beget and draw a general obedience in the People, and to draw a Scandal on the Lord *Wentworth*, and a diſeſteem of him in the hearts of the Gentry of that Country; the ſaid Defendant ſaid, *That* Yorkſhire-*men did adore him, and were fearful to offend his Lordſhip, but at Court he was no more reſpected than an ordinary man; and that as ſoon as his back was turned for* Ireland, *his Place of Preſidentſhip of the Council at* York *would be beſtowed on another.* And Sir *David Fowlis*, and the Defendant *Henry Fowlis* did publickly, in the hearing of divers Knights and Gentlemen, falſely ſcandalize and wrong the Lord *Wentworth*, by ſaying, and taxing him *to have received much Money for Knighthood-Fines, but had not paid the ſame to his Majeſty, or to the Exchequer.* And alſo, to the Scandal of his Majeſties Juſtice, and of the Lord *Wentworth*, and to diſhearten thoſe that were to Compound, they reported and gave out, *That when the Lord* Wentworth *was gone into* Ireland, *all ſuch as had paid their Fines to him (although they had his Lordſhips Acquittance for the ſame) yet they would, and ſhould be forced to pay the ſome over again to his Majeſties uſe.* The Defendant Sir *David* alſo publickly diſſuaded Sir *Thomas Layton* from yielding obedience to his Majeſties Letter ſerved on him, to appear before the Lord Preſident and Council at *York*, (the ſaid Sir *David* being then himſelf one of the ſaid ſworn Council, and by his Oath bound to maintain and uphold the Honour, and Liberties thereof to his uttermoſt) and in ſcorn and contempt of that Court ſaid, *It was but a Paper Court, and that the Lord Preſident and Council had done more than they could juſtifie in ſending for the ſaid Sir* Thomas Layton, *for that he was then High Sheriff of the County; and that if he were in in the Sheriffs Caſe he would not care a Dogs Turd for it.* And in farther diſgrace of that Court ſaid, *That the ſaid Council had nothing to do with a Juſtice of Peace, and that the Office of a Juſtice of Peace was above the Council at* York. And for theſe offences Sir *David* was committed to the *Fleet*, during the King's pleaſure, fined 5000 *l.* to acknowledge his offences in this Court, before the Council at *York*, and at the Aſſizes at *York*, and there the Decree to be read, made incapable to have or execute the place of a Counſellour at *York*, Deputy-Lieutenant, or Juſtice of Peace, and pay 3000 *l.* damage to the Lord Viſcount *Wentworth*; and *Henry Fowlis* was Committed to the *Fleet*, and fined 500 *l.*

Hillar. 9 Car.

Attorn. Regis ore tenus verſus Moor *Armig.* Erecting new Buildings contrary to Proclamation.

Continuing of Houſes built contrary to King *James* his Proclamation.

THe Defendant, in contempt, and contrary to his late Majeſties Proclamation about 13 *Jacobi*, built in the Pariſh of St. *Martins* in the Fields upon new Foundations ſeventeen Coach-houſes, and thirteen Stables all of Timber, and continued the ſame to this day: And about the ſame time, in the ſame Pariſh he alſo new built ſeven other Houſes, two were upon old Foundations in part, and the other five on new Foundations, and proceeded to finiſh them, though whilſt they were in Building he was Inhibited by ſome of the Commiſſioners concerning Building, and theſe Houſes he ſtill continued ſtanding, and let out to Tenants: And in his now Majeſties time, and contrary to his Majeſties Proclamation touching Buildings, the Defendant in the ſame Pariſh pulled down certain Work-houſes, Coal-houſes, and low Brick

Buildings, and in the ſame place ſet up five new Dwelling Houſes, whereof two were part upon old Foundations, the other three upon Back Buildings. And for this he was committed to the *Fleet*, fined 1000 *l.* and his ſaid Buildings ordered to be demoliſhed and pulled down to the ground, and he to cauſe it to be done by *Eaſter* next, or pay 1000 *l.* Fine more.

Theſe were pulled down.

Attorn. Regis ore tenus verſus Smith. Buildings contrary to Proclamation. This Houſe was preſerved

The Defendant, contrary to, and in Contempt of his Majeſties Proclamation to reſtrain the ſetting up of new Buildings in, and about *London* and *Weſtminſter*, did Erect and build a Houſe in *Lincolns Inn-Fields*, by *Lonches* Buildings, and then converted it into two Houſes, part of them being upon a new Foundation, and part upon the Houſe, or Yard of a Gun-Powder-Houſe, which was ſet up 39 *Eliz.* and this he did by the ſufferance of one of the Commiſſioners for Buildings, to whom the reſt referred it. Yet for his contempt and offence therein he was committed to the *Fleet*, fined 200 *l.* and ordered to demoliſh thoſe Houſes by *Eaſter* next, or be fined 200 *l.* more.

Attorn. Regis per Rel. Apſley *Armig. verſus* Ridley *& al.*

Riot.

Two of the *Ridleys* came armed to the Plaintiffs Barn-door, where his Threſhers were at work; one of them being armed with a Sword, the other with a Piſtol, and wiſhed the Threſhers to open the Door, which they refuſing, *Ridley* the Son preſented his Piſtol at them, and ſware he would ſhoot them if they would not open it, at laſt brake open the door, and entred with a Piſtol and Sword drawn, and by force thruſt the Threſhers out of the Barn, and kept the poſſeſſion all that day, till others came to them, and then one of them ſet a Lock on the door, and ſo all departed till the next morning, when they ſet Threſhers at work to Threſh out all the Corn in that, and other Barns of the Relators, and which ſtood in Stack in the Yard, and carried together with a great Quantity of Hay, which lay in another Barn, unto *Ridley*, the Father's Houſe. And at another time *Ridley* the Younger, with others of the Defendants Armed, entred into the Relators Tenants Houſe forcibly at a Window, which they cut down, threatned to ſhoot and run them thorow that were in the Houſe, and there they kept the poſſeſſion thereof by force; and the Relator coming thither to gain his Poſſeſſion, divers other Rioters Armed aſſembled to them, armed with Daggers and Swords; the Defendants alſo Riotouſly beat the Relators Tenant's Wife and Servant as they were Collecting of Tythes, and took the Tythes from them. And for this they were all committed, and bound to their good Behaviour, two fined 500 *l.* apiece, one 100 Marks, and ſix others 40 *l.* apiece.

Damage and Poſſeſſion left to the Court of Wards to order.

Attorn. Regis ore tenus verſus Apſley *Arm.* Libellous Letter and Challenge to the Earl of *Northumberland*.

The Defendant, being on Ship-board going beyond the Seas, wrote a ſcandalous Letter, full of provoking and diſgraceful Language, to the Earl of *Northumberland*, who was then attending his Majeſty into *Scotland*, and withal containing a Challenge, but appointed neither Time, nor Place, and this Letter he ſubſcribed with his Name, ſealed it up, and ſent it to the Earl without making any one acquainted with the Contents thereof. And this Letter the Court Adjudged to be both a Libel, and a Challenge; and therefore the Defendant was committed to the *Tower*, during his Majeſties pleaſure, fined 5000 *l.* bound to his good Behaviour during life, if ever he be enlarged, and forejudged never to come within the Verge of the King's Houſhold, ſaving in the time of his now Impriſonment; diſabled to have, or execute any Office, and to acknowledge his offence to his Majeſty, and the Lords in this Court upon his Knees, and then ask his Majeſty Pardon; and alſo to make ſuch acknowledgment and ſubmiſſion to the Earl of *Northumberland* in the preſence of the Earl-Marſhal, and ſuch others as his Lordſhip ſhall be pleaſed to call to him, and in ſuch ſort as the ſaid Earl ſhall direct.

Attorn. Regis verſus Hillyard *& al.*

Buying and ſelling of Salt-Peter contrary to his Majeſties Proclamation.

Contempt of the King's Commiſſioners command. Salpeter-man exceeds his Commiſſion to the abuſe of the Country. Tampering with Witneſſes to forſwear themſelves, and ſo not to be examined.

The Defendant *Hilliard* having obtained a Commiſſion and Deputation from his Majeſties Commiſſioners to enter by himſelf and his Servants, and to work for Saltpeter in all convenient places within certain Counties therein named, by which Commiſſion it was provided, and he agreed, that he ſhould deliver all the Saltpeter he got to his Majeſties Powder-maker, for his Highneſs his ſervice, and ſhould not imbeazle, ſell, or otherwiſe diſpoſe of any part thereof to any perſon whatſoever, ſaving to his Majeſties Powder-maker. And his Majeſty by his Proclamation having alſo prohibited the making, buying, ſelling, or uttering any Saltpeter to, or for any other perſon, or uſe, than to his Highneſs his Pouder-maker, for his Majeſties uſe. The Defendant did ſet up ſeveral Works for Saltpeter in ſeveral Counties, where great Quantities were made, and contrary to his Majeſties ſaid Proclamation, and contrary to his ſaid Deputation and Commiſſion, the ſaid *Hillyards* Wife, and his Servants, by his, and his Wive's direction and allowance, did ſell divers great quantities of the Saltpeter gotten in his Majeſties Works to ſeveral perſons at 4 *l.* the hundred, and received Money for the ſame, part whereof the Defendant *Hugh Nichols* bought, contrary to his Majeſties ſaid Proclamation Dated in *April* 1 *Car.* And the Defendant *Hillyard* did not deliver in to his Majeſties Powder-maker the full quantity, which he Covenanted to deliver, to his Majeſties great prejudice, who was forced thereby to furniſh himſelf from Foreign parts at greater Rates, and to the hazard of the State, it being in a time of War and danger. And his Majeſties Commiſſioners taking notice of his abuſes, ſent Letters and a Command to the ſaid *Hillyard*, not to work any longer for the making of Saltpeter, but at his peril to give over to put in execution any part of his Deputation; yet the Defendant ſet up ſeveral Works in ſeveral places, in contempt of their Command, and alſo ſet up a Work in a County, where his Commiſſion did not extend to, and there took Carts to carry it, as for the King's Service, and yet ſold it to others, and it never came to the King's Store-houſe. And whereas Witneſſes were to be examined by Commiſſion out of this Court againſt the ſaid Defendants *Hillyard* and *Goodenough*, they perſwaded a Witneſs to forſwear himſelf, ſaying, *It was no offence to God to forſwear himſelf to ſave his Friend*; and that *Goodenough* would prove it by Scripture; and *Goodenough* perſwaded others not to appear at that Commiſſion to be examined, although they were Precepted; and told one of the Plaintiff's Witneſſes, *That a Friend to ſave a Friend, and a Kinſman to ſave a Kinſman might forſwear himſelf, and that it was no offence to* God *ſo to do*, and by ſuch like words and perſuaſions the Defendant *Hillyard* procured another material Witneſs of the Plaintiff's not to be examined againſt him, and they got divers others by Indirect means to ſet their Hands to a Note importing untrue Teſtimony. And for theſe offences *Hillyard* was committed during his Majeſties pleaſure, fined 5000 *l.* diſabled ever to be a Saltpeter-man, bound to his good Behaviour, and ſet on the Pillory at *Weſtminſter*, *Andover*, and *Chippingham*, with a Paper on his Head declaring his Offence, *Goodenough* Committed, bound to his Good Behaviour, Fined 1000 *l.* Set on the Pillory in the three places before-mentioned, with his Ears nailed, and a Paper on his Head declaring his Offence, and to be well whipped, and diſabled ever to be a Witneſs: and *Nicholas* Committed, and Fined 200 *l.*

Attornat. Regis verſus Pryn *Arm. & al.* Contriving, Licenſing, Printing and Publiſhing a Libelous and Seditious Book.

The Defendant *Pryn* contrived, framed and wrote an Infamous, Scurrilous and Seditious Book and Libel, Intituled *Hiſtrio-maſtix*, *The Players Scourge and Actors Tragedy*; which indeed, as appeared upon Reading, ſeveral parts thereof contained divers and ſundry Libelous and Scandalous Imputations, and Unchriſtian Cenſures of all ſorts of His Majeſties people, of both Sexs, of this Kingdom, the Magiſtrates, His Majeſties Houſhold, His Majeſty and His Royal Conſort, the Queen; which are of ſuch nature as are not fit to be mentioned, and therein he doth caſt Perſonal Aſperſions on His Majeſty and the Queen, taxes the Government, and endeavours to infuſe ſo much Diſobedience and Sedition into the hearts of His Majeſties people, that he might juſtly have been dealt with as a Capital Offender. The Defendant *Buckner*, being Chaplain to the Late Lord Arch-Biſhop of *Canterbury*, Licenſed ſixty four pages of this to be Printed, *Sparks* Printed them, and *Pryn* and *Sparks*, after the ſaid Books were called in by Warrant from the Arch-Biſhop, publiſhed divers of them: and for this *Pryn* was Committed during life, Fined 5000 *l.* expelled the Houſe of Court whereof he was, Disbarred and Diſabled ever to exerciſe his Profeſſion of a Barriſter, to be Degraded by the Univerſity of *Oxford* of his Degrees there taken; and then to be ſet on the Pillory at *Weſtminſter* with a Paper on his Head declaring his Offence, and have one of his Ears cut off, after to be ſet on the Pillory in *Cheapſide* with the like Paper, and have his other Ear cut off, and then the Books to be caſt into a Fire there by the Hangman, to be burned, never to be ſeen by any, *Sparks* Committed, Fined 100 *l.* to ſtand on the Pillory in *Cheapſide*, with the like Paper; *Buckner* Committed and Fined 50 *l.* *Pryns* Affidavit taken off of the File, and he recommended to the High-Commiſſion-Court for farther puniſhment, for thoſe parts of the Book, which Scandal the Church.

Paſc. 10 Car.

Crane *Mil. ver.* Hawks. Counterfeiting of Farthing-Tokens.

THE Defendant *Hawks* with others his Partners (who were now Witneſſes againſt him) made about 200 *l.* worth of Counterfeit Farthings, in Contempt of His Majeſties Proclamation, and contrary to the Common Law, in deceit of His Majeſties people, and prejudice of His Majeſties Patentees, who are bound to a continual Rechange: and for this he was Committed to the *Fleet*; Fined 200 *l.* and ſet on the Pillory at *Weſtminſter*, and in *Cheapſide* with a Paper on his Head declaring the nature of his Offence; and the two Witneſſes Ordered to be proceeded againſt by Mr. *Attorney General*, and after their Anſwer put in, to proceed to Hearing on their own Confeſſions in this Cauſe; and no man to pay above 2 *d.* in Farthings to any man, at any time; nor Buy any Farthings at any leſs Rate than they are uſually vented by His Majeſties

Nota.

ſties Patentees. If any offend in either of theſe kinds, this Court will ſeverely puniſh it.

Trinit. 10 Car.

Reeve *&* *al.* *ver.* Gray.

Miſdemeanor in Arreſting one upon a Writ Sued forth againſt another of the ſame name. Fifty pound damage.

THE Defendant *Gray* having a deſire to gain the Inheritance of divers Lands, which the Plaintiff *Robert Reeve* had in Reverſion, prepared a Deed to that purpoſe, and tendred to the Plaintiff to Bail, which he refuſing, *Gray* cauſed him to be Arreſted upon Suſpition of Felony for ſuppoſed Stealing of a Shirt, the Shirt being in truth the Plaintiffs own Shirt, and after procured the ſaid *Reeve* to be Arreſted upon an Attachment of Priviledg, at his the ſaid *Grays* own Suit; that Attachment being in truth Sued forth againſt another man, an Eſquire of the ſame name, who lived in that County: and for this indirect Courſe to get the Plaintiffs Reverſion, the Defendant *Gray* was Committed to the *Fleet*; Fined 50 *l.* to the King, 50 *l.* damage to the Plaintiff, and diſabled to practiſe as an Attorney in the Court of Common-Pleas henceforth.

Mich. 10 Car.

Vezey *Arm.* *ver.* Turner *&* *al.*

Maintenance and Proſecuting Suits in other mens names.

Practice by Copyhold Tenants and ſtirring up of Suits againſt the Lord of the Mannor.

Three hundred pound damage.

TUrner and *Eldred*, being Cuſtomary Tenants to the Plaintiff, did unlawfully ſtir up divers Vexatious Suits againſt the Plaintiff being Lord of the Mannor, and to whom they owed Suit and Service: and *Eldred* proſecuted as an Attorney, ſeveral Suits againſt the Plaintiff in other mens names without their Warrant, and *Turner* did unlawfully maintain and bear the Charge of ſeven ſeveral Actions brought againſt the Plaintiff in other mens names. And the Defendants *Eldred* and *Turner* upon Trial of an Action againſt the Plaintiff, Unlawfully Tampered with the Jury; *Eldred* in the beginning of the Aſſizes deſiring one of the Jury to appear, and telling him the Iſſue was concerning the Reaſonableneſs or Unreaſonableneſs of a Fine of a Lord of a Mannor, and that it was every Tenants Caſe to conſider it; and *Turner* Supping with ſome of the Jury the night before the Trial, and beſtowing Drink, and other Courteſies on them; and the ſaid *Turner* and *Eldred*, and the other Defendants practiſed to Defeat the Plaintiff of the Wardſhip of a Ward by keeping him ſecret in their Houſes, and ſhifting him from place to place by night, and cauſing him to change his name, to the end he might not be ſeized by the Plaintiff, and after the Plaintiff had gotten him into his Cuſtody, perſuading him to leave the Plaintiff, and be ruled by them: and for theſe Offences the Defendants were all Committed to the *Fleet*; *Eldred* and *Thomas Turner* Fined 500 *l.* apiece: *Elizabeth Wace*, the Wards Mother 100 *l.* *Harriſon* and *William Turner* 50 *l.* apiece: the two firſt to pay the Plaintiff 100 *l.* apiece damage, and the two laſt 50 *l.* apiece, and all the Defendants to acknowledg their Offences at the Plaintiffs next Court-Baron holden at his Mannor, and alſo at the Aſſizes in *Eſſex*, the Judges ſitting: *Eldred* held fit to be Diſabled to Practiſe as an Attorney any longer, and the doing thereof left to the Lord Chief Juſtice of the Kings Bench.

The

Sheldon *Vidua ver.* Sheldon *Gen.* & *al.*

The Plaintiffs Husband dying ſeiſed of certain Lands held in Free and Common Socage, and leaving her a Son under Age; and the Plaintiff after his Deceaſe being Poſſeſſed of the whole Eſtate; the one Moity in right of her Dower, and the other Moity as Guardian in Socage to her ſaid Son, during his Minority. The Defendants *William* and *Edward Sheldon*, knowing the Lands were all held in Free and Common Socage, did notwithſtanding, on purpoſe to wreſt the Poſſeſſion thereof from the Plaintiff, Exhibit a Petition to the Maſter of the Wards and Liveries, three years after the Death of the Plaintiffs Husband, ſhewing, that the the Plaintiffs Husband died ſeized of the Premiſes; and that the ſame were held of His Majeſty by Knights ſervice in *Capite*, and that his Heir was within Age, and on that Petition obtained a Writ of *Mandamus* to the Eſcheator to find an Office: and the Defendant *Atkins* being the Eſcheator, he called for the Writ, brought it down, and without giving any notice to the Plaintiff of the Execution thereof, and without making any Proclamation thereof in the County Court, as he ought, Executed the ſaid Writ at a place far diſtant and remote from the Premiſes; and thereupon the Defendant *William Sheldon* acknowledged to the Jury, that about half a quarter of an Acre of the Premiſes was held of His Majeſty in *Capite* by Knights ſervice, and without any other Evidence given or ſhewed, the Jury returned their Verdict, and an Office, which was brought thither ready drawn by the Defendant *Edward Sheldon* to that effect was Returned and Filed; and his Majeſty being thereby Intituled to the Wardſhip, the Cuſtody of the Plaintiffs Son was committed to the Defendant *William Sheldon* and his Wife upon a falſe pretence that the Plaintiff was a Recuſant, and the Plaintiff was turned out of the Poſſeſſion of the whole Eſtate: and for this Foul Practice the Defendants were Committed to the *Fleet*; *William Sheldon* Fined 200 *l.* *Edward Sheldon* 300 *l.* and *Atkins* the Eſcheator 100 *l.* and the two *Sheldons* Ordered to pay the Plaintiff 300 *l.* damages.

Practice to find an Office to Intitle His Majeſty to a Wardſhip by acknowledgment of a Tenure in *Capite* by Knights Service.

Miſdemeanor in an Eſcheator finding an Office without giving notice to the Plaintiff or Proclaiming it in the County-Court.

Three hundred pound damage.

Peyton *Cler. verſus* Penny & *al.*

The Defendant *Henry Penny* having a Libelous Song, which he conceived was made in diſgrace of the Plaintiff, did, in the preſence of divers perſons Sing the ſaid Libel; and the Defendant *Henry Penny* finding the ſaid Libel folded up, opened, and Read the ſame; and ſhortly after meeting the Defendant *Holley* Produced and Read a Verſe of it to the ſaid *Holley*, and then laid it down upon a Table, and *Holley* took it up, and the next day delivered it to another man, whereby it paſſed from man to man, to the Scandal of the Plaintiff, by whom it was generally conceived to be intended: and for this they three were Committed to the *Fleet*, bound to their Good Behaviour; Fined 200 *l.* apiece, to pay the Plaintiff two hundred Marks damages. *Henry Penny* to ſtand on a Stool in the Church-Porch on a *Sunday*, while the Pariſhoners are coming to Church with a Paper on his Head declaring his Offence; and after Service, and Sermon ended, he, and the other Defendants to ask the Plaintiff forgiveneſs, and acknowledg their Offences.

Publiſhing a Libel.

Two hundred Marks damage.

Goddard *Arm. ver.* Hyde *Arm.* & *al.*

A Fellowſhip in *Exeter*-Colledg in *Oxon* being void, into which no man could be Elected, except he were born within the Dioceſs of *Sarum*; and the Plaintiffs Son, and the Defendant *Thomas Hyde* both ſtanding for the ſaid Fellowſhip, moſt of the Fellows gave their Voice for the Plaintiffs Son, which the Defendants perceiving before-hand, although they well knew that the Plaintiffs Son was born within the Dioceſs of *Sarum*, yet to prevent his Election, and to make him incapable of the ſaid Fellowſhip, *Humphrey Hyde*, Eſq; Father of the ſaid *Thomas Hyde*, went to the Defendant *Elizabeth Dixon*, being an Aged Midwiſe of about fourſcore years of Age, who had brought the Plaintiffs Wiſe to bed with ſome of her Children, but not of her Son that ſtood for the Fellowſhip, and inſinuating himſelf with her, perſuaded her that ſhe did bring the Plaintiffs Wife in Bed with that Son within the Dioceſs of *Winton*, and told her there was a Gentlewoman that liked her ſo well at that Labor, that ſhe would not be ſatisfied without ſhe the ſaid *Dixon* came to bring her to Bed alſo; and then departed, ſaying, that ſhe ſhould ſhortly hear from him again. And having thus prepar'd her; the ſaid *Humphrey Hyde* contrived and wrote a falſe Certificate purporting, that the Plaintiffs Wiſe was Delivered of her Son (that ſtood for the Fellowſhip) at *Eaſtwoodhay* within the Dioceſs of *Winton*; and ſent that falſe Certificate by the Defendant *Garret* to the Defendant *Farrant*, an intimate Friend of the Defendant *Dixons*, to get her the ſaid *Elizabeth Dixons* hand to the ſaid falſe Certificate; and the Defendant *Dixon*, by their perſuaſion did ſet her hand to the ſaid falſe Certificate; and *Garret* and *Farrant* ſet to their names as Witneſſes; and the ſaid *Garret* carried it to *Thomas Hyde* and delivered it him in *Humphry Hydes* preſence; *Thomas* delivered it to *Francis Hyde*, and he delivered the ſaid falſe Certificate to the Rector of the Colledg, as a true Certificate, as he was going to the Election, and *Alexander Hyde*, and *Humphry Hyde* juſtified it to be a true Certificate: and by means of this falſe Certificate the Plaintiffs Son was declar'd incapable of the Fellowſhip, and ten of the Felllows who gave their Voices for his Election were Expelled the Houſe, and for procuring and making uſe of this falſe Certificate to the prejudice and diſgrace of the Plaintiffs Son, and of the ſaid ten Fellows, the Defendants were Committed to the *Fleet*; *Humphry Hyde* Fined 1000 *l.* *Garret* 500 *l.* *Francis Hyde*, *Alexander Hyde*, and *Simon Farrant* 100 *l.* apiece, and pay 400 *l.* to the Plaintiff; 300 *l.* thereof for his own damages; and out of the other 100 *l.* 50 *l*, to go to the uſe of Colledg who was put to Charge in Entertaining the Viſitor to examin the abuſe, and 50 *l.* to be delivered among the ten Fellows expelled for giving their Votes for the Plaintiffs Sons Election; who, if the Certificate had been true, had been incapable of the Fellowſhip, and they juſtly expelled for giving their Voices.

Practice to procure a falſe Certificate to fruſtrate the Plaintiffs Sons Election to a Fellowſhip in *Exceſter*-Colledg.

Four hundred pound damage.

Damage to a Colledge and Fellows there, no Parties to this Suit.

Kingſton *Comes verſus* Pettinger.

Scandalous Words.

Two thouſand pound damage.

The Defendant *Pettinger*, at *Barnſley* in *York-ſhire*, in the preſence of divers perſons ſaid, the Earl of *Kingſton*, the Plaintiff, is a Baſe Lord; a T—— in his Teeth; he is but a Cur, and a Baſe Lord, and of no account: and for uttering theſe Contemptuous, Scandalous, and Diſgraceful Speeches, he was Committed to the *Fleet*; Fined 200 *l.* to pay 2000 *l.* damage to the Plaintiff, at *Nottingham*-Aſſizes to be publickly whipped, and before his Enlargement out of the *Fleet*, to find Sureties for his Good Behaviour.

Trin. 11 Car.

Attornat. Regis per Rel. Jacobſon *ver.*Camry *& al.*

HIS Majeſty being ſeized, in right of his Crown, of the Foreſt of *Braydon* and of the Woods and Lands called the Dutchy Woods, and Dutchy Marſh Lands thereto adjoyning and intending to improve the ſame by incloſing it for increaſe of His Revenew, and the good of His Subjects, did in *November* 3. for 21000 *l.* Demiſe the ſaid Dutchy Woods, Dutchy Marſh and the Demeaſn Lands, and the Woods, Underwoods, and Trees thereupon, to Mr. *Jacobſon* and others for forty years at the Yearly Rent of 2 *s.* 3 *d.* the Acre, but their Yearly Payment was not to begin until it were Incloſed and ſetled at His Majeſties Coſt, the Leſſees Entred and endeavoured to incloſe and improve the ſame, and ſome of the Defendants diſturbing their Poſſeſſion upon pretence of having right of Common of Paſture within the ſaid Foreſt and Premiſes, an Information was Exhibited in the Court of Exchequer, and in *Michaelmas* 4. a Decree thereupon declaring that His Majeſty and His Heirs and Succeſſors and their Tenants and Farmers ſhould enjoy the Inheritance and Poſſeſſion thereof diſcharged of Common, according to a former Order made in *Michaelmas* Term 3. except cauſe were ſhewed to the contrary the firſt week of the Term following: and *Hillary* 4. the Decree was Eſtabliſhed, and another Information Exhibited in the Court of Exchequer for new diſturbances, and thereupon another Decree that the Farmers might Incloſe, and that the pretenders to Common ſhould enjoy ſuch proportions as were ſet out unto them by His Majeſties Commiſſion of Grace, and all their pretences were ſilenced by large and ample ſatisfaction. Yet the Defendants in Contempt of all Authority Combined together and reſolved to pull down and deſtroy all the preſent and ancient Incloſures there, and to demoliſh the Houſes and to burn up the Hedges and Hedg Rowes, that the Farmers ſhould never be able to Improve or Incloſe it. Which the Defendants with great numbers in their Company, ſomtimes a thouſand, ſomtimes more and ſomtimes leſs, effected in very Riotous and Rebellious manner in diſguiſed Habits both by day and night, and contemned the Sheriff when he came to Proclaim Peace and ſuppreſs the Riots, and ſhot off a Gun at the Under-Sheriff and a Meſſenger of His Majeſties Chamber: and ſome of the Defendants encouraged the ſaid Riots by ſending them mony and proviſion, and ſome went about to Collect Mony and Victuals to maintain them: and for this they were all Committed to the *Fleet*, three of the Ring-Leaders Fined 500 *l.* apiece, bound to the Good Behaviour, and be ſet in the Pillory at the Aſſizes in Womens Cloaths as they were diſguiſed in the Riots, with Papers on their Heads declaring their Offences and be then there well whipped, three others Fined 300 *l.* apiece and bound to their Good Behaviour, twenty eight others Fined 200 *l.* apiece, and bound to their Good Behaviour: and all of them to pay the Relator 2000 *l.* damages: and *John Parker* the Elder for threatning a Meſſenger that came to apprehend ſome of the Rioters, ſaying he would queſtion him and grable with him for it, and for uſing other contemptuous ſpeeches to the diſcouragement of the Meſſenger in the Execution of His Majeſties ſervice, was Committed, Fined 500 *l.* and bound to his Good Behaviour.

Riotous deſtroying the Incloſures in the Foreſt of *Braydon.*

Two thouſand pound damage.

Contemptuous uſage and threatning of a Meſſenger for doing His Majeſties ſervice.

Mich. 11 Car.

Bond *Eſqu;* *ver.* Goddard *& al.*

Killing His Majeſties Deer in Grounds near *Albourne* Chace.

GOddard the Elder being a Copy-holder of Lands in *Eylden* within the Mannor of *Ogburne* near adjoyning to His Majeſties Chace called *Albourne* Chaſe, being a place which in *Winter* time was a ſpecial and uſual ſuccour for preſerving the breed of young Deer belonging to the Chaſe, and where the Keepers do uſually lodg and go in and out, and with their Leaſh Hounds have without interruption from time to time uſed to drive and rechaſe His Majeſties Deer, *Goddard* the Younger under colour of going to kill Conies in the ſaid *Eylden* Grounds, did with his Fathers Privity and Command aſſemble to himſelf the Defendant *Cope*, and another, and in the night go towards the ſaid Grounds, and in their way in another mans Coppice about half a Mile from the Chaſe with Dogs kill one of the Chace Deer, and carried it to *Goddard* the Elders Houſe, where it was eaten, and at another time they killed another of the Deer of the Chaſe in the ſaid *Goddard* the Elders Ground, and carried it home to his Houſe, and he diſpoſed of part of it, and after they had a Raſcal Deer, and part of it being eaten in *Goodards* Houſe boiled, *Goddards* Wife to keep it from being diſcovered told her ſervants it was Mutton: and for this they were all Committed to the *Fleet*; the two *Goddards* Fined 500 *l.* apiece, *Goddards* Wife 50 *l.* and *Cox* 300 *l.* and the two *Goddards* and *Cox* to make their acknowledgment and ſubmiſſion at the Aſſizes, and be there bound to their Good Behaviour.

Nota.

Provided that nothing in this Decree ſhall prejudice the Provoſt and Scholars, of *Kings* Colledg in *Cambridg* in any ancient Right or Priviledg that they have in any their poſſeſſions in thoſe parts.

Paſ. 12 Car.

Cornwallis *Eſquire verſus* Wilkinſon *Cler.*

Practice to find an Office.

Perjury before the *Feodary* and Eſcheator.

THe Defendant knowing that the Plaintiff had Purchaſed certain Lands of one *Robert Holdenby* in the County of *York*, and that the ſame were worth 40 *l. per ann.* and that the ſaid *Holdenby* was by his the ſaid Defendants with the Plaintiff to continue the Poſſeſſion thereof at that Rate, and that the ſaid *Holdenby* did not die ſeized of the ſaid Lands, did notwithſtanding after the Deceaſe of the ſaid *Holdenby*, with intent to draw the Creditors of the ſaid *Holdenby* and the Purchaſers of the ſaid Lands to Compound at an eaſie Rate for the benefit of his Grand-Child who was Heir to the ſaid *Holdenby*, Sued forth a Writ of *Diem clauſit extremum*, which was Executed without any notice given to the Plaintiff (though he deſired it) twenty eight Miles from the Lands, and forty Miles from the Plaintiffs dwelling, and the Defendant in perſon Solicited the finding of the Office, brought an Office ready drawn conteining that the ſaid *Holdenby* dyed ſeized of the ſaid Lands, and that they were worth but twenty Marks *per ann.* or thereabouts, and perſuaded the Jury to find that Office without Oath, but they refuſing ſo to do, the Defendant did upon his Oath before the *Feodary* and Eſcheator, falſly and contrary to his own knowledg, Depoſe that all things contained in the ſaid Inquiſition as they were therein ſet down, were true, and then he procured that Office to be returned into the Court of Chancery, *Paſ.*12 Car.

Chancery, and thence Tranſcribed into the Court of Wards, and thereupon obtained a Grant of the Wardſhip, and a Leaſe of the ſaid Lands: and for this foul practice and wilful Perjury, the Defendant was Committed to the *Fleet*; Fined 500 *l.* and to pay the Plaintiff 200 *l.* damages, referred to the High-Commiſſion-Court, to be firſt Deprived and Degraded of his Miniſtry, and then to be ſet on the Pillory at *York*-Aſſizes, with a Paper on his Head declaring his Offences, and there make an humble confeſſion and acknowledgment thereof.

And withal the Court declared the Office to be gotten Surreptitiouſly, and by groſs and wilful Perjury, and fit to be made void, and therefore recommended it to the Maſter and Council of the Court of Wards to give Order to admit the Plaintiff to his Travers of the ſaid Office without any Bill of Travers, that thereupon, and upon view of this Sentence His Majeſties Attorney may confeſs the ſame, and the Plaintiff be reſtored to the quiet Poſſeſſion of the ſaid Lands without further Tryal or Charge.

Leigh *Kt. ver.* Wood *&* *al.* Killing of Deer in *Bradly* Park.

The Defendants *John* and *Henry Wood*, with others in their Company, did in ſeveral nights with Grey Hounds Hunt and Kill two of the Plaintiffs Deer in *Bradley* Park in *Com. Lancaſter*, and carried one of them away, but were taken by the Keepers before they carried away the other: and for this they were Committed to the *Fleet* three months, and Fined 100 *l.* apiece, bound to their Good Behaviour ſeven years, and to acknowledg their Offences at the Aſſizes at *Lancaſter*, and *Cheſter*, the Judges Sitting.

ARGUMENTS CONCERNING Martial Law.

Whereas the Author did omit in his firſt Part to Inſert ſome Arguments made in the Houſe of Commons 4 Car. I. *concerning Martial Law, which at that time he had miſlaid, he doth now ſupply that Defect, and hath put them in the Appendix, being the Arguments (but imperfectly and briefly taken) of Sir* Edward Coke, *Mr.* Noy, *Mr.* Banks, *afterwards Attorney General, and Lord Chief Juſtice, Mr.* Maſon, *and Mr.* Rolls, *afterwards Lord Chief Juſtice of* England, *the Reſults of which Arguments are contained in the Petition of Right.*

Mr. Banks *at the Committee of the whole Houſe concerning Martial Law.*

I Will ſay nothing to hinder the Kings Service, let us obſerve our order that the Kings Supply and the Fundamental Liberties go together, we have voted the queſtion, that of *Meum* and *Tuum*, and Liberty of Perſon: This now in Queſtion concerns Life and Member, I will not derogate from the Power of Kings, Subjects have their Right, and Kings their Prerogatives. The Ocean it ſelf bounds it ſelf within its Liberties, and Prerogatives have many hundred years gone together in ſweet harmony. I ſhall not queſtion that Point, whether in Caſe a Commiſſion of Martial Law duly granted, whether it will ſilence the Common Law; without all queſtion it doth not, it deſerves no debate. In Caſe of an Invaſion of an Enemy, and the King marcheth with an Army, whether Martial Law may then be executed, that is not now the Queſtion. But whether Commiſſions for Martial Law may be awarded in time of Peace, as this now is, that concerns life and death, I hold this Commiſſion is againſt Law. I will remove an Objection out of 6 *H.*8. in *Kellways* Reports, where it is ſaid that *Fineax* told *H.* 8. it belonged to the Law of Arms to determine that power, but I conceive that opinion is no Law; The Common Laws Regulate in what Caſes Commiſſions ought to be awarded, though it hath no Juriſdiction in them as in the Admiral Court, or Martial Courts, if they take Cognizance of Caſes, that belong to the Common Law, the Common Law grants Prohibitions, the Common Law is the Judge of other Courts, to keep them in their due bounds, this we ſee is the daily courſe in Prohibitions, and the Kings Bench doth regulate other Juriſdictions, ſo though the Common Law define not, nor ſet down the Law of Arms, yet the Law ſets down when they are to be exerciſed, and how, I will ſpeak nothing to oppoſe

Authority, we will not be Authors of new Opinions, but maintain the old.

My firſt Reaſon is, the Kings Commiſſion under the Great Seal, cannot alter the Common Law, but this Martial Commiſſion in time of Peace alters the Law. For the Propoſitions that the King by his Letters Patents and Commiſſion under the great Seal cannot alter the Law, 39 *H.* 7. 24. the King granted a Protection with a *non obſtante* in a *qua Imp.* and was void 6 *H.* 7. 4. 11 *H.* 7. 24. the King granted a Leet to enquire for Rapes, and it was void, 36 *H.* 8. *Br.* 280. The King cannot grant that an Alien ſhall be Heir to his Father, 37 *H.* 8. *br.* 310. the King cannot grant Land to be deviſed, *H.* 11. *Jac.* a Grant to the Univerſities to proceed according to the Civil Law was a void Grant, and it was ſo reſolved by the Juſtices in the Common Bank.

But this Commiſſion for Martial Law alters the Common Law: For it extends to all that joyn with Souldiers, it is no daſh of a Pen that daſhes or takes away many a mans life. In that Courſe a man ſhall ſuffer death, without a Jury and Trial, and ſo againſt the Law, and alſo ſmall offences are made Capital, which are not by the Common Law; Alſo great care ought to be had by the Commiſſioners, 2 *E.* 3. *C.* 2. Provides that the Commiſſioners of *Oyer* and *Terminer* be not granted, but for horrible offences, and that before the Juſtices of the one Bench or the other. Perſons of ordinary quality are not to be Commiſſioners in this great Commiſſion, 13 *R.* 2. *C.* 3. regulates the Juriſdiction of the Conſtable and Martial, that goes only to ſuch as cannot be determined by the Common Law. But theſe offences now may be determined by the Common Law. The Commiſſion of *Oyer* and *Terminer* is a Service of great expedition, if that Commiſſion be awarded they may make as great ſpeed as they pleaſe. Alſo this Commiſſion is againſt the Law: For this ought only to be awarded in time of War, or inevitable neceſſity.

8 *E.* 4. 29 *H.* 8. *Dy.* 36. a Houſe that is of a fire may be pulled down: We have no time of War, when the Courts of Juſtice are open in *Weſtminſter* and other Juriſdictions: Alſo the Law provides that in time of War there be proviſion.

I agree in ſome particular Caſes the Martial hath Juriſdiction, as in matters whereof the Common Law can take no notice, being done out out of this Realm, and alſo for Treaſons and Murders beyond Sea, 37 *H.* 6. 20. if one call me Traitor, an appeal will lie before the Conſtable and Martial, for it doth not lie at the Common Law, in reſpect of this, that the King cannot alter the Law.

Mr. Maſon *of* Lincolns Inn *concerning Martial Law.*

THe Commiſſion gives power to proceed againſt Souldiers or Mariners, or any that *Joyn with them,* and to proceed according to Martial Law. The execution is referred to Inſtructions, the puniſhment there appointed is Death, it falls into debate how far this extends, it was ſaid it extends only to Souldiers, but as it goes it is to ſuch as ſhall joyn with them, and the Commiſſioners are to Judge who joyns with Souldiers and they may execute them. But ſay it extends only to Souldiers, power to Preſs Souldiers is not now to be diſputed, I have known a Lord Lieutenant give leave to a Muſter-Maſter to Preſs a Man for a Souldier, and the Party refuſed, and he was committed by this Commiſſion,

ſion, ſuch a one may be taken and hanged. It is ſaid, that we have yet ſuſtained no prejudice by this Commiſſion: But want comes on as a Traveller, all Innovation comes in gently at the firſt, and it grows ſtrong by degrees, hereafter it will not be for us to ſay, the Commiſſioners have not executed the truſt committed to them.

It was ſaid the Gentlemen of the Country are only Commiſſioners, but ſince that a Second Commiſſion went out, and divers Captains and Commanders are put in, and they are to joyn with them, and we all know and admit, in the time of War, when the Kings Courts are ſhut, the Law Martial may be executed. In the time of Rebellion the Sheriff hath *Cuſtod. Comitat.* and all Earls and Lords are to aſſiſt him, and he is to raiſe the Country to reſiſt them, 16 *E.* 43. the Rebels that roſe then the Sheriff was bound to ſuppreſs them, 11 *E.* 44. and 6. *Fauconbridge* committed many outrages and *en faux* impriſonment: *le def. pl. fait inter mix que* raiſe Armies, and there were 20000 Rebels, but then I ſaw no Martial Law, but he was brought to *London*, and there executed. 18 *H.* 6. that Statute is, That he that hath received Wages and departs it is Felony, that Statute were void if the Commiſſioners by Martial Law may hang him. 2 *E.* 6. divers Souldiers made away their Arms and Horſe, that Statute is they ſhall be impriſoned: But if they might have been puniſhed by Martial Law that Statute had been void; alſo by Martial Law he ought to be puniſhed by death.

Object. *An Army cannot wait Legal proceedings.* I anſwer, If an Army be in the Field the Common Law allows Martial Law, and alſo the Juriſdiction of the Admiral is part of the Common Law, and then there is *placita exercitus*, and there may be a Jury raiſed preſently by the Martial Law, and this is Legal.

12 *H.* 7. *In dorſo Pat.* two Letters Patents were directed to the Earl of *Oxford* that recited that divers Rebels did Levy War, *&c.* and power was given to ſuppreſs them, *& facere omnia quæ ad officium Conſtabular. Martiali pertinent ſecundum Legem & Conſuetudinem ante uſitat.* 15 *H.* 7. 2. *pars Patent.* there was a Patent to the ſame purpoſe; when an Army is in the Field the Martial is Judge, and he is to Judge according to the Law Martial.

1 *E.* 3. *prima pars memb.* 21. Parliament Roll. The Earl of *Lancaſter* exhibits a Petition to the Parliament, and ſhews that his Father was executed contrary to the Law, and the Record was produced *placita coram Domino Rege*; whereas ſeven Earls were before the King, and the ſaid Earl was ſent for before the King and the ſaid ſeven Earls, and the ſaid Earl was accuſed, that with Banners diſplayed they had raiſed Commotion, and this was notoriouſly known, and he was adjudged to be beheaded and hanged.

The Errour is aſſigned in the Record, that in time of Peace every Subject ought to be arraigned according to the Law of the Land, and he ſet forth that it was in time of peace, for during the Rebellion and Conviction the *Chancery* and the other Courts were open, and ſo he ought to be adjudged by the Law of the Land, and not otherwiſe.

Alſo the ſaid Earl of *Lancaſter* was Peer of the Realm, and he was not tried by his Peers, which was contrary to the Law, and the tenour of the great Charter, and therefore it was conſidered by the King, the Lords and Commons, that *Judicium fuit nullum & vacuum in Lege*; there was a Rebellion at that time, the King himſelf was preſent at the Conviction, whhich was ſtronger than here before Commiſſioners, and yet that was againſt the Law.

We have now no Army in the Field, no Enemy but among our ſelves, and it is no time of War, and therefore the Commiſſion is not fit, nor warranted by Law.

Mr. Rolls, *afterwards Lord Chief Juſtice* Rolls, *at the Committee for Martial Law.*

IN this Diſputation I will not trench on Power, but the abuſe of it, 37 *H.* 6.20. the Law of the Martial is the Kings Law, and the Common Law takes notice of it; we acknowledge it ſo to be, but now the Queſtion is, when it is to be uſed?

Poteſtas vitæ & mortis belong now to the Common Law, or to the Martial. The Queſtion is now when this Martial Law is to be uſed, and upon whom the Common Law is the higheſt for the Subject, 7 *H.* 8. *Kellway* 176. every Liege man inherits the Law, 19 *H.* 6. 63. it is the inheritance of the King, this great inheritance is not to be taken from him, and Martial Law is meerly for neceſſity, where the Common Law cannot take place; now for the time when that neceſſity falls out, in time of Peace it cannot, ſo we muſt conſider when is time of Peace or War.

If the *Chancery* and Courts of *Weſtminſter* be ſhut up that are *Officina Juſtitiæ*, it is time of War, but if the Courts be open it is otherwiſe; yet if War be in any part of the Kingdom, that the Sheriff cannot execute the Kings Writ, there is *tempus belli*.

If an Enemy come into any part, where the Common Law cannot be executed, there may the Martial Law be executed. If a Subject be taken in Rebellion, if he be not ſlain in the time of his Rebellion, he is to be tried after by the Common Law, 2 *H.* 5. Parliament Roll, 2 *Pars*, *John Montague*, Earl of *Saliſbury*, was in Rebellion againſt *H.* 4. and was taken and put to death, 2 *H* 4.

In 2 *H.* 5. his Son brought an Error, and aſſigned that he was a day and half in Priſon after his apprehenſion, and was put to death without due Trial at Law, contrary to *Magna Charta:* There is no neceſſity of Martial Law, but if an Alien Enemy come into the Realm, he cannot be executed by the Common Law, for he is not a Liege of the Kings, and ſo is to be tried by Martial.

If the Martial Law in time of Peace ſhould be executed on Souldiers, that were a great diſhonour and prejudice to them; the King may make Commiſſioners to them that are not Souldiers, or the Lord General only, ſo they ſhall be worſe than other Subjects; if there be a Body of an Army going out of the Kingdom, there is no neceſſity of Martial Law, but for Diſcipline the Marſhal and Conſtable may uſe the Martial Law, but to execute them they cannot, if they have not a Commiſſion of *Oyer* and *Terminer*, 5 *H.* 4. *rot.* 24. Parliament Roll, a Commiſſion to provide an Army was ſent down from the Lords to the Commons, which was there amended, and by that Commiſſion it was directed, that in every County the Sheriff and others may Arm, and muſter men *ad inimicos Regis deſtruendos & debellandos & amicos qui in hac parte reſiſtunt*, and will not be muſtered; He doth not ſay, that they ſhall execute, but that they ſhall be impriſoned *donec aliud inde ordinarimus*. If this Martial Law be uſed, the King will loſe his forfeitures of Attainder, 7 *H.* 4. 46. *Martin*: If a man be ſlain in Rebellion againſt the King, he may be Attainted after his death: 15. *E.* 3. Petition, the Chief ſhall view his body: 34. *E.* 3. *ca.* 12. ſets forth how he ſhall be Attainted after his death. Of the five Volumes of the *Roman* Law, one part is ſpent in Martial-Law, and the Title is *de re militari*, but that Law teacheth us to ask the Common-Law. *Delictum militum* is either *Commune delictum*, as Murder, Felony, *&c.* or *militare delictum* as to loſe and ſell their Arms. *Delicta militaria* by the Common-Law deſerves not a phillip, as by the Common-Law *delicta levia* are to be puniſhed by the *Magiſtr. Milit.*

Mr. *Noy.*

IF Martial-Law may be Executed in time of War, but it goes with a reſtraint only to Souldiers; that it may be in time of War there is no Queſtion, but for time of Peace it is a Queſtion?

What is time of Peace, In *Hen.* 3. time in the Battel of *Lewis* unto the Battel of *Ewſham*, it was a time of War, a Deſcent took not away Entry; and a Feofment then was void, if they were not both of one ſide, and this time of War is Entred in the Regiſter Book in the Exchequer, and yet the Courts of Juſtice were then open, and the Parliament Rolls at that time are yet extant, 24. *E.* 1. The King went into *Scotland*, there were *placita exercitus*, and it begun at *Eaſter*, and yet then the Chancery was open and Writs went out, which are yet to be ſeen. As for the Earl of *Lancaſter*, he drew Forces together and killed many, and was taken and carried to *Pomfret* and had a Judgment, and they never called him to anſwer for himſelf, but they made a Record of his Rebellion, and the King adjudged he ſhould be Executed, Forfeit his Lands, and this was Reverſed, becauſe the Kings Court was open, and no man muſt ſpill the blood of War in Peace, but if he had been ſlain in Battel it had been good, or if he had been in *Exercitu*, and *pro hominibus de Exercitu*. So in the time of Queen *Eliz.* 2. Commiſſions were granted for Martial Law *pro hominibus de Exercitu* and *in Exercitu*, and ſome were Executed and their Heirs afterwards Reverſed the Judgments: when the Judgments were given it was a time of Peace, and there is great Reaſon they ſhould be Reverſed, the Commiſſion was by the King to divers *ad Juſtitiam reddend. juxta tenorem cujuſdam Schedulæ* annexed, and with this Commiſſion they ſent the very Judgment itſelf, Becauſe you did thus, *&c.* Now to make Juſtices and to preſcribe a Judgment in ſuch a Form againſt one that was never called to Anſwer, was againſt the Law-Martial. Law is neceſſary to an Army, and to men of the ſame Army. This Commiſſion is not juſtifiable, for thought it were intended for the Army, it is ſomwhat too large, it extends to the Souldiers and Mariners, and others that join with them, the Mariners have a Law by themſelves, both cannot be under one Law. All old Commiſſions are *inter homines de Exercitu* and *in Exercitu*, It is a hard Law for the Souldier to have all his Laws writ in Death. It is very terrible and it will make them hate them that have that power.

For the time of Execution of it; when there is an Army, our Law allows Martial-Law, if there be an Army, that is in expectance of an Enemy, but had not the Martial-Law at the beginning of raiſing his Army, my, but when the Army was brought together, and the Enemy was to approach he had it then. But now no Enemy is approaching.

Obj. They are not able to Execute according to the Common-Law, they care not for a Conſtable.

Anſw. But they muſt care for the County and the Sheriff. If the Sheriff return that unruly people make reſiſtance it is no good return, for it ſounds to the diſhonor of the King.

Alſo theſe Laws thus made were not Proclaimed, and there was no Body of an Army expecting an approach of an Enemy, and that when they are diſperſed is not allowable by the Law.

Sir Edward Coke *concerning Martial-Law.*

I Shall maintain *Jus belli.* But God ſend me never to live under the Law of Conveniency or Diſcretion. Shall the Souldier and Juſtice Sit on one Bench, the Trumpet will not let the Cryer ſpeak in *Weſtminſter-Hall. Non bene conveniunt.*

The time of Peace, is when the Courts of *Weſtminſter* are open. For when they are open then you may have a Commiſſion of *Oyer* and *Terminer*, and where the Common-Law can determine a thing the Martial-Law ought not.

Drake ſlew *Doughty* beyond Sea. *Doughties* Brother deſired an Appeal in the Conſtable and Marſhals Court, and *Wray* and the other Judges reſolved he might there ſue. We make no Law we muſt not mediate *ubi Lex non diſtinguit.* To hang a man *tempore pacis* is dangerous, I ſpeak not of proſecution againſt a Rebel, he may be ſlain in the Rebellion; but if he be taken he cannot be put to death by the Martial-Law. 28. *E.* 2. *M.* 13. When the Courts are open Martial-Law cannot be Executed 5. *H.* 4. and 30. *Willmons* Caſe, the Conſtable and Marſhal deſired an addition to their Commiſſion and they proceeded againſt ſome according to that power, but becauſe it was not according to their ancient power it was void, for they cannot do any thing according to that additional power, and there was a Prohibition to ſtay their proceedings by vertue of that additional power: How ſhall the Souldiers know how to obey them? they are not under the Great Seal.

A Commiſsion to the Lords, and others of the Privy Council, for putting in Execution of the Laws and Statutes for Relief of the Poor, Puniſhment of Rogues, and imployment of Gifts to Charitable uſes. Jan. 5. 1630.

CHARLES, by the Grace of God, King of *England*, *Scotland*, *France*, and *Ireland*, Defender of the Faith, *&c.*

To the moſt Reverend Father in God, Our Right Truſty and Well-beloved Counſellour, *George* Lord Archbiſhop of *Canterbury*, Primate and Metropolitan of all *England*.

And to our Right Truſty and Well-beloved Counſellour *Thomas* Lord *Coventry*, Lord Keeper of Our Great Seal of *England*.

And alſo to the Right Reverend Father in God, Our Right Truſty and Well-beloved Counſellour, *Samuel* Lord Archbiſhop of *York*, Primate and Metropolitan of *England*.

And likewiſe to Our Right Truſty and Well-beloved Counſellour *Richard* Lord *Weſton*, Our High Treaſurer of *England*.

And alſo to Our Right Truſty and Right Beloved Coſins and Counſellours, *Edward* Viſcount *Conway*, Lord Preſident of Our Privy Council.

Henry Earl of *Mancheſter*, Keeper of Our Privy Seal.

Robert Earl of *Lindſey*, Lord Great Chamberlain of *England*.

Thomas Earl of *Arundel* and *Surrey*, Earl Martial of *England*.

Philip Earl of *Pembroke* and *Montgomery*, Lord Chamberlain of Our Houſhold.

Theophilus Earl of *Suffolk*, Lord Warden of Our Cinque Ports.

Edward Earl of *Dorſet*, Lord Chamberlain to Our Deareſt Conſort the Queen.

William Earl of *Saliſbury*.

William Earl of *Exeter*.

John Earl of *Bridgewater*.

James Earl of *Carliſle*.

Henry Earl of *Holland*.

William Earl of *Banbury*.

Henry Earl of *Danby*.

William Earl of *Moreton*.

Thomas Earl of *Kelly*.

Edward Viſcount *Wimbledon*.

Dudly Viſcout *Dorcheſter*, one of Our Principal Secretaries of State.

Thomas Viſcount *Wentworth*, Lord Preſident of our Council in the North Parts.

Oliver Viſcount *Grandiſon*.

Henry Viſcount *Faulkland*.

And likewiſe to the Reverend Fathers in God, Our Right Truſty and Well-beloved Counſellours, *William* Lord Biſhop of *London*.

Richard Lord Biſhop of *Wincheſter*.

And alſo to Our Right Truſty and Well-beloved Counſellours, *Edward* Lord *Newburgh*, Chancellour of Our Dutchy of *Lancaſter*.

Sir *Thomas Edmunds*, Knight, Treaſurer of Our Houſhold.

Sir *Henry Vane* Knight, Comptroller of our Houſhold.

Sir *Thomas Jermyn*, Knight, Vice-Chamberlain of Our Houſhold.
Sir *Robert Naunton*, Knight, Maſter of Our Court of Wards and Liveries.
Sir *John Cook*, Knight, one other of our Principal Secretaries of State.
Sir *Francis Cottington*, Baronet, Chancellour of Our Exchequer.
Sir *Julius Cæſar*, Knight, Maſter of the Rolls.
And Sir *William Alexander*, Knight, *Greeting*.

Whereas divers good Laws and Statutes, moſt neceſſary for theſe times, have, during the happy Reign of Queen *Elizabeth*, and of Our late Father of Bleſſed Memory, and ſince Our coming to the Crown of *England*, been with great Wiſdom, Piety, and Policy, made and Enacted in Parliament, as well for the Charitable Relief of aged and impotent poor people, not able by their labours to get their livings; and for the training up of Youth in honeſt and profitable Trades and Myſteries, by putting them forth to be Apprentices, as alſo for the ſetting to work of Idle Perſons, who being of ability to work, in ſome kind or other, do nevertheleſs refuſe to labour, and either wander up and down the City and Country begging, or which is worſe, maintain themſelves by filching and ſtealing; And for the Puniſhment of ſundry Rogues and Vagabonds, and ſetting of them to work. And for the ſuppreſſing of that odious and loathſom ſin of Drunkenneſs, and the repreſſing of Idleneſs, the root of ſo many Evils: The due execution of which, and the like Laws and Statutes would prevent and cut off many offences and Crimes of high nature.

And whereas we are informed that the defect of the execution of the ſaid good and Politick Laws and Conſtitutions in that behalf made, proceedeth eſpecially from the neglect of Duty in ſome of Our Juſtices of the Peace, and other Officers, Magiſtrates, and Miniſters of the Peace within the ſeveral Counties, Cities, and Towns Corporate of this Our Realm of *England*, and Dominion of *Wales*, to whom the care and truſt of ſeeing the ſaid Laws to be put in execution, is by the ſaid Laws principally committed; which remiſneſs and neglect of Duty doth grow and ariſe from this, That by the moſt of the ſaid Laws, there are little or no Penalties or Forfeitures at all inflicted upon the ſaid Juſtices of Peace, Magiſtrates, Officers, and Miniſters for not performing their Duties in that behalf, or if any be, yet partly by reaſon of the ſmalneſs thereof, and partly by reaſon of their Power and Authority in their ſeveral Places, whereby they hold others under them in awe, there are few or no Complaints or Informations made of the neglects and want of due execution of the Offices of the ſaid Juſtices and other Miniſters; And although the care and diligence of Our Judges and Juſtices of Aſſize be never ſo great, yet by reaſon of the ſhortneſs of their Aſſizes and Seſſions in every County, and multiplicity of buſineſs, they neither have due Information of the ſaid neglects, nor in thoſe times can take ſuch exact Courſes as were requiſite for redreſs of ſuch general abuſes and inconveniencies ſo highly importing the Publick good of this Our Realm, by reaſon whereof the ſaid Juſtices of Peace, Magiſtrates, Offiicers and Miniſters are now of late in moſt parts of this our Kingdom grown ſecure in their ſaid negligence, and the ſaid Politick and neceſſary Laws and Statutes laid aſide, or little regarded as Laws of ſmall uſe, and conſequence, whereas upon the preſent making of the ſaid Laws, the ſame being then duly executed, as alſo at this day in ſome Counties and parts of this Our Kingdom; Where ſome Juſtices of Peace, and other Magiſtrates do duly and diligently execute the ſame, there evidently appeareth great Reformation, benefit and ſafely to redound to the Common Wealth. And likewiſe whenas there was care taken, and diligence uſed to have the Laws concerning Charitable uſes well executed, and all Pious Gifts to be employed according to the good intent of the Donors, theſe poor people were better relieved than now they are. All which we taking into Our Princely care for the Preſervation of the Common Peace of this Realm, the performance of mens Pious intentions in their gifts of Charity, and the general good and quiet of Our Subjects:

After long and mature Deliberation, finding that there is no better ways or means to have the ſaid Laws and Statutes put in full execution, than by committing the truſt and overſight thereof to the ſpecial care and induſtry of certain Perſons of principal place, dignity, and order near unto Our Perſon: Who upon their diligent enquiry how the ſaid Laws and Statutes are put in Execution, may be able upon all occaſions from time to time to give us particular Information thereof, and by their approved Wiſdoms, Experience and Judgments, give directions, and inſtructions from time to time for the better Execution of the ſaid Statutes.

Know ye therefore that We out of that long Experience and full aſſurance We have had of the great Integrity, Wiſdom, Fidelity, and Induſtry of you, and every of you, have Conſtituted, Authorized, and Appointed you to be Our Commiſſioners, and by theſe preſents do Conſtitute, Authorize, and appoint, and ſtrictly require you, or any four or more of you Our Commiſſioners, either by Examination upon Oath, or without Oath, or by all and every ſuch good and lawful means, as to you, or any four or more of you, in your Wiſdoms and Judgments ſhall ſeem convenient and requiſite from time to time from henceforth to make enquiry, and thereby to inform your ſelves how all and every the Laws and Statutes now in Force which any way concern the Relief of Impotent or poor People, the binding out of Apprentices, the ſetting to work of poor Children, and ſuch other poor people, as being able or willing to work have no ſtock or means to employ themſelves; The compelling and forcing ſuch lazy and idle Perſons to work, as being of bodies able and ſtrong, do nevertheleſs refuſe to labour; The maintenance, government, and well ordering of houſes of Correction, and other places for relief of poor indigent and impotent people, the Rating, Collecting, and Imployment of all ſuch Sums as by the Statute of the three and fortieth of *Elizabeth* are appointed for the relief of Souldiers and Mariners, the puniſhment, or ſetting on work of Rogues and Vagabonds: And all Laws and Statutes now in force for the repreſſing of Drunkenneſs and Idleneſs, the reforming of abuſes committed in Inns and Alehouſes, the abridging of the number of Alehouſes, and the well-ordering of ſuch as are Licenſed, the keeping of Watches and Wards duly, and how other publick Services for God, the King, and the Common-wealth are put in practice and executed.

To which end and purpoſe, to you Our Commiſſioners, or any ſix or more of you, We give full Power and Authority from time to time hereafter, to give ſuch directions and inſtructions, and by all other good and lawful means to ſet down, and give ſuch orders and directions, as that all and every the ſaid Laws and other neceſſary Statutes may be duly and effectually executed, and the Pains and Penalties thereof levied and imployed according to the purport and true meaning of the ſame Laws.

And whereas no Nation of the world hath provided more liberally, or ordained better Laws for due imployment of Lands, Goods, and Stocks of Money, given to Charitable uſes, than this Our Kingdom of *England* hath done: Yet nevertheleſs the ſaid Bounties and charitable gifts have not been employed according to the mind and intent of the Givers, by reaſon of ſome Devices, Frauds, breach of Truſt, aim at Private Gain, and partly by the negligence of thoſe that have been truſted to perform the ſame.

Therefore Our Will and expreſs Pleaſure is, that thoſe Statutes of the Thirty Ninth and Forty Third of *Elizabeth*, and all other Laws and Statutes concerning Hoſpitals, Almes-houſes, *Maiſons de Dieu*, and other pious Donations, Collections, or publick gifts for the benefit of the poor, or publick works, be ſtrictly inquired and put in execution. And all Deeds of Foundations, Charters, Wills, Devices, diſpoſitions of Lands, Goods, Annuities, or Rents, given, appointed, or intended to any the houſes aforeſaid, or to any charitable uſe or publick work, be diligently ſought out and diſcovered, to the end there may be an employment of all the Profits, according to the will, and mind of the Donors or Founders.

And We do further by theſe Preſents, give full Power and Authority unto you, or any ſix, or more of you, to call unto you for your aſſiſtance in the Premiſes, when you ſhall ſee it needful, all, or any of Our Juſtices of Aſſize, as often as you ſhall ſee cauſe, and to give ſuch directions and inſtructions by your Letters, or otherwiſe, as well to Our ſaid Juſtices of Aſſize, *Oyer* and *Terminer*, and Gaol-delivery, for their ſeveral Circuits: As alſo to Our Juſtices, Mayors, Bayliffs, and other head Officers, within Cities, and Burroughs, Clerks of the Aſſize and Seſſions, and other Officers and Miniſters within Our ſeveral Counties and Shires of this Our Realm of *England*, and Dominion of *Wales*, and the ſeveral Diviſions of the ſame, as to you, or any ſix or more of you in your wiſdom ſhall ſeem meet and requiſite, and ſhall be agreeable to the Laws and Statutes of this Our Realm for the better execution of the Laws and Statutes in the time to come. All which Directions, Inſtructions, and Orders at any time or times hereafter ſo to be made or taken by you, or any Six or more of you, by force of theſe Preſents; We will and ſtraitly charge and command you by theſe Preſents, to be ſincerely and duly from time to time obeyed, obſerved, and kept, by all and every Officer and Officers, Juſtice and Juſtices, Perſon and Perſons, to whom it ſhall appertain.

And We do hereby further will and require you, that you, or any four or more of you, do from time to time give unto Us particular and true information of the care and induſtry of our Juſtices of the Peace in their ſeveral Diviſions, Mayors, Bayliffs, and head Officers, in their ſeveral Cities and Towns Corporate, as upon the ſaid enquiry you ſhall find to be diligent in putting the ſaid Laws, Statutes, Orders, and Directions in Execution, that ſo by their ſervice and your report, they appearing to deſerve well of their King and Country, may receive not only good acceptance at our hands, but all due encouragement and comfort to continue in their well-doings; And if contrariwiſe you ſhall find any of our ſaid Juſtices of Peace, or other the perſons before-named to be negligent and remiſs in their ſeveral places and duties touching the performance and execution of the ſaid Laws and Statutes committed to their charge, or the Orders and Directions given by you, or any ſix of you, for the better execution of the ſaid Statutes: Then Our Pleaſure is, that you do likewiſe certifie the names of ſuch as you ſhall find ſo remiſs and negligent, that accordingly order may be taken for their removing and diſplacing out of the Commiſſion of the Peace, as men unworthy of their ſaid Truſt and Places; As alſo deſerving to receive ſuch further puniſhment in Our Court of *Star-Chamber*, or otherwiſe, as may be by Law inflicted upon them.

And further We do by theſe Preſents give unto you, or any Six or more of you, full Power and Authority to do and execute all and every other lawful and neceſſary Act and Acts, thing and things for the better and more due execution of the premiſſes, or any of them, as you, or any ſix, or more of you, ſhall in your Wiſdoms and Judgments think to be fit and convenient.

And becauſe you that are Attendants upon Our Perſon, or otherwiſe imployed in your Services cannot at all times be in Perſon in the ſeveral Shires of this Our Kingdom to execute this our Commiſſion in ſuch ſort as We have appointed it. And for that it will be very fit and requiſite for you to have Perſons of Truſt under you, who may faithfully aſſiſt you in the execution of this Our Commiſſion:

We do therefore give unto you for your better aid and aſſiſtance, and the better performance of this our Service, full Power and Authority from time to time, to Aſſign, Appoint, and Conſtitute by your Writing under your Hands and Seals, or the Hands and Seals of any Six or more of you, ſuch ſufficient meet Perſons as you, or any Six of you, in your diſcretions ſhall from time to time think fit and appoint to be your Deputies in every, or any County, City, Burrough, or Town Corporate of this Our Kingdom of *England*, or Dominion of *Wales*.

And We do give unto ſuch Perſons, ſo to be by you Deputed, Aſſigned, and Appointed, as aforeſaid, or to any two, three, or more of them full Power and Authority, to do and execute in Our ſaid Counties, Cities, Burroughs, and Towns Corporate, as well within Liberties as without; all and every thing and things, which by vertue of this Our miſſion, is to you Our Principal Commiſſioners, intruſted, and committed, or which you or any of you Our Commiſſioners, if you were perſonally Preſent, might, or ought to do; they your ſaid Deputies purſuing ſuch directions and inſtructions from time to time as you or any Six of you ſhall give unto them in writing: And the better to enable them ſo to do, you ſhall deliver to ſuch Deputies as you ſhall make in every County, City, or Town Corporate, as aforeſaid, a Duplicate, or true Tranſcript of this our Commiſſion, ſubſcribed with your Hands, or under the Hands of Six of you at the leaſt.

And we do further by the Tenour of theſe Preſents, Will and Command, and do give full power and Authority to Our Lord Chancellour, or Lord Keeper of our Great Seal for the time being, to cauſe ſeveral Commiſſions to be made forth, under Our Great Seal of *England*, to ſuch Perſons of Truſt and Quality as any Six, or more of you ſhall from time to time nominate unto him, and ſhall ſo ſignifie unto him by writing under your Hands to the ſame Tenour and Effect, in every material thing, as in theſe Our Letters Patents is expreſſed, with a Clauſe to be inſerted in every ſuch Commiſſion and Commiſſions, commanding ſuch

Perſons ſo to be nominated, that they certifie all their proceedings thereupon to you Our foreſaid Commiſſioners, or to any Six of you, at ſuch times and places as you, or any Six of you ſhall appoint. In Witneſs whereof, we have cauſed theſe Our Letters to be made Patents, Witneſs our Self at *Weſtminſter* the fifth day of *January*, in the Sixth Year of Our Reign.

ORDERS.

I. *That the Juſtices of Peace of every Shire within the Realm do divide themſelves, and allot among themſelves what Juſtices of the Peace, and what Hundreds ſhall attend monthly at ſome certain places of the Shire. And at this day and place, the High Conſtables, Petty Conſtables, and Churchwardens, and Overſeers for the Poor of thoſe Hundreds, ſhall attend the ſaid Juſtices. And there enquiry ſhall be made, and information taken by the Juſtices how every of theſe Officers in their ſeveral Places have done their duties in execution of the Laws mentioned in the Commiſſion annexed, and what Perſons have offended againſt any of the ſaid Laws:*

II. *Where neglect or defect is found in any of the ſaid Officers, in making their Preſentments condign puniſhment to be inflicted upon them by the Juſtices according to Law.*

III. *When Offences are Preſented at one meeting, then the Penalties of the Laws offended, to be levied and brought to the Juſtices at their next meeting.*

IV. *When the Penalties are levied, the Juſtices are to take care that the ſame be implied accordingly as by the Statutes are appointed.*

V. *For encouragement to men that do inform and proſecute others for offending againſt theſe Laws, or any of them, liberty to be left to the Juſtices of Peace that do meet to reward the Informer or Proſecutor, out of part of the Money levied upon his, or their Preſentments or Information.*

Though the Statute do not preſcribe this, yet this is not againſt the Law that gives the Penalty to the Poor, which Penalty, nor no part thereof would elſe come unto the Poor but by this means.

VI. *That the ſeveral Juſtices of the Peace of every Shire do once every three Months certifie an account in writing to the High Sheriff of the County, of their proceedings in this way, whom they have puniſhed, what they have levied, and how they have imployed it.*

VII. *That the High Sheriff, within fourteen days after this Account delivered, do ſend the ſame over to the Juſtices of Aſſize for that County, or to one of them, and the Juſtice or Juſtices that receive the ſame, to certifie it in the beginning of every Term next after to the Lords Commiſſioners: And if any of the Juſtices of Peace ſhall fail to make ſuch account to the Sheriff, then the Sheriff ſhall certifie ſuch default to the Lords Commiſſioners.*

VIII. *The Juſtices of Aſſize in every Circuit, are to enquire, and ſpecially to mark what Juſtices of the Peace are careful and diligent in execution of theſe Laws, and the directions given, and who are negligent and remiſs. And* *what other things of Note happen in their Circuits to make report thereof to the King, upon their return from their Circuits every half year.*

Directions.

I. *That the Lords of Mannours and Towns take care that their Tenants and the Pariſhioners of every Town may be relieved by work, or otherwiſe at home, and not ſuffered to ſtraggle and beg up and down in their Pariſhes.*

II. *That Stewards to Lords and Gentlemen, in keeping their Leets twice a year, do eſpecially enquire upon thoſe Articles, that tend to the reformation or puniſhment of Common Offences and abuſes: As of Bakers and Brewers, for breaking of Aſſizes; of Foreſtallers, and Regraters: Againſt Tradesmen of all ſorts, for ſelling with under weights, or at exceſſive prizes, or things unwholſom, or things made in deceit: Of People, Breakers of houſes, common Thieves and their Receivers; Haunters of Taverns or Alehouſes, thoſe that go in good Cloaths, and fare well, and none knows whereof they live; thoſe that be Night-walkers; builders of Cottages, and takers in of Inmates; Offences of Victuallers, Artificers, Workmen, and Labourers.*

III. *That the poor Children in every Pariſh be put forth Apprentices to Husbandry, and other Handy-crafts, and money to be raiſed in the Pariſhes for placing them, according to the Law; and if any party ſhall refuſe to take the ſaid Apprentice, being put out according to the Law, ſuch party as ſhall refuſe to take the ſaid Apprentice, to be bound over to the next Quarter Seſſions, or Aſſizes, and there to be bound to his good Behaviour, or otherwiſe ordered as ſhall be found fit.*

IV. *That the Statute of Labourers, for retaining of Servants, and ordering of Wages, betwixt the Servant and the Maſter be not deluded by private Contracts, before they come to the Statutes, and the common faſhion of Eſſoyning many abſent, not to be allowed of courſe, as is uſed.*

V. *That the Weekly Taxations for relief of the Poor, and other purpoſes mentioned in the Statute of* 43 Eliz. *be in theſe times of Scarcity raiſed to higher Rates in every Pariſh, than in times tofore were uſed. And Contributions had from other Pariſhes to help the weaker Pariſhes, eſpecially from thoſe places where Depopulations have been, ſome good Contribution to come, for help of other Pariſhes. And where any money or Stock hath been, or ſhall be given to the relief of the Poor in any Pariſh, ſuch gift to be no occaſion of leſſening the Rates of the Pariſh.*

VI. *That the Petty Conſtables in all Pariſhes be choſen of the abler ſort of Pariſhioners, and the Office not to be put upon the poorer ſort, if it may be.*

VII. *Watches in the night, and Warding by day, and to be appointed in every Town and Village, for apprehenſion of Rogues, and Vagabonds, and for ſafety and good order.*

VIII. *And becauſe it is found by daily experience, that the remiſsneſs and negligence of Petty Conſtables is a great cauſe of the ſwarming of Rogues and Beggers: Therefore the High Conſtables in their ſeveral Diviſions are ſpecially to be charged to look unto the Petty Conſtables that they uſe diligence in their*

their Offices, and the High Conſtables to preſent to the Juſtices of Peace the defaults of the Petty Conſtables, for not puniſhing the Rogues, or not Preſenting thoſe that are relievers of the Rogues and Beggars, the Law inflicting a Penalty upon the Conſtable for not puniſhing them, and upon ſuch Party as ſhall relieve them.

IX. *If in any Pariſh there be found any Perſons that live out of Service, or that live idlely, and will not work for reaſonable Wages, or live to ſpend all they have at the Alehouſe, thoſe perſons to be brought by the High Conſtables, and Petty Conſtables to the Juſtices at their meetings, there to be ordered and puniſhed as ſhall be found fit.*

X. *That the Correction-houſes in all Counties may be made adjoyning to the Common Priſons, and the Goaler to be made Governour of them, that ſo he may imploy to work Priſoners committed for ſmall Cauſes, and ſo they may learn honeſtly by Labour, and not live idlely and miſerably long in Priſon, whereby they are made worſe when they come out than they were when they went in, and where many houſes of Correction are in one County, one of them at leaſt to be near the Goal.*

XI. *That no man harbour Rogues in their Barns, or Out-houſes. And the wandring perſons with Women and Children, to give account to the Conſtable or Juſtice of Peace, where they were Married, and where their Children were Chriſtened, for theſe People live like Savages, neither Marry, nor Bury, nor Chriſten, which licentious liberty make ſo many delight to be Rogues and Wanderers.*

XII. *And becauſe the High-ways in all Counties of* England *are in great decay, partly ſo grown for that men think there is no courſe by the Common Law, or order from the State to amend the ſame: And the Work-days appointed by the Statute are ſo omitted or idlely performed, that there comes little good by them; therefore the Juſtices of Peace at theſe monthly meetings are to take ſpecial care of: And not only to cauſe the Surveyers of the High-ways to Preſent the ſame, but by their own view to inform themſelves, that at the next Quarter Seſſions after every meeting they may Preſent all ſuch neglects and offences, (as upon their own view) and the offenders there to be puniſhed according to Law.*

Articles of Peace, ENTERCOURSE AND COMMERCE,

CONCLUDED

In the names of the moſt High and Mighty Kings, CHARLES by the Grace of God, King of *Great Britain*, *France*, and *Ireland*, Defender of the Faith, *&c.* And PHILIP the Fourth King of *Spain*, *&c.* In a Treaty at *Madrid*, the fifth day of *November*, after the *Old Syle*, in the year of our Lord God, 1630.

Tranſlated out of Latin into Engliſh.

Articles of the Treaty.

I. FIRST, *It is concluded, and accorded, that from this day forward there ſhall be a good, ſincere, true, firm, and perfect Amity, League and Peace to endure for ever, and inviolably to be obſerved and kept, as well by Land as Sea, and freſh water, betwixt the Renowned King of* Great Britain, France, *and* Ireland, *&c. and the moſt Renouned King of* Spain, *&c. and their Heirs and Succeſſors whomſoever, their Kingdoms, Countries, Dominions, Lands, Peoples, Liegemen, and Subjects, now being, or which hereafter ſhall be, of whatſoever condition, ſtate or degree they are are may be, ſo as the ſaid Vaſſals, and Subjects from henceforth are each of them to favour other, and to uſe one another with all kind and friendly Offices.*

II. *And that from henceforth all Hoſtility and Enmity ſhall ceaſe, and all offences, injuries, and damages which either part in time of the troubles hath ſuſtained by the other, ſhall be taken away and forgotten in ſuch ſort, as that hereafter neither party againſt the other for and upon occaſion of any damages, offences, depredations or ſpoils paſt may pretend any matter, but that there ſhall be a perfect abolition of all and every of them until this preſent day; and that all Actions for the ſame ſhall be held and reputed to be extinguiſhed, excepting all ſuch depredations which ſhall be committed,*

ted, within the Narrow Seas after the ſpace of fifteen days; and betwixt the Narrow Seas and the Iſlands, after the ſpace of three months; and beyond the Line after the ſpace of nine months fully ended, to be reckoned from the publication of the Peace: or immediately after the notice of the Peace ſufficiently given to the ſaid places, by Authentical Acts, or Letters reſpectively to be ſhewn, Becauſe of theſe an account and full reſtitution is to be made. And each party ſhall hereafter abſtain from all depredations, offences and ſpoils, as well by Sea as Land and Freſh Waters, in whatſoever the Kingdoms, Dominions, Places or Governments of the other: neither ſhall the aforeſaid Kings conſent, that any of the grievances beforementioned, be done by any their Vaſſals, Inhabitants or Subjects, and they ſhall cauſe reſtitution to be made of all depredations and ſpoils, which hereafter ſhall be committed, and of the damages growing by means thereof.

III. Item, *That none of the afore-named moſt Renowned Kings, their Heirs or Succeſſors whoſoever, by himſelf, or by any other, ſhall do, Treat or attempt any thing againſt the other, or againſt their Kingdoms, Lands, or Dominions, whatſoever in any place, on Land or Sea, or in the Ports of Freſh Waters, by pretence of any cauſe, or upon any occaſion; neither any of them ſhall give aſſiſtance or conſent unto any War, Counſel, Attempt or Treaties, had, made, or to be made in the prejudice of either or againſt the other.*

IV. Item, *That neither of the former parties, ſhall themſelves give or ſhall conſent to be given by any of the Vaſſals, Subjects, or Inhabitants, Aid, Favour, or Counſel, directly or indirectly, on Land, Sea, or Freſh Waters: nor ſhall ſupply and miniſter, nor conſent to be ſupplyed and miniſtred, by their ſaid Vaſſals, Inhabitants and Subjects, unto the Enemies or Rebels of either part, of what nature or condition ſoever they be, whether they ſhall invade the Countries and Dominions of either of them, or withdraw themſelves from their obedience and ſubjection, any Souldiers, Proviſion of Victuals, Monies, Inſtruments of War, Munitions, or whatſoever other Aid elſe to maintain War.*

V. *And furthermore the aforeſaid Kings ſhall renounce, as by the tenor of theſe preſents every of them hath and doth renounce, whatſoever League, Confederation, Capitulation and Intelligence, made by what manner ſoever, in the prejudice of the one or the other, which doth or may repugn againſt this Peace, or Concord, and all and ſingular the Contents thereof: All which and every of them, ſo far as they do concern the effect aforeſaid, they ſhall annul and make void, and declare to be of no force or moment.*

VI. Item, *It is agreed and accorded, that the ſaid moſt Renowned Kings ſhall take care, and their Subjects ſhall from henceforth abſtain from all force and wrong doing, and that they likewiſe ſhall revoke all Commiſſions and Letters of Repriſal, and Mart, or otherwiſe, containing Licence to take Prizes of what condition or kind ſoever they are, being to the prejudice of the one or other of the ſaid Kings, or of their Subjects or Inhabitants, or unto Strangers, and ſhall declare the ſame to be void and of no force, as by this Treaty or Peace they are declared ſo to be; and whoſoever ſhall do any thing to the contrary, he ſhall be puniſhed not only criminally according to the merit of his offence, but ſhall alſo be compelled* *to make reſtitution and ſatisfaction for the loſſes to the parties damnified, requiring the ſame.*

VII. Item, *It is agreed and accorded that between the moſt Renowned King of* Great Britain, &c. *and the moſt Renowned King of* Spain, &c. *and every of their Vaſſals, Inhabitants and Subjects, as well by Land as Sea and Freſh Waters, in all and ſingular their Kingdoms, Dominions, Iſlands, and other Lands, Cities, Towns, Villages, Havens and Streights of the ſaid Kingdoms and Dominions, there be or may be free Commerce: In which before the War between* Philip *the ſecond King of* Spain, *and* Elizabeth *Queen of* England, *there hath been Commerce betwixt the ſaid Kingdoms according as it was agreed on in the Treaty of Peace made in the Year* 1604. *in the ninth Article, like and according to the uſe and obſervance of the Ancient Leagues and Treaties made before the ſaid time, in ſuch ſort and manner, as that without any ſafe Conduct or other Licence general or ſpecial, the Subjects of the one or other King, may freely, as well by Land as by Sea and Freſh Waters, go, enter, and ſail, in and to the ſaid Kingdoms and Dominions, and all the Cities, Havens, Shores, Sea-Roads and Streights thereof, and put themſelves into whatſoever Havens of the ſame, where before the aboveſaid time, there hath been a mutual Commerce, and like and according to the uſe and obſervance of the Antient Leagues and Treaties aforeſaid, with Carriages, Horſes, Burdens, Ships as well Laden, as to be Laden, to bring in Merchandiſes, and there to Buy or Sell as much as they will, and in the ſame places upon juſt Prizes to procure and have Proviſion of Victuals for their Suſtenance and Voyages; and likewiſe as occaſion ſhall require, to repair ſuch Shipping and Carriages, as either appertain unto them in property, or elſe they have hired or borrowed, and from thence alſo with their Merchandiſes, Goods, and other Commodities whatſoever, the Cuſtoms, and Tolls, as they are preſently rated, according to the Ordinances of the Places, being paid, they may with like freedom depart and go to their own Countries, or any other Place at their pleaſure without let or impediment.*

VIII. Item, *It is likewiſe agreed and accorded, that it may be lawful to have acceſs unto the Ports of the ſaid Kings, and there to make ſtay, and from thence with the ſame liberty to depart, not only with their Ships of Merchandiſes and Burthen, but alſo with other Shipping furniſhed for War, and prepared to withſtand the force of Enemies: whether they ſhall arrive there either by Force of Tempeſt, or for repairing their Ships, or for Proviſion of Victuals, ſo as they exceed not the number of ſix or eight Ships, when they come in of their own accord, nor that they continue or make ſtay in the Havens, or about the Ports longer than they ſhall juſt cauſe for the repair of the ſame Shipping, or for Proviſion of other neceſſaries, leſt there ſhould be any occaſion of interruption unto the free Commerce and Entercourſe of other Friends and Nations in Amity: and whenſoever any greater number of Ships of War than is before ſpecified, ſhall have occaſion of acceſs into thoſe Ports, then ſhall it not be lawful for them to make any entrance without the privity and conſent of the King. Provided alſo that they do no Hoſtile Act within the ſaid Ports, to the prejudice of the Kings; but demean themſelves there quietly, as Friends and Confederates, with ſpecial caution ever to be had, that under the colour and pretext of Commerce, no Warlike Aid, Proviſion of Victuals, or of Arms, or of Munition, or other ſuch like materials for the Wars be carried by the Subjects, Vaſſals, or Inhabitants*

habitants of thoſe Kingdoms, to the Commodities or Benefit of the Enemies of the one or other King. And whoſoever ſhall attempt to the contrary, ſhall be puniſhed with thoſe ſharp pains and puniſhments uſed to be inflicted upon ſeditious perſons and breakers of Faith and Peace. Provided alſo, that the ſubjects of the one in the Dominions and Territories of the other, be not worſe handled, than the natural ſubjects in their Sales and Contracts for their Merchandiſe, as well in reſpect of the Prizes, as otherwiſe, but that the condition of Forraigners be equal and like herein unto natural Subjects notwithſtanding any Statutes or Cuſtoms to the contrary.

IX. Item, It is agreed and accorded, that the ſaid moſt Renowned King of Great Britain, &c. Shall Prohibit, and after the confirming of theſe preſent Articles, by Proclamation forthwith provide, that no one of His Subjects, Inhabitants, or Vaſſals, ſhall Lade; or carry over by any means, directly or indirectly in his own name, or in the name of any others; neither ſhall lend his Ship or other Veſſel for carriage, or uſe his name for the Tranſporting or conveying of any Ships, Merchandiſes, Manufactures, or any other thing out of Holland and Zealand into Spain, and other the Kingdoms and Dominions of the King of Spain; neither ſhall carry in his Ships any Holland or Zealand Merchant unto the ſaid Ports upon peril of His Majeſties indignation, and other puniſhments uſually inflicted on the contemners of Royal Commandments. And to the effect that fraud, which through the likeneſs of Merchandize might happen, be the better avoided; It is alſo provided in this preſent Article, that the Merchandizes to be carried and conveyed out of England, Scotland and Ireland, to the Kingdoms and Dominions of the King of Spain, ſhall be Regiſtred and Sealed with the Seal of the Town or City from whence they ſhall be Laden, and that they being ſo Regiſtred and Sealed ſhall without any difficulty or queſtion whatſoever be reputed and held for Engliſh, Scottiſh, and Iriſh Merchandizes, and ſo reſpectively, according the Seal or Mark, be allowed and admitted. Always excepted, that in caſe of fraud, proof ſhall be admitted, without ſtay notwithſtanding or lett of the courſe or venting of the Merchandizes in the mean time. And touching ſuch Merchandizes, as ſhall, not be Regiſtred nor Sealed, the ſame are to be Confiſcated and taken for good prize. And likewiſe all Hollanders and Zealanders which ſhall be found in the ſame Ships, may alſo be taken and detained.

X. Item, It is alſo agreed, that the Engliſh, Scottiſh, and Iriſh Merchandiſes may freely be Conveyed and Tranſported out of the ſaid Kingdoms into Spain, and other Dominions of the ſaid moſt Renowned King, paying only the Cuſtoms and Tolls uſually required.

XI. Item, It is likewiſe agreed, that for the Merchandizes, which Engliſh, Scottiſh, and Iriſh Merchants ſhall buy in Spain, or other of the Kingdoms of the ſaid King of Spain, and ſhall carry in their own Ships, or in Ships hired or lent unto them (except, as before hath been ſaid, the Ships of Hollanders and Zealanders) no new Cuſtoms of Toll ſhall be encreaſed: Yet ſo as they convey and carry the ſame Goods and Merchandizes to the Kingdoms of the ſaid moſt Renowned King of Great Britain, &c. or to the Ports of the Provinces being in obedience to the King of Spain. And for the more ſurety that fraud be not committed herein, and that the ſaid Merchandizes be not Tranſported to other Places and Kingdoms, and eſpecially into Holland or Zealand, It is concluded, that the ſaid Merchants

chants ſhall bind themſelves at the time that they do lade their Ships in Spain, *or in the other Kingdoms and Dominions of the ſaid King of* Spain *above declared, before the Magiſtrate of the place in which they ſhall Lade; to pay the impoſition of thirty in the hundred, in caſe they carry the ſame Goods and Merchandizes to other Dominions and Countries: And to obtain alſo within the ſpace of twelve months following, a Certificate from the Magiſtrates of the Places where they ſhall diſcharge or unlade the ſame Goods, teſtifying their diſcharge to have been either in the Kingdoms and Dominions of the King of* Great Britain, &c. *or in the Ports of the Provinces under the obedience of the ſaid King of* Spain: *Upon the exhibiting whereof, the obligations concerning thoſe matters ſhall be delivered up, unto the bringers of the ſame Certificates.*

XII. *And alſo that the ſaid moſt Renowned King of* Great Britain, &c. *ſhall Prohibit ſoon after the confirming of this accord, that none ſhall export any Merchandizes out of* Spain, *or other Kingdoms of the King of* Spain, *to be carryed to other places, than to His Majeſties Kingdoms, and the ſaid Ports of the Provinces in obedience, upon penalty of Confiſcation of all their Merchandizes to the uſe of the ſaid King of* Great Britain, &c. *to be paid into His Majeſties Exchequer; of which Merchandizes, or the value thereof, one half is to be given to the Informer, the impoſition of thirty in the hundred being firſt deducted, to be paid to the Miniſters and Deputies of the King of* Spain, *and the proofs lawfully received in* Spain, *and tranſmitted into* England *in an Authentical form, are to be credited. And it is alſo declared, that the ſaid Prohibition of Goods to be carried out of* Spain, *unto other places than the Kingdoms of* Britain, *and the other obedient Provinces of* Flanders, *doth no way comprehend thoſe Kingdoms and Dominions which enjoy a Free Trade with the Kingdom of* Spain: *for the Subjects of His Majeſty of* Great Britain, *may lawfully Tranſport the Goods of the Kingdom of* Spain, *unto thoſe that have a mutual Trade with* Spain, *the aforementioned Cautions, Conditions, and Penalties rehearſed in the precedent Articles againſt the Offenders remaining ſtill in force and ſtrength.*

XIII. Item, *That the Magiſtrates of the ſaid Towns, or Cities of His Majeſties Kingdoms, which ſhall make Certificates of the unlading of Ships, and are to give Teſtimony of the Regiſtring of the Merchandizes, ſhall not commit any fraud therein under peril of indignation of the Kings Majeſty, and pain of loſs of their Offices, and other more grievous puniſhments at the Kings pleaſure.*

XIV. *That which hath before been expreſſed concerning the Free Commerce, granted unto the Subjects of the ſaid moſt Renowned Kings, is to be underſtood to be likewiſe, and in the ſame manner agreed on for the Subjects of the moſt Renowned King of* Great Britain, &c. *and of the obedient Provinces of* Flanders; *To wit, that in all places whatſoever, their Subjects are bound reciprocally, to reſpect and to favour each other; and by mutual kind Offices, Friendly to entertain the one the other, and that by Land, Sea, and Freſh Waters, without any ſafe Conduct or other Licence, general or ſpecial, they may unto the ſaid Kingdoms, Dominions, Lands, Villages, Towns, Cities, Sea-Shores, Havens, Sea-Roads whatſoever, freely, ſafely, ſecurely, come, enter, ſail, carry, and recarry their Merchandizes, Buy and Sell, remain, abide and converſe in the ſame ſo long as it* *ſhall pleaſe them; take up any kind of Proviſion for Victual and things neceſſary for Suſtenance, and for Voyages, at juſt and reaſonable Prizes; and there repair alſo (as occaſion ſhall require) their Shipping and Carriages, whether the ſame be their own, or whether they be hired or borrowed: As alſo to depart from thence with like liberty, with Merchandizes, Goods and other things whatſoever (the Cuſtoms and Tolls, according to the Statutes of thoſe places being paid) and to diſpoſe, and follow their buſineſſes freely, and to return at their own pleaſure; either into their own Countries, or to any other place, without any impediment or lett, ſo as the Subjects of the moſt Renowned King of* Great Britain, &c. *uſe not the Shipping of the* Hollanders, *or the United Provinces, and bring not into the Obedient Provinces, any of the Manufactures of* Holland, *or of the United Provinces, bought whereſoever; neither any other thing, for which there was paid in* Holland *any Tribute, nor that they Tranſport any thing from the Obedient Provinces, unto them of thoſe Provinces, until a pacification be confirmed: nor that they receive any the Goods of* Hollanders, *or of thoſe other places United, into their Ships, nor truſt any of their own Goods in the Ships of* Hollanders, *nor fraudulently by lending their names, colour the Goods of any* Hollander, *or other of the United Provinces: for that if any thing be committed to the contrary, and ſame be found, it ſhall be held for juſt and lawful Prize.*

XV. *And the aforeſaid Proviſos are not only to be underſtood of Ships Laden or to be Laden, in cauſe of Commerce, but alſo of Ships of War, which the ſaid Kings have, or ſhall have armed to repreſs the attempts of their Enemies: inſomuch as that it may be lawful for ſuch Ships of War, not exceeding the number before-mentioned, if they happen to be conſtrained, either by force of Tempeſt, or for buying of Victuals, or other things, or for repair of Shipping, to uſe the ſame liberty in arriving, ſtaying, and departing; ſo that they do no Hoſtile Act in the ſaid Ports, but demean themſelves honeſtly, and quietly, as it becometh Confederates and Friends: And ſo that they ſtay and remain not in, or about the ſame Ports any longer than ſhall be needful for Reparation and Proviſion of neceſſaries, that thereby they be not a hindrance, or interruption to the Free Commerce and Entercourſe with other Nations that are in Amity and Friendſhip: But where occaſion ſhall fall out of arrival of any greater number of Shipping than before ſpecified, it ſhall not be lawful for them to enter, but with the knowledg and allowance of the King.*

XVI. *And as the ſaid Kings do Religiouſly promiſe, that they will not any time yield any Warlike Succour to any of the others Enemies, ſo it is provided, that their Subjects, or the Inhabitants in their Realms, of what Nation or Quality ſoever they be, may not under colour of Entercourſe and Commerce, nor upon any other Colour or Pretence give any Aid or Help to the Enemies of the ſaid Kings, or of either of them, or confer or ſupply them with Mony, Proviſions of Victuals for War, Armour, Munition, Ordnance, Artillery, or other Warlike Proviſion, and thoſe which ſhall do the contrary, are to take knowledg, that they ſhall be puniſhed with the ſevere puniſhments accuſtomed to be inflicted upon breakers of League, and Seditious perſons.*

XVII. And that alſo greater benefit may through this concord come unto the Subjects of the moſt Renowned King of Great Britain, and of the moſt Renowned King of Spain, in their Obedient Provinces, it is accorded and concluded that the ſaid moſt Renowned Kings joyntly and ſeverally will do their endeavours, that their Subjects have not the paſſages ſtopped or letted unto any of their Ports, Kingdoms and Dominions, that thereby they be not hindred, freely and without impediment to come and go with their Shipping, Merchandize and Carriages (the ordinary Cuſtoms and Tolls being paid) to all the ſaid Ports, Kingdoms, and Dominions: And with the like liberty (when it ſhall ſeem ſo good unto them) with other Merchandizes from hence to depart.

XVIII. But as concerning the Ancient Treaties of Entercourſe and Commerce, whereof divers are extant, betwixt the Kingdoms of England, Scotland, and Ireland, and the Dominions of the Dukes of Burgundy and Princes of the Low-Countries, which notwithſtanding during the troubles have been intermitted, and peradventure in ſome parts impaired; it is agreed by way of Proviſion, that they ſhall retain and have their Antient Force and Authority; and that they ſhall be uſed on both parts as they were before the War between Elizabeth Queen of England and Philip the Second, according as it was agreed on in the Treaty of Peace made in the Year one thouſand, ſix hundred and four, in the two and twentieth Article. And if it happen that either by both parts, or any one part, any breach thereof be alledged, or that the Subjects ſhall complain, that the Conventions are not obſerved, or that more grievous burdens than were accuſtomed, are impoſed on them, there ſhall be Deputies appointed on either part, which may meet, and calling unto them (if need be) Merchants experienced in ſuch matters, may Friendly Treat, and equally renew and reſtore ſuch things, as ſhall be found either to have ſlipped out of courſe, or to have been changed by the injury of time, or by corrupt cuſtom and uſe.

XIX. And for that the rights of Commerce which do enſue by Peace, ought not to be made unfruitful, as they would be, if the Subjects of the moſt Renowned King of Great Britain, &c. Whilſt they have recourſe to and from the Kingdoms and Dominions of the ſaid King of Spain, and do remain there for Commerce, ſhould be moleſted in the Cauſe of Conſcience: therfore to the intent their Traffick may be ſafe and without danger, as well on Land as on Sea, the ſaid moſt Renowned King of Spain ſhall take care, and provide, that for the ſaid Cauſe of Conſcience they ſhall not be moleſted nor inquieted in uſing their Trade and Commerce, ſo as they give not ſcandal unto others.

XX. Item, That if it happen any Goods or Merchandizes Prohibited to be carried or conveyed out of the Kingdoms and Dominions of the ſaid moſt Renowned Kings, by the Subjects of the one or of the other; That in ſuch caſe, the perſon only offending ſhall incur puniſhment, and the Goods only Prohibited ſhall be Confiſcated.

XXI. Item, That the Goods of the Subjects, dying within the Kingdoms or Dominions of either, ſhall be conſerved to the right Heirs and Succeſſors of the deceaſed; the right of a third perſon alway reſerved.

XXII. Item, *That the grants and priviledges given by the Kings to Merchants of either of the Kingdoms, coming to their ſaid Kingdoms, and which priviledges through the Wars have ceaſed ſhall from henceforth wholly be revived, and have their full force and ſtrength.*

XXIII. Item, *if it ſhall happen hereafter (which God forbid) that any diſpleaſure do ariſe, betwixt the ſaid moſt Renowned Kings, the King of* Great Britain, *and the King of* Spain, *whereby danger might grow of the interruption of Entercourſe avd and Commerce, then the Subjects of either King are thereof ſo to be admoniſhed, as that they may have ſix months from the time of the monition to Tranſport their Merchandizes without any Arreſt, Diſturbance, or Hurt in the mean ſeaſon, to be done or given unto them either in their Perſons or Merchandizes.*

XXIV. Item, *That none of the foreſaid Kings ſhall imbarge or ſtay for their Proviſion in War, or for any other ſervice, to the prejudice of the Owners the Ships of the Subjects of any of the others, being in their Ports, or Waters, unleſs the King of thoſe parties to whom the Ships do appertain ſhall firſt be admoniſhed thereof, and ſhall alſo yield his conſent thereunto.*

XXV. Item, *It is accorded, that if during this Peace and Amity, any thing happen to be attempted, committed, or done, againſt the force and effect thereof by Land, Sea, or Freſh Waters, either by any of the ſaid Kings, their Heirs aud Succeſſors, their Vaſſals, Subjects or Allies comprehended in this League, or of any the Heirs or Succeſſors of thoſe Allies, their Subjects or Vaſſals; Yet notwithſtanding this Peace and Amity ſhall remain in ſtrength and vertue, and the attempters and ſuch as do offend therein only, and no other, ſhall be puniſhed for their attempts.*

XXVI. Item, *That ſuch as have been taken in War, and are Captives on either part, although they be Condemned to the Gallies, ſhall be releaſed and diſmiſſed, the Charges of the diet ſuch as are not in the Gallies, being firſt diſcharged, and the Ranſoms of ſuch as have before agreed for the ſame, being by them payed.*

XXVII. Item, *It is concluded, that all civil actions, which at the time when the laſt Wars began, were of validity and force, may yet be exerciſed and purſued, notwithſtanding any lapſe of time during the ſame War, ſo as no prejudice ſhall be underſtood to have grown unto them, during the continuance of the War, thoſe only excepted which are already come to the Exchequer or Princes Treaſury.*

XXVIII. Item, *If any Controverſie happen to be moved in the Kingdoms and Dominions, of the one or other of theſe Kings, by any perſon not being ſubject to the ſame King, for or upon occaſion of any depredations or ſpoils committed; the cauſe is to be remitted to the Judg of the juriſdiction under that King againſt whoſe ſubject or ſubjects the Suit is Commenced.*

XXIX. Item, *That if the* Hollanders *and other Confederate States, will propoſe conditions of pacification with the moſt Renowned King of* Spain *and his Succeſſours, through the means of the moſt Renowned King of* Great

Britain: *The ſaid moſt Renowned King of* Spain *and his Succeſſours, will always willingly harken unto that which ſhall be propoſed juſt and reaſonable therein; and will deſire that by the help of the ſaid moſt Renowned King of* Great Britain, *they may be brought to propoſe equal conditions, wherein they ſhall well underſtand, how much the ſaid King of* Spain *doth attribute unto the Authority of the ſaid King of* Great Britain *his loving brother.*

XXX. Item, *It is concluded and accorded, that in this preſent Treaty of Peace; there be comprehended, the Adherents, Friends, and Confederates of the forenamed Kings, That is to ſay,*

On the part of the moſt Renowned King of Great Britain, *&c.*

Ferdinando, Roman Emperour: with the Arch-Dukes of *Auſtria* and the Electors of the Empire, together with the States and Cities of the Empire.
The Duke of *Lorrain.*
The Duke of *Savoy.*
The Dukes of *Brunſwick, Lunenburgh, Wirtemberg,* and *Meckelburgh.*
The Landgrave of *Heſſen.*
The Marqueſs of *Baden.*
The Dukes of *Pomerania.*
The Prince of *Anhalt.*
The Earl of *Eaſt-Frieſland.*
The Cantons of *Helvetia,* and the *Griſons.*
The Hauns Cities.
The *French* King.
The Kings of *Denmark,* and of *Poland,* and of *Sweedland.*
The Duke and State of *Venice.*
The Duke of *Holſtein,* and the Duke of *Florence.*

On the part of the moſt Renowned King of Spain.

Ferdinando, Roman Emperour, and his Brethren, and other Princes, Arch-Dukes of *Auſtria,* Princes of the Empire.
The Electors, Cities and States, ſubject to the Empire.
The *French* King.
The King of *Poland* and *Sweedland.*
The King of *Denmark.*
The Duke and State of *Venice.*
The Duke of *Savoy.*
The Duke of *Bavaria.*
The Duke of *Cleve.*
The Duke of *Holſtein.*
The Duke of *Lorrain.*
The Duke of *Parma* and *Placentia.*
The Biſhop and Province of *Liege.*
The Duke of *Florence.*
The Duke of *Mutine* and *Regium.*
The Duke of *Urbine.*
The Confederates and Cantons of the *Helvetians* and *Griſons.*
The Cities of the *Hannſe.*
The Earl of *Eaſt-Frieſland* (without notwithſtanding any prejudice of the right by the King of *Spain* and Arch-Dukes, pretended for their States.)
The Duke and Common-wealth of *Genoua.*
The Principal of the houſe of *Columna.*
The Prince of *Oria.*
The Principal of the houſe of *Urſine.*
The Duke of *Sermoneta.*
The Lord of *Monacho.*
The Earl of *Mirandula.*
The Prince of *Maſſia.*
The Earl of *Sala,* and the Earl of *Colorno.*

XXXI. Item, *It is likewiſe accorded and concluded, that the ſaid moſt Renowned Kings,* Charles *by the Grace of God, King of* Great Britain, France, *and* Ireland, &c. *and* Philip *King of* Spain, &c. *ſhall ſincerely, and faithfully obſerve and keep, and procure to be obſerved and kept by their Subjects and Inhabitants, all and ſingular the Capitulations in this preſent Treaty accorded and concluded, neither ſhall they directly, or indirectly infringe the ſame, or conſent that the ſame ſhall be infringed directly, or indirectly by any of their Subjects or Inhabitants: and they ſhall Ratifie, Authoriſe and Confirm all and ſingular the conventions before accorded, and concluded by Letters Patents, Subſcribed with their own Hands, and Sealed with their Great Seals, in ſufficient, available, and effectual form, and the ſame ſo formed and made, ſhall upon the firſt occaſion deliver, or cauſe to be delivered faithfully, really, and effectually, whereby they may mutually bind themſelves in the word of a King and by Oath to be ſolemnly taken upon the Holy Evangeliſts, to obſerve and perform all and ſingular the premiſſes, whenſoever they ſhall be by either part thereunto required. And furthermore they ſhall cauſe this preſent Treaty of Peace to be publiſhed in the manner and places accuſtomed, ſo ſoon as conveniently the ſame may be.*

By the KING.

Defective Titles, *May* 27. 1630.

An Abſtract of the ſeveral Heads and Branches for which his Majeſties Commiſſioners, by vertue of his Majeſties Commiſſion of Grace, bearing Date the 23. day of January *laſt paſt, have Power to Compound with ſuch as ſhall deſire the ſame.*

FOr all Mannours, Lands, Tenements, Waſts, Commons, Tythes, ariſing as well without Pariſhes, as within Pariſhes, Wards, Marriages, Liberties, Priviledges, and other Hereditaments, lying, being, and ariſing within, near, or adjoyning unto any of his Majeſties Mannours, Foreſts, Parks, Chaſes, and elſewhere, as well within the Survey of his Majeſties Exchequer, as in the Survey of the Dutchy of *Lancaſter*, or County Palatine of *Lancaſter*, Dutchy of *Cornwal*, and County Palatine of *Cheſter*, which are held and enjoyed under colour of ſome defective, void, or inſufficient Grant, or under ſome Letters Patents of Concealments, or otherwiſe, meerly intruded upon, and uſurped without any Grant thereof from his Majeſty, or any of his Predeceſſors.

For all Mannours, Lands, Tenements, and other Hereditaments, granted Entail out of the Crown, whereof the Eſtate Tail is not ſpent, and yet the ſaid Grants have been inſufficiently granted; or which ought to have deſcended upon the Kings Perſon, and yet have likewiſe been inſufficiently granted, or whereof the Eſtate Tail is ſpent and determined, or for all Remainders or Reverſions depending upon Eſtates Tail, except ſuch Eſtates as Sir *William Haydon* had power to Compound for.

For all Meſſuages and Cottages built, incroached, and made within, or adjoyning unto any City, Town, or Hamlet, or upon the Common High-ways, Streets, Paſſages, Lanes, Rivers, Sewers, Commons, and Waſts, with all other Encroachments, Aſſert Lands, Improvements, and Incloſures of Commons, Brecks, Fellets, and ſuch other Incloſures, waſte Grounds, Moors, and other Heathy Downes, Incloſed, or not Incloſed, being his Majeſties Inheritance, either in the right of his Crown of *England*, or otherwiſe, lying, and being within, near, or adjoyning unto any of his Majeſties Mannours, Foreſts, Parks, Chaſes, or elſewhere. For all Lands, Mariſhes, or other Grounds (with the Tenements thereupon built) heretofore recovered or deſerted from, or by the Sea, or now ſurrounded with Sea; or which hereafter ſhall or may be recovered and deſerted by or from the Sea.

For all Cuſtodies, and all Mannours, Lands, and Houſes, granted, or committed (to any Corporation, or other Perſon or Perſons, Bodies Politick or Corporate) to Cuſtody, with all ſuch Mannours, Lands, Tenements, and other Hereditaments formerly let by Leaſes, and the Leaſes expired, or otherwiſe determined, whereby the Inheritances of the ſaid Premiſſes do remain, and the Reverſions thereof are come unto the Crown, and yet, without any juſt Title thereunto, detained from the Crown.

For all Charters of Incorporations, which are either void or defective, with all Leaſes and Grants of Offices by Uſurpation, by Corporations, Cities, Burroughs, and Towns; or by any other Perſon or Perſons which are forfeited and determined in Law, by Non-uſage, or miſuſage thereof; or by exceeding the Extents and Limits of the ſaid Grants; or by the uſage thereof without any Grant thereof at all from the Crown. All Mannours, Lands, Tenements, and other Hereditaments which ought to come unto his Majeſty, by any manner of Eſcheat or Forfeiture whatſoever, or which might otherwiſe come unto his Majeeſty, by any which are Aliens born, all Felons goods, all Goods, Chattels and Credits of Felons *de ſe*, Fugitives and Perſons Outlawed, Deodands, Wayfes, Eſtrayes, Reliefs, Herriots, and other Perquiſites of Courts, with all Tolls of all kinds uſurped, or unjuſtly withholden from the Crown. For all Woods, Under-Woods, and Wood-grounds wrongfully withholden, intruded upon, incroached, or waſted to his Majeſties prejudice, with all the Damages which ought to be anſwered unto his Majeſty, or his Predeceſſors for the ſame.

For all Rents, Annuities, Quit-Rents, Annual Payments, and other yearly Sum and Sums of Money due unto his Majeſty out of any Mannour, Lands, Tenements, and other Hereditaments, by any Corporations, or other Burroughs, Towns, or any other Perſon or Perſons, Bodies Politick or Corporate, which have not been duly anſwered by them unto the Crown: With all Mannours, Lands, Tenements, and other Hereditaments, which ought to be in Charge, and are not, but ſome Fee-Farm Rent only anſwered in lieu of the Land, or where both the Lands and Rents ſtand in Charge, and the Rents anſwered, and yet the parties enjoying the Lands, never had any Grant thereof from the Crown, or where the Lands ſtand in Charge as Lands, and yet the Rents ſtand not in Charge, nor yet anſwered unto the Crown by them that pretend Intereſt in the ſaid Lands.

The aforeſaid Commiſſioners to Bargain, Grant, and Sell any of the Premiſes (which are not ſetled by the within named Act) in Fee-Simple, Fee-Farm, Fee-Tail, for term of Life, Lives, or Years, unto ſuch Perſon and Perſons as are the preſent Poſſeſſors of the ſaid Premiſſes; or otherwiſe to make unto them ſuch other Releaſes and Diſcharges, as their ſeveral Caſes ſhall require. But upon their refuſal or wilful neglect of this his Majeſties intended Grace (by not accepting the ſame within the time limited) the Commiſſioners to ſell any of the Premiſſes to ſuch others as ſhall be Suitors for the ſame. And for the ſurrounded Grounds, and ſuch like, where there is no preſent Poſſeſſors, the Commiſſioners to ſell thoſe Lands to ſuch as will Compound for the ſame.

And where the Tenure appeareth upon Record, the former Tenure is to be reſerved: But where no Tenure appeareth upon Record, there the Tenure is to be in Socage.

And *Robert Shipper* of *Grayes Inn*, his Majeſties Servant, is to attend the ſaid Commiſſioners in the Execution and proſecution of the ſaid Commiſſion.

October

October 12. 1632.

A
DECREE
In the STAR-CHAMBER,
About Counterfeiting of Seals to COLCHESTER Bays.

In Cam. Stell. coram Conc. ibid. xii. *die* Octob. *Anno Octavo* CAROLI *Regis.*

ONE *Thomas Jupp* a Cloathworker of the City of *London*, being at the Bar of this Court, His Majeſties Attorney General informed this Court, that he had taken the Examinations of the ſaid *Thomas Jupp*, concerning the Counterfeiting of Seals uſually affixed to the Bayes of *Colcheſter*, and fixing them to other Bayes of meaner condition, and ſhewed forth certain Iron Stamps and pieces of Bayes, Sealed ſome with the true Seals of that Town; atteſting that ſome of them were truly wrought, and that others of them were deficient, and others of them Sealed with Counterfeit Seals, put to Bayes not of the making of *Colcheſter*, but of leſs eſtimation, which being ſhewn to the ſaid *Thomas Jupp*, he acknowleged his Confeſſion made upon that Examination to be true, and that theſe Stamps and pieces of Bayes came from his hands to His Majeſties Attorney; which Confeſſion followeth in theſe words.

The Examination of *Thomas Jupp*, of *Abchurch-Lane* in the City of *London*, *Cloathworker*, taken before *William Noy*, His Majeſties Attorney General the fifth day of *September*, in the Eighth year of His Majeſties Reign. He ſaith that in *July* laſt he bought in *Leaden-Hall* Bay Market of *John Bryan* of *Bocking*, one hundred and ten *Flemiſh* Ell of *Mynikin* Bayes of *Bocking* making, at 21 *d. ob.* the Ell, and three other Pieces of about fifty like Ells, the Piece at 1 *l.* 13 *s. ob.* the Ell.

He ſaith alſo that *Colcheſter* Bayes are commonly ſomwhat dearer than the Bayes of *Bocking*.

He taketh it that *Colcheſter* Bayes ſell better beyond the Seas than other Bayes, and hath long been of that opinion.

He ſaith that he having long been a Workman, is able to diſcern a *Colcheſter*, or *Sandwich*, or *Bocking* Bay one from another, but other men that are not Workmen, diſcern them by their Seals.

He ſaith that he bought theſe Bayes for one *Goddard* a Sea-faring man, that abiding about *Deptford*, but what his Chriſtian name is he knoweth not, but thinketh it is either *George* or *William*, and that he was allowed no more in thoſe Bayes but as he paid for them, ſave for his Labour in Buying and Bailing of them, and Canvas, he had about 25 *s.* and for ſome other Labour.

He confeſſeth when the Bayes had been bought, *Goddard* asked the Examinant how he ſhould do for Seals, and the Examinant told him he would do his endeavour or the beſt he could to grace his Commodity.

And further acknowledgeth that when the Bayes were brought to the Examinants houſe, he put Seals to them like the *Colcheſter* Seals uſed for Bays, and ſaith that the Seals ſhewn to him by the Attorney General, in one ſide whereof is depicted a Griffin or a Dragon, and the other ſide three Crowns, which he takes to be the Arms of *Colcheſter*, and on another is written *D. W. S. Colcheſter* Bay, 1571. were Stamped on by himſelf, but it is Bungerly and not well done: And thoſe Seals that he put to one of thoſe Bayes, is cloſed up in a Paper Sealed by the Attorney and the Examinant.

He ſaith that thoſe Depictures are Graven in Iron, and that the Irons are in the Examinants keeping. And he ſaith that he will deliver the Stamps to the Attorney General.

Being demanded who did grave thoſe Irons which he uſed for Seals, he ſaith that he knoweth not who did grave them, but ſaith that ſome of them were graved in *Foſter-Lane* about half a year ſince, and the Examinant paid for the graving of them, for ſome of them more, and for ſome leſs. *Thomas Jupp, William Noy.*

Upon *Friday* the ſeventh day of the ſame *September*, the ſaid *Thomas Jupp* being again Examined, delivered to the Attorney General ſeven Iron Stamps, in one a Griffin, in another three Crowns, in another *D.W.S. Colcheſter* Bay, 1571. in the other four ſeveral numbers are Graven, and then being told that it appeareth by two of the Stamps that they had often Stamped, and demanded how long he hath had them, ſaith at one time, that he hath had them about half a year, at another time about a year: he ſaith that one *Thomas Downs* who is in *Ireland*, as he hath heard, did deliver them unto him at his laſt being in *England*, but remembreth not the time. Being demanded for whom he hath Stamped any Seals beſides *Goddard*, he refuſeth to declare.

He ſaith that the Buyers do commonly buy Bayes for *Colcheſter* Bayes without further enquiring than view of the Seal.

He ſaith that thoſe Stamps do differ from the Seal of *Colcheſter*.

He ſaith that the Seals of Lead ſhewn unto him Sealed up in Paper by him and the Attorney General, were made of the Stamps, now produced by him, by himſelf without the help of any other, and fixed to one of the Bayes which the Examinant bought and delivered to *Goddard*, as he formerly declared.

He ſaith that the ordinary price for Baling of five Bayes in Canvas Ropes and Labour comes to about eight ſhillings, and if in three Bales it comes to about a Mark, and thoſe Bayes were made up in three Bales.

The Iron Stamps are bound up in a piece of Canvas, which he hath Sealed and remaineth with the Attorney General. *Tho. Jupp, William Noy.*

Upon *Friday* the fourteenth of the ſame *September*, in preſence of the Examinant and of the Attorney General and others, one piece of the Bayes which he Sealed with the Counterfeit Seals, was brought and ſhewn to the Examinant which he confeſſeth to be the ſame which he Sealed for *Goddard*, and ſaith that it is no *Colcheſter* Bayes, and he knows it by the Work. At the ſame time two other pieces of Bayes were brought and ſhewn to him, which he knew by the Work (himſelf being a Workman) to be *Colcheſter* Bayes, whereof one hath the whole Seal and is not faulty, the other is marked as Faulty, by cutting off a piece and fixing the Seal at the Angle. And he ſaith that the Bay marked as faulty, is better than the *Bocking* Bay which he Sealed with the whole Seal.

The Examinant alſo ſaith that he hath often made the faulty Bayes have the whole Seal, by cutting off the puckle of the Bay at the Angle, and drawing it and fixing that Seal in another place, ſo as in view it is Sealed with the whole Seal, which he did ſhew the manner in the preſence of the Attorney and others, and ſaith that he hath ſo done above a hundred and a hundred times for Merchants, and many of them he hath done within this month, a piece of each Bay remaineth with the Attorney marked by the Examinant. *Thomas Jupp*, *William Noy*.

Which being Read, and view taken by their Lordſhips of thoſe pieces of Bayes, and the Stamps and Seals, His Majeſties Attorney General humbly prayed their Lordſhips that ſome exemplary puniſhment might be inflicted uponthe ſaid *Tho. Jupp*: whereupon their Lordſhips taking into conſideration the many Laws that have been provided for the true Draping of the Wooll of this Realm; by Ordaining the Searching, Meaſuring, Marking, Affixing Seals of divers places where they are Draped, and the publick Seals of the Alnager unto the Cloths; that the people of this Town of *Colcheſter* and of the parts adjoyning, receive a great part of their ſuſtenance by making of Bayes; that for many years paſt, by occaſion of the careful ſearch there made, they have been truly and not deceitfully made, and of a known goodneſs; that ſuch of them as are fully wrought are Sealed with a Seal atteſting their goodneſs: if upon ſearch any prove not ſo good, they are marked for ſuch, ſo as the Buyers both within the Realm and abroad may be aſcertained of the goodneſs of the Merchandize by view of the Seal, wherein (the Law requiring it) ſuch great care hath been had from time to time, that upon the credit of the Seal alone they were plentifully and readily vented in all places. And albeit there had not been hitherto any diſcovery made of Delinquents in this kind: Yet their Lordſhips taking into their ſerious conſideration, that the offence of the ſaid *Thomas* is a falſe Couſenage, by which the Buyers being deceived, will not be ſo ready to Buy any other Cloths upon the credit or atteſtation of the Seals, ſo as the good, and true Workers of Cloth will not receive encouragement to make true Workmanſhip as they were wont, but be enforced for vent, to make their Cloths like unto thoſe whereunto ſuch Counterfeit Seals ſhall be affixed, and in time produce a diſaffiance to the atteſtations of the Seals, whereof will enſue many inconveniencies; and they can foreſee that if this new falſity ſhould be unpuniſhed it will grow further abroad.

And therefore their Lordſhips have thought Fit, Ordered, Adjudged, and Decreed that the ſaid Delinquent, *Thomas Jupp*, ſhall ſtand and be Committed to the Priſon of the *Fleet* during His Majeſties pleaſure, and not to be thence enlarged until he ſhall diſcover and make known the names of ſuch Merchants for whom he hath uſed and practiſed the ſaid deceit. And if at any time His Majeſty ſhall be pleaſed to enlarge the ſaid *Jupp*, It is then Ordered before his enlargement he ſhall find good Sureties for his Good Behaviour.

And it is alſo Ordered and Decreed, that the ſaid Delinquent ſhall pay a Fine of one thouſand pounds to His Majeſties uſe.

And the Court doth further declare, that if in caſe the ſaid *Jupp* ſhall continue ſtubborn and ſhall refuſe to diſcover the names of ſuch Merchants or other Tradeſmen for whom he hath uſed and practiſed the aforeſaid fraud and deceit, their Lordſhips do reſerve a power of inflicting ſome further Compulſory means to cauſe him to confeſs their names.

And to the end the world may take notice how much this Court doth diſlike and condemn ſuch notorious Couſenages and Deceits, their Lordſhips have further Ordered, Adjudged and Decreed that the ſaid *Thomas Jupp* ſhall on ſome Market day be ſet upon the Pillory in *Cheapſide*, with a Paper on his Head, wherein ſhall be inſcribed words declaring the nature of his offence. At which time it is alſo thought fit and Ordered that this Decree ſhall be publickly Read, and that ſeveral Copies be thereof Printed, and ſet up upon Poſts and other eminent places about and near the the ſaid Pillory, to remain there, ſo as the cauſe of his Puniſhment may be generally known, and other like lewd perſons deterred from committing the like offences.

And it is further Ordered and Decreed, That the ſaid *Jupp* ſhall in like manner be ſet upon the Pillory in *Cornhil* and againſt the *Exchange*, at *Blackwel-Hall*, *Bocking* and *Colcheſter*, upon ſeveral Market days, with the like Paper on his Head, inſcribed as is aforeſaid. At all which ſaid ſeveral times and places it is Ordered, that this Decree be publickly Read, and that ſeveral Printed Copies of this Decree ſhall alſo be ſet up on ſeveral eminent places, on, and about, and near the ſaid places and Pillories, to remain there for the purpoſes aforeſaid, and ſpecially at *Blackwel-Hall*, the Officers there ſhall continue the ſaid Printed Copies upon Poſts and open Places, in, and about the ſaid Hall ſo long that the Clothiers of all parts of the Kingdom coming thither may have notice thereof, whereby it may be divulged in all the Clothing Towns and Countries in the Kingdom, how unlawful and how dangerous it is to uſe any falſities and deceits tending to the diſcredit of the Clothing of the Realm, and how careful His Majeſty, and the State and all His Courts of Juſtice will be to ſee the ſame ſeverely puniſhed.

And Laſtly, to the end ſuch Merchants or other Tradeſmen as have ſet this Delinquent or any other Clothworker at Work, to practiſe this deceitful Sealing of Bayes, may be known and diſcovered, The Court doth hereby publiſh and declare, that ſuch perſon or perſons as ſhall make ſuch diſcovery, and bring the Delinquents to receive the Sentence of this Court, ſhall for their reward have half the Fine or Fines which ſhall by this Court be impoſed upon them. And if any Clothworker who have uſed and practiſed ſuch deceit ſhall diſcover their Procurers and Encouragers, ſuch perſons ſo confeſſing, ſhall receive the mercy and favour of this Court.

The Decree at large concerning Depopulation againſt Sir Anthony Roper, *in the Court of Star-Chamber.*

In Camera Stellata coram Concil. ibidem decimo die Octobris Anno decimo Caroli Regis.

THis day came to be heard the matter of Complaint exhibited into this Court by his Majeſties Attorney General upon the proſecution, and by the Relation of *John Philpot* Eſquire, againſt Sir *Anthony Roper* Knight Defendant, for Depopulation, converting great quantities of Land into Paſture, which formerly, for the ſpace of about Forty years, had been Arable, uſed to Tillage, and occupied as belonging to ſeveral Farm-houſes, and houſes of Husbandry in the Pariſh of *Farmingham* in the County of *Kent*, and for ſuffering the ſaid Farm-houſes, with their out-houſes, to be ruined, and uninhabited, and one Water-Griſt-Mill to decay and go to ruine, as by the ſaid Information more fully and at large it doth and may appear upon full and deliberate hearing, whereof it plainly and evidently appeared to this Honourable Court by the Teſtimonies of ſeveral good and ſufficient Witneſſes, this day openly read in Court, that the ſaid Defendant being ſeized in Fee of Five ſeveral ancient Meſſuages, and Farm-houſes, and of a Water-Griſt-Mill, lying in *Farmingham*, *Eveſford*, *Horton*, *Kirby*, and *Knightdown*, in the County of *Kent*; One of which was called *Pethams Place*, or *Pethams Farm*, late in the occupation of *Thomas Newington*; to which Farm anciently belonged and was uſed, as Arable, one hundred, or one hundred and twenty Acres of Land, and whereupon was uſually kept one or two Plows, and divers Servants imployed in and about the Tilling, Manuring, and Husbanding thereof, to the great benefit of the Common Wealth, and of his Majeſty. One other Farm-houſe, late in the occupation of *John Newington*, whereunto belonged, and was anciently uſed one hundred and forty Acres of Land as Arable, and whereon was uſually kept one Plow for Husbandry, and half a dozen Servants imployed in the Husbandry thereof. One other Farm, late in the occupation of one *Roger White*, whereunto alſo anciently belonged, and was uſed ſix or ſeven ſcore Acres of Land as Arable, and for Tillage by the ſaid *Roger White*, who ordinarily kept and imployed ſix Servants in the Husbanding thereof. One other Farm, heretofore in the Tenure or occupation of *Francis Beſt*, whereunto was anciently uſed one hundred and twenty Acres of Land for Tillage, whereon one Plow was uſually kept, and ſeveral Servants imployed in the Plowing, Manuring, and Husbanding thereof: And one other Farm, heretofore in the occupation of one *John Beſt*, whereunto was anciently uſed one hundred and ſix Acres of Land for Tillage and ſowing of Corn, whereon one Plow and ſix Servants were uſually kept and imployed in the Husbanding of the ſaid Corn-Land; and all the ſaid ſeveral Farms, when they were uſed in Tillage, were furniſhed with ſufficient Houſes, Barns, and Out-houſes, neceſſary for Farmers to dwell in, who ſold and vented to

London and elſewhere yearly about forty or fifty Quarters of Wheat, beſides other Grain, out of each Farm one with another, and many poor men and women were then and there ſet on work, and about twenty perſons fit for War were maintained in and upon the ſaid Farms; as alſo ſeveral Carts ready and fit to do his Majeſty ſervice, in carrying Timber for repair of his Navy, and otherwiſe, which the ſaid Defendant nothing regarding, but reſpecting his own Commodity above the general good of the King, Country, and Commonwealth, hath of late years taken into his own occupation all the ſaid ſeveral Farms, and converted all the Lands thereunto, formerly uſed for Tillage, into Paſture, to the great decay of Husbandry in thoſe parts, although he might have had ſufficient Tenants for them, that would have given as great or greater Rents for the ſaid ſeveral Farms than they were formerly let for, and hath alſo depopulated and pulled down three of the ſaid Farm-houſes, and ſuffered the other two to run to ruine, and to lie uninhabited; inſomuch, that whereas in former times one of the ſaid Farms, called *Pelhams Place*, was a great defence and ſuccour to Travellers who paſſed that way; the ſame, ſince the Depopulation thereof, have been a harbour for Thieves, and many Robberies hath been thereabouts committed, and moneys recovered by the robbed perſons from the Hundred, which, together with the want of thoſe Plows which were formerly kept there, hath been a great burden to that part of the Country, there being never a Cart now kept upon any of the ſaid three Farms. And it alſo further appeared that the ſaid Defendant hath not only Depopulated the ſaid ſeveral Farms, and converted the Arable into Paſture, but hath in like ſort, to the great inconvenience and prejudice to the ſaid Town of *Farmingham*, pulled down, and ſuffered to go to decay, and be uninhabited one Water Corn Mill, which heretofore ground good ſtore of Corn weekly. Upon grave and deliberate conſideration of all which matters the Court did with a joynt Conſent and Opinion declare, that the ſaid Defendant was clearly guilty of the ſaid Depopulation, and converting his Arable into Paſture, wherewith he is charged by the Information in manner as before is expreſſed, and that the ſaid offences are puniſhable by the Common Law of this Kingdom, and fit to be ſeverely puniſhed the rather for that it is a growing evil, and hath already ſpread it ſelf into very many parts of the Kingdom; and mean time if it be not met withal, and prevented by the juſt Cenſure of this Court, grow very prejudicial and dangerous to the State and Commonwealth, and therefore their Lordſhips hold him to be a very great Offender, ſhall ſtand and be committed to the Priſon of the *Fleet*, and pay a Fine of 4000 *l.* to his Majeſties uſe, and, at the next Aſſizes to be held for the ſaid County of *Kent*, ſhall in the open Court, the Judges and Juſtices there ſitting, acknowledge his ſaid offences; at which time and place, for the better manifeſtation of his Offence to the Country, and to the end others ſeeing his puniſhment may thereby hereafter be warned to forbear to commit the like offences: It is ordered that this their Lordſhips Sentence and Decree ſhall be publickly read, and further the Court conſidering and commending the pains, care, and travel taken by the Relator in bringing this Cauſe to Judgment, and being ſatisfied upon hearing of the Cauſe, that the Poor of the ſaid Pariſh of *Farmingham*, and the Miniſter there have been ſeverally damnified by the ſaid Defendant; their Lordſhips have further ordered and decreed, that the ſaid Defendant ſhall pay unto the ſaid Relator a hundred pounds for a recompence of his

Travel, beſides his Coſts of ſuit; and to the Miniſter of the ſaid Pariſh of *Farmingham* one hundred pounds; and to the Poor of the ſaid Pariſh one hundred pounds, to be diſtributed to, and amongſt them, at the diſcretion of four of the next Juſtices of the Peace adjoyning to the ſaid Town of of *Farmingham*. And laſtly, the Court hath ordered, that the ſaid Defendant ſhall within theſe two years repair and build again all the ſaid Farm-houſes, with their Out-houſes, and the ſaid Corn-Mill fit for habitation and uſe as formerly they were, and ſhall reſtore the Lands formerly uſed and let with the ſaid Farms to the ſaid Farm-houſes again, and let and demiſe the ſaid ſeveral Farms to ſeveral Tenants for reaſonable Rents ſuch as the Country will afford; and that all the ſaid Lands ſhall be again plowed up, and uſed for Tillage, as formerly it hath been.

A

A Decree in Star-Chamber concerning the Soap-boylers, in purſuance of a Cenſure of that Court upon May 10. 1633. 9 Car.

In Camera Stellata coram Concilio ibidem, Viceſimo tertio die Auguſti, Anno Nono Caroli Regis, &c.

WHereas Mr. *Noy*, his Majeſties Attorney General hath informed this Court, That the King's *moſt Excellent Majeſty*, by his *Highneſs* Letters Patents, under the Great Seal of *England*, bearing Date at *Weſtminſter* the Seventeenth day of *December*, in the Seventh year of his Majeſties Reign, for the Reaſons, Cauſes, and Conſiderations in the ſaid Letters Patents expreſſed, did give and grant to *Roger Jones*, ſince deceaſed, and to *Andrew Palmer*, Eſquires; and alſo to Sir *Willam Ruſſel* Baronet, Sir *Baſil Brooke*, Sir *Richard Weſton*, Sir *Edward Stradling*, Sir *Rich.Bettiſon*, Knights; *George Gage*, *Thomas Jones*, *Beverly Bretton*, *Thomas Ruſſel*, *Thomas Jennings*, *Thomas Hicks*, and *Albertus Belton*, Eſquires, and to *Robert Carver* Gent. *a Patent of Priviledge*, for the Term of *Fourteen years*, for the ſole making of Hard Soap, and Soft Soap, with ſuch Materials as by them have been *newly Invented*, and in ſuch manner as in the ſaid Letters Patents, and others Letters Patents therein recited appeareth. And for the burning and preparing of Pot-aſhes, and other Aſhes of Bean-ſtraw, Peaſe-ſtraw, Fern, Kelp, and other Vegetables to be found in his Majeſties own Dominions for the making of Soap, not formerly or ordinarily uſed or practiſed by others within the ſaid Realm, Dominions, and Town of *Barwick*, but by them newly invented, and deviſed, and alſo of the uſing of the Aſſay-Glaſs for Trying of their Lee. In, and by which Letters Patents there was careful proviſion made for the true making of the ſaid Soaps for the uſe of the Kings People, and for the ſearching and making thereof to diſtinguiſh the ſame from other Soaps. And for the ſelling of the ſame at, and for reaſonable Prices, as by the ſaid Letters Patents do at large appear. And his Majeſties ſaid Attorney further informed this Court, that becauſe his Majeſty in his great wiſdom foreſaw, that without government of that Trade it would ſoon fall to diſorder. Therefore for the better regulating and ordering of the ſaid Works, his Majeſty did *by other Letters Patents*, under the Great Seal of *England*, bearing Date at *Weſtminſter* the *Twentieth day of January*, in the Seventh year of his Majeſties Reign, incorporate divers perſons of principal worth and quality, who had been Adventurers in the ſaid Works, *by the name of Governours*, *Aſſiſtants*, and *Fellows* of the *Society of Soap-makers* within the *City of Weſtminſter*, in the County of *Middleſex*, to have *perpetual ſucceſſion*, and to them had given and granted divers Powers and Authorities for the preventing of Frauds and deceits, and other abuſes in that Trade and Manufacture. And afterwards by his Majeſties ſpecial Commandment ſignified by *his Writ* in that behalf the ſaid *Grant of Priviledge* for making of Soap and Pot-aſhes with the Powers and Authorities to the ſaid Patentees named in the ſaid Patent of the Seventeenth of *December*, granted as aforeſaid, were *by them aſſigned unto the ſaid Governour*, *Aſſiſtants*, and *Fellows*, and their *Succeſſors*, and in reſpect thereof the ſaid Governours, Aſſiſtants, and Fellows of the ſaid Society by *Indenture bearing date the Third day of* May, in the *Eighth year of his Majeſties Reign*, did covenant, promiſe, and agree to, and with our ſaid Soveraign Lord the King, his Heirs and Succeſſors, to do and perform divers things in that Indenture particularly mentioned for, and concerning the perfecting of the ſaid Works, and the furniſhing of this Kingdom with ſufficient quantities of ſweet and good Soap, and to ſell the ſame at, and for reaſonable Prices, not exceeding the price of Three Pence the pound, which was a cheaper rate than other ſweet and Merchantable Soap was uſually ſold for. And his Majeſties ſaid Attorny further informed this Court, That when his Majeſty had thus provided for the ſufficient Quantity, and reaſonable Prices of the ſaid Soaps out of his Princely care for the good of his People, foreſeeing that the goodneſs of the ſaid Soaps might ſoon decline and decay, unleſs by the continual care and pains of ſome truſty and diligent Officer a watchful eye were had to ſearch and try all the Soaps that ſhould be made and uttered, to ſee that the ſame were anſwerable in goodneſs to the firſt Pattern or Standard. His Majeſty, *by other Letters Patents*, bearing Date the *Eighth day of June*, in the Eighth year of his Majeſties Reign, did ordain, conſtitute, and appoint, *that for ever then after there ſhould be an Office*. And did thereby, for him, his Heirs, and Succeſſors, erect, create, and make an Office to be, and to be called the Office for keeping the Patterns, and making of the Aſſay of Soaps to be made by the ſaid Governour, Aſſiſtants, and Fellows who ſhall be called the Aſſay-Maſter for Soaps to be made by the ſaid Governours, Aſſiſtants, and Fellows. And thereby did appoint in what manner the ſaid Officer, having firſt taken a Corporal Oath to that purpoſe, ſhould execute the ſaid Office without any trouble or charge to his Majeſties Subjects which ſhould buy the ſaid Soaps. And his Majeſties ſaid Attorny further informed this Court, that his Majeſty in his Royal Care for the wealth and proſperity of his Loving Subjects, *intending to advance* the Native Commodities of this Realm, the ſetting of his own People at work, and the ſaving of the expence of the Treaſure of this Kingdom, which unthriftily and unneceſſarily was ſpent in buying and importing of Foreign Materials for the making of Soap from other Kingdoms, to the enriching of them, and the impoveriſhing of his Majeſties own Kingdoms to a great yearly Sum. And purpoſing to prevent or ſeverely *to puniſh all frauds* and deceits in the making of Soap with Foreign or unſweet materials, and the exceſſive Rates in the ſale of Soaps, as formerly it was practiſed by the Soap-boylers, being no body Politick, nor governed by any good Orders, or Conſtitutions regulating their Trade, but being a few ſingular Perſons who took this advantage to enrich themſelves, to the wrong and prejudice of his Majeſty, and his loving Subjects in general, who had no ordinary means to right themſelves therein: To the end that all his Loving Subjects might take notice of this his Princely care and providence for them herein: By his Highneſs *Proclamation*, given at the Court at *Greenwich* the *Eight and Twentieth day of June*, in the ſaid *Eighth year* of his Majeſties Reign, did ſtreightly charge and command as well the ſaid Governour, Aſſiſtants, and Fellows of the ſaid Society, who had formerly bound themſelves by Covenant with his Majeſty to a Regularity in that behalf, as all others not being of that Society, which ſhould then after make any Soaps, that they ſhould uſe no other Oyl in making that Soap, but Oyl Olive and Rape Oyl, as had been long ſithence decreed by the Mayor and Aldermen of *London*. That by that means the Soap might be good, ſweet, and ſerviceable, according to the Patterns delivered up to the Aſſay-Maſter. And did alſo thereby ſtrictly inhibit that no Perſon or Perſons ſhould import, or cauſe to be imported, or brought into this Realm, or Dominion of *Wales*, any unſweet or unſerviceable Soaps, and alſo that none preſume to put to ſale, or vent any Soaps, Potaſhes, Soapaſhes, Berrillia, or Soade, of what nature ſoever, before they ſhall be aſſayed and tried by the Searchers, to be aſſigned, and yearly to be choſen by the ſaid Governours, Aſſiſtants, and Fellows, and the Aſſay-Maſter for the time being, or ſome of them, and by them, or him found to be good, uſeful, and ſerviceable, and ſo marked by them, or their Deputies, with the Mark appointed for that purpoſe, being the *Flower-de-luce*; if any ſuch Officer ſhall reſide in the Towns where ſuch putting to ſale thereof ſhall be; and, being required, will ſearch and try the ſame without Fee or Salary. *Notwithſtanding all which*, divers Soap-boylers, inhabiting in, and near about the City of *London*, and places adjacent, have with much contempt oppoſed themſelves againſt all the ſaid ſeveral Letters Patents and Proclamation, and have endeavoured, to the utmoſt of their powers, to fruſtrate his Majeſties ſaid gracious Intentions; and did, *contrary* to the ſaid Proclamation, and in contempt thereof, make great quantities of Soap of Fiſh Oyl, very noyſom and unfit for that purpoſe, and wilfully oppoſed the Searchers, and Aſſay-Maſter, and their Deputies, and refuſed to ſuffer them to ſearch, and took upon them, without any Authority given to them, to uſurp and to exerciſe the Liberties and Authorities of a Corporation in holding Aſſemblies and Conventicles for their own private ends. And to ſet Prices at what Rates they would ſell their Soaps, and to make diſtribution of what Quantities of Fiſh Oyl every one ſhould weekly or monthly ſpend. And to appoint what quantity of Soap ſhould be weekly or monthly made by every one of them.

For which offences and miſdemeanours his Majeſties ſaid Attorney on his Majeſties behalf, on the Two and Twentieth of *November*, in the *Eighth year* of his Majeſties Reign, exhibited an Information in this Court againſt divers of the ſaid Offenders, whereunto *they anſwered*. And the *Cauſe coming* in a Legal way *to be heard* upon the *Tenth day of May*, in this *Ninth year* of his Majeſties Reign, the ſaid Defendants were *juſtly Cenſured* by the Decree and Sentence of this Honourable Court. And thereby amongſt other things by the Sentence of this Court diſabled by themſelves, their Workmen, Servants, Agents, or any other, to uſe or exerciſe the ſaid Trade of Soap-boyling at any time then after which they had ſo notably abuſed. And his Majeſties ſaid *Attorney* now further Informed, that nevertheleſs, *ſince the exhibiting of the ſaid Information* into this Court, upon which the ſaid Sentence was grounded, divers *other perſons*, who formerly did not uſe or exerciſe the ſaid Trade of Soap-boyling for themſelves, have taken upon them to uſe and exerciſe the Trade of Boyling and making of Soap, as well *in the Houſes of divers of the ſaid Perſons ſo ſentenced* and *diſabled* as in other places, and with their Veſſels and Stocks, to the high Contempt of this Court, and the *deluding of the ſaid Decree and Sentence*, and to the great diſcouragement of thoſe who would honeſtly and regularly uſe the ſaid Trade, and to the encouragement of all ſuch ill-diſpoſed Perſons, as for their own private Lucre and unjuſt gain would oppoſe a Work ſo manifeſtly tending to the publick good, and therefore his Majeſties ſaid *Attorney humbly prayed, that in a caſe of this extraordinary nature*, wherein the *Publick* had ſo much Intereſt, this Court would take theſe things into their Conſiderations and honourable Cares, and *for the future ſettle* and *eſtabliſh* ſuch order for the *government of this Trade*, which hath long continued irregular, and without any government at all, as may prevent thoſe abuſes, which otherwiſe, without the aid of this Court, cannot be prevented. And for that the Imployment and ſetting on work of ſo many of his Majeſties Subjects in the making of *Pot-aſhes* within this Kingdom, and that with the Materials here found, and the ſaving of the yearly expence of ſo great Sums of Money for that purpoſe formerly exhauſted out of this Kingdom, to the Diminution of the Stock and Treaſure thereof, are works of great weight and conſequence, and worthy the Conſideration of this Honourable Court, and of all aſſiſtance and encouragement for their eſtabliſhment as matters concerning the State. The Court taking the Premiſſes into their grave Conſiderations hath therefore thought fit, and ſo ordered:

I. That the ſaid Governour, Aſſiſtants, and Society ſhall uſe all diligence to perfect their undertaking with his Majeſty for eſtabliſhing the ſaid Work, wherein this Court will be ready from time to time to give them all juſt aſſiſtance.

II. That the ſaid Company ſhall on the laſt day of every *Michaelmas* and *Eaſter Term*, and oftner, if it ſhall be required, make true Certificate into this Court, under the hands of the Governour and Aſſay-Maſter, and two of the Aſſiſtants for the time being, at leaſt of the goodneſs of the Soap from time to time to be made by them, and whether the Standard be duly renewed, and the Soap made according to the goodneſs of that Standard.

III. That the Aſſay-Maſter for the ſaid Soap do diligently attend, and juſtly and faithfully ſearch, and Mark all the Soap to be made which ſhall deſerve to be ſo marked, and do refuſe to mark all ſuch Soap as ſhall be any way deficient in ſweetneſs or goodneſs, or not anſwerable to the Standard; and that no Soap-maker whatſoever preſume to put any Soap to ſale which ſhall not be ſo marked, and be made of the like goodneſs with the Standard. Nevertheleſs if it ſhall hereafter appear to this Court that for any inferiour uſe, or for other uſe than waſhing of Linnen, there ſhall be cauſe to make any other ſort of Soap of leſs goodneſs and ſweetneſs, and conſequently of a lower Price: This Court, upon due conſideration of the neceſſity thereof, will give ſuch further Directions therein as ſhall be fit, and ſo order the making and uttering thereof that it ſhall not be an Evaſion for the making and uttering of Soap contrary to the true meaning of his Majeſty, and of this Court, to the abuſe of the Kings Subjects.

IV. Becauſe it hath already clearly appeared both to his Majeſty and to this Court by the Certificate of Sir *Robert Ducy* Knight and Baronet, late Lord Mayor of the City of *London*, and here remaining of Record (to whom the Examination thereof was ſpecially referred) That the ſaid Governour, Aſſiſtants, and Society of the Soap-makers of *Weſtminſter* have brought the making of Soap with the Pot-aſhes, and other Materials of this Kingdom, and of his Majeſties own Dominions to that perfection that it exceedeth the beſt *London* Soap in the goodneſs thereof, and for that it doth alſo in the eaſineſs of the Price, the ſame being by them undertaken to be ſold at, and after the rate of Three Pounds and Four

Shillings the Barrel, which is Three Pence the pound, and not above. And the ſame appeareth likewiſe to be true by the Oath of *Francis Coningsby* Eſquire, the preſent Aſſay-Maſter for Soap, appointed by his Majeſty, which Oath remaineth in this Court recorded. It is therefore thought fit, and ſo ordered and Decreed, that no ſoft Soap ſhall hereafter be uttered or ſold by any Soap-maker, his or their Factors, Workmen, or Servants, for above the ſaid rate or price of Three Pounds and Four Shillings the Barrel, which is Three Pence the Pound. And if any ſuch Perſon ſhall preſume to ſell any ſoft Soap at or for any greater rate or price, directly, or indirectly, than as aforeſaid, every ſuch Perſon ſo offending ſhall be puniſhed by the Cenſure of this Court as a Perſon who juſtly oppreſſeth the Kings Subjects by exceſſive prices of Commodities, this Court deeming and adjudging that Price, for the reaſons aforeſaid, to be a ſufficient Price for the beſt ſoft Soap. Nevertheleſs if at any time hereafter, by the increaſe of Prices of the Materials to be uſed in making of Soap, it ſhall be made to appear to this Court that there is juſt cauſe to inlarge the Prices of ſuch Soaps to be made by others, then the ſaid Governour, Aſſiſtants, and Fellows, then, and not otherwiſe, and for ſo long time only this Court will take ſuch order as ſhall be fit.

V. And foraſmuch as this Court is fully ſatisfied by the former carriage of ſuch perſons, who now ſtand under the Cenſure and ſentence of this Honourable Court, that they have uſed, and ſtill do uſe, all the indirect means they can to oppoſe the reformation of their own former abuſes, and the proſpering of this new Manufacture, which will be ſo profitable for the Publick: And do conceive that thoſe other Perſons, or moſt of them, who ſince the ſaid twenty ſecond day of *November* laſt, on which day the ſaid Information was exhibited in this Court, have ſet up a Trade of Soap-making as for themſelves, which before they uſed not, and exerciſe the ſame Trade in the Houſes, and with the Veſſels, and Utenſils, and Stock of the ſaid Delinquents, ſo Cenſured as aforeſaid, have ſet the ſame up by ſome ſecret Agreements and Compact, with, or on the behalf of the Delinquents, of purpoſe to delude the Sentence of this Court. And for that it is well known, that before the ſaid 22. of *November* a very few men exerciſed the Craft of making of ſoft Soap: And that but a few alſo were ſet on work by them, whereas in the making of Soap, and preparing the Materials for that Work, by the ways uſed by the ſaid Governour, Aſſiſtants, and Fellows, a very great number of his Majeſties People are imployed, and ſet on work in making of Soap, and preparing of Materials for it, whereof cometh an Increaſe of profit to the Commonwealth, and not a detriment. It is therefore further ordered and Decreed, that no Perſon or Perſons, who on the ſaid 22. day of *November* now laſt paſt, did not uſe the ſaid Trade of Soap-making, or Soap-boyling for themſelves, nor any other Perſon or Perſons, who by reaſon of his or their Profeſſion or Apprenticehood are capable of uſing that Trade, ſhall continue, or ſet up the ſaid Trade directly, or indirectly, until this Court, upon examination of the true ſtate of each particular Perſons Caſe, deſiring or intending to ſet up ſuch Trade, do receive ſatisfaction of the Juſtice of his pretence to uſe that Trade, and of the convenience and fitneſs of the place where he intendeth to uſe or exerciſe the ſame, and that he doth not colourably pretend to uſe that Trade for himſelf and his own uſe, where in ſubſtance he purpoſeth to uſe it for the benefit of ſome of the Delinquents, and this to continue until this Court ſhall give other order to the contrary.

VI. It is further ordered and Decreed, that becauſe by the offences of the ſaid Delinquents, and by their diſabilities to continue their ſaid Trades, ſome few Servants and Workmen, formerly imployed by them, or by ſome others in Soap-making, may be deſtitute of means for their Livelihood, this Court doth recommend them to the care of the ſaid Governour and Company to imploy them in their Works in ſome convenient manner; wherein if they ſhall fail (theſe Servants carrying themſelves faithfully and diligently towards them as is fit) this Court intendeth to ſettle ſuch a courſe for their relief as ſhall be fit, thoſe Servants and Workmen for any thing yet appearing to this Court not having offended, but as they were commanded by their Maſters.

VII. And to the Intent that a due ſearch may be had of all Soap hereafter to be made, and ſo the abuſive making thereof, contrary to the ſaid Proclamation, be prevented, it is ordered and decreed, that the Aſſay-Maſter and Searchers, or their Deputies, ſhall from time to time execute their Offices, with a Conſtable when they ſhall think fit to require it, by going into the Houſes, Work-houſes, or Cellars of all thoſe who ſhall be Makers of Soap, to make ſearch for all Soaps made, and for all Oyls, or other Materials provided for making of Soap, and to Aſſay as well the Soaps ſo made, as the Oyls, and other Materials provided for the making of Soap, and that no Perſon oppoſe, or hinder, or unneceſſarily delay ſuch ſearch to be made, and Aſſay to be taken.

VIII. And for that it is well known that within theſe few years laſt paſt no ſoft Soap was made within this Kingdom, but in, and about the Cities of *London*, *Weſtminſter*, and *Briſtol*, it is therefore ordered and decreed, for the more conveniency of making ſuch Searches and Aſſay, as aforeſaid, that the ſaid Governour and Company do erect and continue their Work-houſes for the making of ſoft Soap according to their undertaking, as aforeſaid, in, or within one Mile of the City of *London* or *Weſtminſter*: And that no other Soap-boyler, or Soap-maker do erect any other Work-houſes, or place for making or boyling of Soap but within the Cities of *London* and *Weſtminſter*, or City of *Briſtol*, or within a Mile of the ſaid Cities, or in ſuch other place or places as this Court ſhall upon other good Conſiderations and Reaſons think fit, and firſt approve of and allow. And that notice be given by thoſe that make or ſhall make Soap for Sale, to the ſaid Governour and Company, or Aſſay-Maſter, of all and every the ſaid places where their Work-houſes are, or ſhall be hereafter erected, before any Trade of Soap-making be there uſed, leſt by the erecting of ſuch Houſes in obſcure places, or farre remote one from the other, the Aſſay-Maſter be diſabled to perform his Office in the due Searching, Aſſaying, and Marking of Soap, Oyl, and other Materials, as aforeſaid.

IX. And becauſe thoſe who formerly uſed the Trade of Soap-making, or Soap-boyling are no Body Corporate, nor have any Government or Orders by which they are, or can be regulated, but every ſingular Perſon doth that in his Trade which he knoweth moſt for his private gain and advantage, though never ſo much to the prejudice of others, or of the Publick: It is therefore ordered and decreed, that all Soap-boylers and Soap-makers, not being of the ſaid Company, ſhall from henceforth be under the Survey, Rule, and Government of the ſaid Company, and Officers thereof, as well as the proper Members of the ſaid Company, ſo far forth only as concerneth the Trade, and the true making of the ſaid Soap, and not otherwiſe, nor to any other purpoſe, without their own free conſent thereunto.

X. And it is alſo ordered and decreed, that the ſaid Governour, Aſſiſtants, and Fellows of the ſaid Society, ſhall from henceforth from time to time take care that there ſhall be and continue of the ſaid Society Thirty Perſons at the leaſt. And laſtly, it is ordered and decreed, That if any Perſon ſhall offend againſt any thing herein contained, ordered, and decreed, every ſuch Perſon ſhall incur and undergo ſuch impriſonment, and other puniſhment as this Court, upon conſideration had of the quality of every ſuch offence, ſhall judge to be fit and juſt to be inflicted.

A Speech delivered in the Star-Chamber, on Wedneſday *the* 16. of June, 1637. *at the Cenſure of* John Baſtwick, Henry Burton, *and* William Prinn; *Concerning pretended Innovations in the Church. By the moſt Reverend Father in God,* William, *Lord Arch-Biſhop of* Canterbury, *his Grace.*

My Lords,

I Shall not need to ſpeak of the infamous courſe of Libelling in any kind:

Nor of the puniſhment of it, which in ſome caſes was Capital by the Imperial Laws. As appears, *Cod. l.* 9. *T.* 36.

In Jul. c. 75.

Nor how patiently ſome great men, very great men indeed, have born *Animo civili* (that's *Suetonius* his word) *laceratam exiſtimationem*, the tearing and rending of their Credit and Reputation, with a gentle, nay, a generous mind.

But of all Libels, they are moſt odious which pretend Religion: as if that of all things did deſire to be defended by a Mouth that is like an open Sepulcher, or by a Pen that is made of a ſick and a loathſom Quill.

There were times when Perſecutions were great in the Church, even to exceed Barbarity it ſelf: did any Martyr or Confeſſor, in thoſe times, Libel the Governors? Surely no; not one of them to my beſt remembrance: yet theſe complain of Perſecution without all ſhew of cauſe; and in the mean time Libel and Rail without all meaſure. So little of kin are they to thoſe which ſuffer for Chriſt, or the leaſt part of Chriſtian Religion.

In Apol. 1. David. c. 6.

My Lords, it is not every mans ſpirit to hold up againſt the venom which Libellers ſpit. For St. *Ambroſe*, who was a ſtout and a worthy Prelate, tells us, not that himſelf, but that a far greater man than he, that's King *David*, had found out (ſo it ſeems in his judgment 'twas no matter of ordinary ability) *Grande inventum*, a great and mighty invention, how to ſwallow and put off thoſe bitter Contumelies of the Tongue: and thoſe of the Pen are no whit leſs, and ſpread farther. And it was a great one indeed, and well beſeemed the greatneſs of *David*. But I think it will be far better for me to look upward, and practiſe it, than to look downward, and diſcourſe upon it.

Ad Ocean. de ferend. Opprob.

In the mean time I ſhall remember what an Antient under the name of St. *Hierom* tells me, *Indignum eſt & præpoſterum*, 'Tis unworthy in itſelf, and prepoſterous in demeanor for a man to aſhamed for doing good, becauſe other men glory in ſpeaking ill.

And I can ſay it clearly and truly, as in the preſence of God, I have done nothing, as a Prelate, to the uttermoſt of what I am conſcious, but with a ſingle heart, and with a ſincere intention for the good Government and Honor of the Church; and the maintenance of the Orthodox

Truth and Religion of Chriſt Profeſſed, Eſtabliſhed, and Maintained in this Church of *England*.

For my care of this Church, the reducing of it into Order, the upholding of the External Worſhip of God in it, and the ſetling of it to the Rules of its firſt Reformation, are the cauſes (and the ſole cauſes, what ever are pretended) of all this malicious ſtorm, which hath loured ſo black upon me, and ſome of my Brethren. And in the mean time, they which are the only, or the chief Innovators of the Chriſtian world, having nothing to ſay, accuſe us of Innovation; they themſelves and their Complices in the mean time being the greateſt Innovators that the Chriſtian world hath almoſt ever known. I deny not but others have ſpread more dangerous Errors in the Church of Chriſt; but no men, in any age of it, have been more guilty of Innovation than they, while themſelves cry out againſt it: *Quis tulerit Gracchos?*

And I ſaid well, *Quis tulerit Gracchos?* For 'tis moſt apparent to any man that will not wink, that the intention of theſe men, and their Abettors, was and is to raiſe a Sedition, being as great Incendiaries in the State (where they get power) as they have ever been in the Church? *Novatian* himſelf hardly greater.

Our main Crime is (would they all ſpeak out, as ſome of them do) that we are Biſhops; were we not ſo, ſome of us might be as paſſable as other men.

Burton Apo. p. 110.

And a great trouble 'tis to them, that we maintain that our calling of Biſhops is *Jure Divino*, by Divine Right: Of this I have ſaid enough, and in this place, in *Leightons* Caſe, nor will I repeat. Only this I will ſay, and abide by it, that the Calling of Biſhops is *Jure Divino*, by Divine Right, though not all Adjuncts to their Calling. And this I ſay in as direct oppoſition to the Church of *Rome*, as to the Puritan humor.

And I ſay farther, that from the Apoſtles times, in all ages, in all places the Church of Chriſt was governed by Biſhops: and Lay-Elders never heard of, till *Calvins* new-fangled device at *Geneva*.

Now this is made by theſe men, as if it were *Contra Regem*, againſt the King, in right or in power.

But that is a mere ignorant ſhift; for our being Biſhops, *Jure Divino*, by Divine Right, takes nothing from the Kings Right or Power over us. For though our Office be from God and Chriſt immediately, yet may we not exerciſe that power, either of Order or Juriſdiction, but as God hath appointed us, that is, not in his Majeſties, or any Chriſtian Kings Kingdoms, but by and under the power of the King given us ſo to do.

And were this a good Argument againſt us, as Biſhops, it muſt needs be good againſt Prieſts and Miniſters too; for themſelves grant that their Calling is *Jure Divino*, by Divine Right; and yet I hope they will not ſay, that to be Prieſts and Miniſters is againſt the King, or any His Royal Prerogatives.

Next, ſuppoſe our Callings, as Biſhops, could not be made good *Jure Divino*, by Divine Right; yet *Jure Eccleſiaſtico*, by Eccleſiaſtical Right it cannot be denyed, And here in *England* the Biſhops are confirmed, both in their power and means, by Act of Parliament. So that here we ſtand in as good caſe, as the preſent Laws of the Realm can make us. And ſo we muſt ſtand, till the Laws ſhall be repealed by the ſame power that made them.

Now then, ſuppoſe we had no other ſtring to hold by (I ſay ſuppoſe this, but I grant it not) yet no man can Libel againſt our Calling (as theſe men do) be it in Pulpit, Print, or otherwiſe, but he Libels againſt the King and the State, by whoſe Laws we are Eſtabliſhed. Therefore, all theſe Libels, ſo far forth as they are againſt our Calling, are againſt the King and the Law, and can have no other purpoſe, than to ſtir up ſedition among the people.

If theſe men had any other intention, or if they had any Chriſtian or Charitable deſire, to Reform any thing amiſs; why did they not modeſtly Petition His Majeſty about it, that in his Princely wiſdom he might ſet all things right, in a Juſt and Orderly manner? But this was neither their intention, nor way. For one clamours out of his Pulpit, and all of them from the Preſs, and in a moſt virulent and Unchriſtian manner ſet themſelves to make a heat among the people; and ſo by Mutiny, to effect that, which by Law they cannot; And, by moſt falſe and unjuſt Calumnies to defame both our Callings and Perſons. But for my part, as I pitty their rage, ſo I heartily pray God to forgive their malice.

No Nation hath ever appeared more jealous of Religion, than the people of *England* have ever been. And their zeal to Gods glory hath been, and at this day is a great honour to them. But this Zeal of theirs hath not been at all times and in all perſons, alike guided by knowledg. Now Zeal, as it is of excellent uſe, where it ſees its way; ſo is it very dangerous Company, where it goes on in the dark: And theſe men, knowing the diſpoſition of the people have laboured nothing more, than to miſinform their knowledg, and miſguide their Zeal, and ſo to fire that into a Sedition, in hope that they, whom they cauſleſly hate, might miſcarry in it.

You may ſee it in the Example of St. *Paul* himſelf, whoſe very zeal in the darkneſs of his underſtanding, which he then had made him perſecute Chriſt and his Church, *Act.* xxii. 3, 4. And he was very dangerous Company then; for he breathed out threatnings againſt the Diſciples, *Act.* ix. 1. So true is that of Saint *Greg.Naz.Orat.* 21. *Zelus Iracundiam acuit*, All zeal puts an edge to anger it ſelf. And that muſt needs be dangerous in the dark, Page 5.

For the main ſcope of theſe Libels, is to kindle a Jealouſie in mens minds, that there are ſome great Plots in hand, dangerous Plots (ſo ſays Mr. *Burton* expreſly) to change the Orthodox Religion Eſtabliſhed in *England*; and to bring in, I know not what, Romiſh Superſtition in the room of it. As if the external decent worſhip of God could not be upheld in this Kingdom, without bringing in of Popery.

Now by this Art of theirs, give me leave to tell you, that the King is moſt deſperately abuſed and wounded in the minds of his people; and the Prelates ſhamefully.

The King moſt deſperately: for there is not a more cunning trick in the world, to withraw the peoples hearts from their Soveraign, than to perſuade them that he is changing true Religion, and about to bring in groſs Superſtition upon them.

And the Prelates ſhamefully; for they are charged to ſeduce, and lay the Plot, and be the Inſtruments.

For His Majeſty firſt. This I know, and upon this occaſion take it my duty to ſpeak: There is no Prince in Chriſtendom more ſincere in his Religion, nor more conſtant to it, than the King. And he gave ſuch a Teſtimony of this at his being in *Spain*, as I much doubt, whether the beſt of that Faction durſt have done half ſo much, as His Majeſty did, in the face of that Kingdom. And this you my Lord, the Earl of *Holland*, and other Perſons of Honour, were Eye and Ear-Witneſſes of, having the happineſs to attend Him there. And at this day, as His Majeſty (by Gods great bleſſing both on him and us) knows more, ſo is he more ſetled and more confirmed, both in the

Truth of the Religion here Eſtabliſhed and in Reſolution to maintain it.

And for the Prelates; I aſſure my ſelf, they cannot be ſo baſe, as to live Prelates in the Church of *England*, and labour to bring in the Superſtitions of the Church of *Rome*, upon themſelves and it. And if any ſhould be ſo foul, I do not only leave him to Gods Judgment, but (if theſe Libellers, or any other, can diſcover that his baſe and irreligious falſhood) to ſhame alſo, and ſevere puniſhment from the State: and in any juſt way, no mans hand ſhall be more, or ſooner againſt him, than mine ſhall be.

And for my ſelf, to paſs by all the ſcandalous reproaches, which they have moſt injuriouſly caſt upon me, I ſhall ſay this only,

Firſt, I know of no Plot, nor purpoſe of altering the Religion Eſtabliſhed.

Secondly, I have ever been far from attempting any thing that may truly be ſaid to tend that way in the leaſt degree, and to theſe two I here offer my Oath.

Thirdly, if the King had a mind to change Religion, (which I know he hath not, and God forbid he ſhould ever have) he muſt ſeek for other Inſtruments. For as baſely as theſe men conceive of me, yet I thank God, I know my duty well both to God and the King: And I know that all the duty I owe to the King, is under God. And my great happineſs it is (though not mine alone, but your Lordſhips and all his ſubjects with me) that we live under a Gracious and a Religious King, that will ever give us leave to ſerve God firſt, and Him next. But were the days otherwiſe, I thank Chriſt for it, I yet knew not how to ſerve any man againſt the Truth of God, and I hope I ſhall never learn it.

But to return to the buſineſs: what is their Art to make the world believe a change of Religion is endeavoured? What? why, forſooth, they ſay, there are great Innovations brought in by the Prelates, and ſuch as tend to the advancing of Popery.

Now that the vanity and falſhood of this may appear, I ſhall humbly deſire your Lordſhips to give me leave to recite briefly all the Innovations charged upon us, be they of leſs or greater moment, and as briefly to anſwer them. And then you ſhall clearly ſee, whether any cauſe hath been given of theſe unſavoury Libels; and withal, whether there be any ſhew of cauſe to fear a change of Religion. And I will take theſe great pretended Innovations in order, as I meet with them.

Firſt, I begin with the *News from Ipſwich*.

Where the firſt Innovation is, *That the laſt years Faſt was enjoyned to* Page 2. *be without Sermons in* London, *the Suburbs, and other infected places, contrary to the Orders for other Faſts in former times: whereas Sermons are the only means to humble men*, &c.

To this I ſay Firſt, That an after-age may, without offence, learn to avoid any viſible inconvenience obſerved in the former. And there was viſible inconvenience obſerved in mens former flocking to Sermons in infected places.

Secondly, This was no particular Act of the Prelates; but the buſineſs was debated at the Council-Table, being a matter of State, as well as of Religion. And it was concluded for no Sermons in thoſe infected places, upon this Reaſon; That infected Perſons or Families, known in their own Pariſhes, might not take occaſion upon thoſe by-days to run to other Churches, where they were not known, as many uſe to do, to hear ſome humorous men Preach; For on the *Sundays*, when they better kept their own Churches: the danger is not ſo great altogether.

Nor Thirdly, is that true, that Sermons are the only mens to humble men. For though the Preaching of Gods word, where it is performed according to his Ordinance, be a great means of many good effects in the Souls of men; Yet no Sermons are the only means to humble men. And ſome of their Sermons are fitter a great deal for other operations: Namely, to ſtir up Sedition, as you may ſee by Mr. *Burtons*; for this his Printed Libel was a Sermon firſt, and a Libel too. And 'tis the beſt part of a Faſt to abſtain from ſuch Sermons.

Page 3. 2. The ſecond Innovation is, *That* Wedneſday *was appointed for the Faſt-day, and that this was done with this intention, by the example of this Faſt without Preaching, to ſuppreſs all the* Wedneſday-*Lectures in* London.

To this I anſwer Firſt, that the appointing of *Wedneſday* for the Faſt-day was no Innovation. For it was the day in the laſt Faſt before this: and I my ſelf remember it ſo, above forty years ſince, more than once.

Secondly, if there had been any *Innovation* in it, the Prelates named not the day; my Lord Keeper, I muſt appeal to your Lordſhip: The day was firſt named by your Lordſhip, as the uſual, and fitteſt day. And yet I dare ſay, and ſwear too, that your Lordſhip had no aim to bring in Popery; nor to ſuppreſs all, or any the Wedneſday-Lectures in *London*. Beſides, theſe men live to ſee the Faſt ended, and no one *Wedneſday* Lecture ſuppreſſed.

Page 5. 3. The third Innovation is, *That the Prayer for ſeaſonable weather was purged out of this laſt Faſt-Book, which was* (ſay they) *one cauſe of Ship-wracks and Tempeſtuous weather.*

To this I ſay, Firſt in the General; This Faſt-Book, and all that have formerly been made, have been both made, and publiſhed by the command of the King, in whoſe ſole power it is to call a Faſt. And the Arch-Biſhop and Biſhops to whom the ordering of the Book is committed, have power under the King, to put in, or leave out, whatſoever they think fit for the preſent occaſion; As their Predeceſſors have ever done before them. Provided that nothing be in contrary to the Doctrine or Diſcipline of the Church of *England*.

And this may ſerve in the General for all Alterations, in that or any other Faſt-Book or Books of Devotion upon any particular occaſions, which may and ought to vary with ſeveral times, and we may, and do, and will juſtifie, under His Majeſties power all ſuch Alterations made therein.

Secondly, for the particular. When this laſt Book was ſet out, the weather was very ſeaſonable. And it is not the Cuſtom of the Church, nor fit in it ſelf to pray for ſeaſonable weather when we have it, but when we want it. When the former Book was ſet out, the weather was extream ill, and the Harveſt in danger; Now the Harveſt was in, and the weather good.

Thirdly, 'tis moſt inconſequent to ſay, that the leaving that Prayer out of the Book of Devotions, cauſed the Ship-wracks and the

Tempeſts, which followed. And as bold they are with God Almighty, in ſaying it was the cauſe: For ſure I am, God never told them, that was the cauſe. And if God never revealed it, they cannot come to know it; yet had the Biſhops been Prophets, and foreſeen theſe Accidents, they would certainly have prayed againſt them.

Fourthly, Had any Miniſter found it neceſſary to uſe this Prayer at any one time during the Faſt, he might with eaſe, and without danger, have ſupplied that want, by uſing that Prayer to the ſame purpoſe which is in the ordinary Liturgy.

Fifthly, I humbly deſire your Lordſhips to weigh well the Conſequence of this great, and dangerous Innovation. The Prayer for fair weather was left out of the Book for the Faſt; Therefore the Prelates intend to bring in Popery. An excellent Conſequence, were there any ſhew of Reaſon in it.

4. The Fourth Innovation is, *That there is one very uſeful Collect left out, and a Clauſe omitted in another.* Page 3.

To this I anſwer Firſt, as before; It was lawful for us to alter what we thought fit.

And Secondly, Since that Collect made mention of Preaching, and the Act of State forbad Sermons on the Faſt-days in infected places; we thought it fit, in purſuance of that Order, to leave out that Collect.

And Thirdly, for the branch in the other, which is the firſt Collect, though God did deliver our Forefathers out of Romiſh Superſtition, yet (God be bleſſed for it) we were never in. And therefore that Clauſe being unfittingly expreſſed, we thought fit to paſs it over.

5. The Fifth Innovation is, *That in the ſixth Order for the Faſt, there is a paſſage left out concerning the abuſe of Faſting in relation to merit.* Page 3.

To this I anſwer, That he to whom the ordering of that Book to the Preſs was committed, did therefore leave it out; Becauſe in this Age and Kingdom there is little opinion of meriting by Faſting.

Nay, on the contrary, the contempt and ſcorn of all faſting (ſave what humorous men call for of themſelves) is ſo rank, that it would grieve any Chriſtian man to ſee the neceſſary Orders of the Church concerning Faſting, both in Lent, and at other ſet times, ſo vilified as they are.

6. The Sixth Innovation is, *That the Lady* Elizabeth *and her Princely Children are daſhed* (that is their Phraſe) *out of the new Collect, whereas they were in the Collect of the former Book.* Page 3.

For this Firſt, The Author of the News knows full well that they are left out of the Collect in the latter Editions of the *Common-Prayer-Book*, as well as in the Book for the Faſt. And this was done according to the Courſe of the Church, which ordinarily names none in the Prayer, but the Right Line deſcending. Yet this was not done till the King himſelf commanded it; as I have to ſhew under his Majeſties hand.

Secondly, I beſeech your Lordſhips to conſider, what muſt be the Conſequence here: The Queen of *Bohemia* and her Children are left out of the Collect, therefore the Prelates intend to bring in Popery; For that (you know) they ſay is the end of all theſe Innovations. Now, if this be the end and the Conſequence; Truly the Libellers have done very dutifully to the King, to poyſon his People with this conceit; That the Lady *Elizabeth* and her Children would keep Popery out of this

Kingdom, but the King and his Children will not. And many as good Offices as theſe have they done the King quite through theſe Libels, and quite through his Kingdoms. For my part, I honour the Queen of *Bohemia*, and her Line, as much as any man whatſoever, and ſhall be as ready to ſerve them, but I know not how to depart from my Allegeance, as I doubt theſe men have done.

Page 3.

7. The Seventh Innovation is, *That theſe words* (*Who art the Father of thine Elect and of their Seed*) *are changed in the Preface of that Collect, which is for the Prince and the Kings Children.* And, with a moſt ſpiteful inference, *That this was done by the Prelates to exclude the Kings Children out of the number of* Gods *Elect.* And they call it *an intolerable impiety and horrid treaſon.*

To this I anſwer, Firſt, That this Alteration was made in my Predeceſſors time, before I had any Authority to meddle with theſe things, further than I was called upon by him.

Secondly, This is not therefore to lay any aſperſion upon my Predeceſſor; for he did in that but his duty: For his Majeſty acknowledges, it was done by his ſpecial direction, as having then no Children to pray for.

And thirdly, this Collect could not be very old, for it had no being in the *Common-Prayer-Book* all Queen *Elizabeths* time, ſhe having no Iſſue.

The truth is, it was made at the coming in of King *James*; and muſt of neceſſity be changed over and over again *pro ratione Temporum*, as Times and Perſons vary. And this is the intolerable Impiety, and horrid Treaſon they charge upon Us.

In this Method the Innovations are ſet down in the *News from Ipſwich*. But then in Mr, *Burtons news from Friday-ſtreet*, (called his *Apologie*) they are in another Order, and more are added. Therefore with your Lordſhips leave I will not repeat any of theſe, but go on to the reſt, which Mr. *Burton* adds.

Burtons Apology, p. 2.

8. The Eighth Innovation is, *That in the Epiſtle the Sunday before* Eaſter, *we have put out In, and made it, At the Name of* Jeſus *every Knee ſhall bow*; *which alteration*, he ſaith, *is directly againſt the Act of Parliament.*

Here give me leave to tell you it is *At the Name of Jeſus*, in the late learned Tranſlation made in King *James* his time. About which many learned Men of beſt note in the Kingdom were imployed, beſides ſome Prelates.

But to this I anſwer, Firſt, It is true, the *Common-Prayer-Book* was confirmed by Act of Parliament, and ſo all things contained in it, at the paſſing of that Act. But I hope if any thing were falſe Printed then, the Parliament did not intend to paſs thoſe ſlips for current.

Secondly, I am not of opinion, that if one word be put in for another, ſo they bear both the ſame ſenſe, that there is any great matter done againſt the Act of Parliament.

Thirdly, This can make no Innovation. For In the Name, and at the Name of Jeſus, can make no Eſſential difference here. And Mr. *Pryn* (whoſe Darling buſineſs it hath long been to cry down the honour due to the Son of God, at the mentioning of his ſaving Name Jeſus) knows the Grammar Rule well, *In a place, or at a place*, &c.

Fourthly, If there were any error in the change of In into At; I do here ſolemnly proteſt to you, I know not how it came: For authority from the Prelates, the Printers had none; and ſuch a word is eaſily changed in ſuch a negligent Preſs as we have in *England*. Or if any altered it purpoſely, for ought I know, they did it to gratifie the Preciſer ſort. For therein they followed the *Geneva* Tranſlation, and Printed at *Geneva*, 1557. where the words are, *At the Name of Jeſus*. And that is Ninety four years ago; and therefore no Innovation made by us.

In Octavo.

Fifthly, this I find in the Queens Injunctions, without either word, *In* or *At*. *Whenſoever the Name of Jeſus ſhall be in any Leſſon, Sermon, or otherwiſe pronounced in the Church* (it is enjoyned) *that due reverence be made of all perſons, Young and Old, with lowlineſs of Courſie, and uncovering of the heads of the men-kind, as thereunto doth neceſſarily belong, and heretofore hath been accuſtomed.* So here is neceſſity laid upon it, and cuſtom for it, and both expreſſed by Authority in the very beginning of the Reformation; and is therefore no Innovation now.

Injunction 52.

9. The Ninth Innovation is, *That two places are changed in the Prayers ſet forth for the Fifth of* November: *And ordered to be read* (they ſay) *by Act of Parliament. The firſt place is changed thus, From, Root out that Babyloniſh and Antichriſtian Sect, which ſay of Jeruſalem,* &c. *Into this form of words, Root out that Babyloniſh and Antichriſtian Sect* (*of them*) *which ſay,* &c. The ſecond place went thus in the old: *Cut off theſe workers of Iniquity, whoſe Religion is Rebellion. But in the Book Printed* 1635. *it is this altered: Cut off thoſe workers of Iniquity, who turn Religion into Rebellion,* &c.

Pag. 3.

To this I ſay Firſt, It is a notorious untruth, that this Book was ordered to be read by Act of Parliament. The Act of Parliament indeed is Printed before it; and therein is a Command for Prayers and Thankſgivings every Fifth of *November*: But not one word or ſyllable for the Form of Prayer: That is left to the Church, therefore here is no Innovation againſt that Act of Parliament.

Secondly, The Alteration firſt mentioned, that is, *That Sect*, or *That Sect of them*: is of ſo ſmall *conſequence*, as it is not worth the ſpeaking of. Beſides, if there be any thing of moment in it, it is anſwered in the next.

Thirdly, Both for that and the ſecond place, which ſeems of more moment; and ſo for the reſt, not only in that Book, but that other alſo for his Majeſties Coronation; His Majeſty expreſly commanded me to make the Alterations, and ſee them Printed. And here are both the Books with his Majeſties Warrant to each of them. So that herein I conceive I did not offend, unleſs it were that I gave not theſe men notice of it, or asked them leave to obey the King.

Againſt this there can be but two Objections, ſhould Malice it ſelf go to work. *The one is, that I moved his Majeſty to command the Change. And the other, that now, when I ſaw my ſelf challenged for it, I procured his Majeſties hand for my ſecurity.*

To theſe I anſwer clearly; Firſt, that I did not move the King, directly, or indirectly, to make this change.

And Secondly, that I had his Majeſties hand to the Book, not now, but then, and before ever I cauſed them to be Printed, as now they are. And that both theſe are true, I here again freely offer my ſelf to my Oath.

And yet Fourthly, that you may ſee his gracious Majeſty uſed not his power only in commanding this change, but his wiſdom alſo; I ſhall adventure to give you my Reaſons, ſuch as they are, why this Alteration was moſt fit, if not neceſſary.

My firſt Reaſon is, In the *Litany* in *Hen.* VIII. his time [a]: And alſo under *Edward* VI. [b] there was this Clauſe: *From the Tyranny of the Biſhop of* Rome, *and all his deteſtable enormities, from all falſe doctrine,* &c. *Good Lord deliver us.* But in the *Litany* in Queen *Elizabeths* time this Clauſe about the Pope was left out, and it ſeems of purpoſe, for avoiding of Scandal: And yet the Prelates for that not accounted Innovators, or Introducers of Popery, Now it is a far greater ſcandal to call their Religion Rebellion, then it is to call their chief Biſhop Tyrant.

And this Reaſon is drawn from Scandal, which muſt ever be avoided as much as it may.

My ſecond Reaſon is, that the Learned make but three Religions to have been of old in the world, *Paganiſm*, *Judaiſm*, and *Chriſtianity*. And now they have added a fourth, which is *Turciſm*, and is an abſurd mixture of the other three. Now if this ground of theirs be true (as it is generally received) perhaps it will be of dangerous conſequence ſadly to avow, that the Popiſh Religion is Rebellion. That ſome opinions of theirs teach Rebellion, that is apparently true, the other would be thought on, to ſay no more. And this Reaſon well weighed, is taken from the very foundations of Religion it ſelf.

My third Reaſon is, Becauſe if you make their Religion to be Rebellion, then you make their Religion and Rebellion to be all one. And that is againſt the ground both of State, and the Law. For when divers Romiſh Prieſts and Jeſuits have deſervedly ſuffered death for Treaſon, is it not the conſtant and juſt profeſſion of the State, that they never put any man to death for Religion, but for Rebellion and Treaſon only? Doth not the State truly affirm, that there was never any Law made againſt the life of a Papiſt, *quatenus* a Papiſt only? And is not all this ſtark falſe, if their very Religion be Rebellion? For if their Religion be Rebellion, it is not only falſe, but impoſſible, that the ſame man in the ſame Act ſhould ſuffer for his Rebellion, and not for his Religion.

And this King *James* of ever bleſſed memory underſtood paſſing well, when (in his premonition to all Chriſtian Monarchs) he ſaith, *I do conſtantly maintain that no Papiſt either in my time, or in the time of the late Queen, ever died for his Conſcience.* Therefore he did not think, their very Religion was Rebellion. Though this Clauſe paſſed through Inadvertency in his time. And this Reaſon is grounded both upon the Practice, and the Juſtice of the Law.

Page 336.

Which of theſe Reaſons, or whether any other better, were in his Majeſties thoughts, when he commanded the alteration of this Clauſe, I know not. But I took it my duty to lay it before you, that the King had not only Power, but Reaſon to command it.

Page 3.

10. The Tenth Innovation is, *That the Prayer for the Navy is left out of the late book for the Faſt.*

To this I ſay, there is great Reaſon it ſhould. For the King had no declared Enemy then, nor (God be thanked) hath he now. Nor had he then any Navy at Sea. For almoſt all the Ships were come in, before the Faſt-book was ſet out.

But

[a] It was put into the Litany of *H.* VIII. his time, as appears in his Primer, with his Injunction before it.

[b] And it is in both the Service Books of *Edward* VI. both that which was Printed. 1549. And in that which was after. *An.* 1552.

But howſoever, an excellent Conſequence it is, if you mark it; The Prayer for the Navy was left out of the Book for the Faſt, therefore by that, and ſuch like Innovations the Prelates intend to bring in Popery. Indeed, if that were a piece of the Prelates Plots to bring in Popery from beyond Sea, then they were mightily overſeen that they left out the Prayer for the Navy. But elſe what Reaſon or Conſequence is in it, I know not, unleſs perhaps Mr. *Burton* intended to befriend Dr. *Baſtwick*, and in the Navy bring hither the *Whore of Babylon* to be ready for his Chriſtening, as he moſt prophanely ſcoffs.

Well: I pray God the time come not upon this Kingdom, in which it will be found, that no one thing hath advanced or uſhered in Popery ſo faſt, as the groſs Abſurdities even in the Worſhip of God, which theſe Men, and their like, maintain both in Opinion and Practice.

11. The Eleventh Innovation is, *The reading of the Second Service at the Communion-Table, or the Altar.*

Page 105.

To this firſt I can truly ſay, that ſince my own memory, this was in uſe in very many places, as being moſt proper (for thoſe Prayers are then read which both precede and follow the Communion,) and by little and little this Ancient Cuſtom was altered, and in thoſe places firſt, where the Emiſſaries of this Faction came to preach. And now if any in Authority offer to reduce it; this ancient courſe of the Church is by and by called an Innovation.

Secondly, with this the Rubricks of the *Common-Prayer-Book* agree: For the firſt Rubrick after the Communion tells us, that upon Holy-days, though there be no Communion, yet all elſe that is appointed at the Communion ſhall be read. *Shall be read?* That is true, but where? Why, the laſt Rubrick before the Communion tells us, that the Prieſt, ſtanding at the North ſide of the Holy Table, ſhall ſay the Lords Prayer, with that which follows. So that not only the Communion, but the Prayers which accompany the Communion (which are commonly called the Second Service) are to be read at the Communion-Table. Therefore if this be an Innovation, it is made by the Rubrick, not the Prelates; And Mr. *Burtons* Scoff, that this *Second Service muſt be ſerved in for dainties* *, ſavours too much of Belly and prophanation.

12. One thing ſticks much in their ſtomachs, and they call it an Innovation † too. And that is, *bowing, or doing Reverence at our firſt coming into the Church, or at our nearer approaches to the Holy Table, or the Altar,* (call it whether you will) In which they will needs have it, *that we worſhip the Holy Table, or God knows what.*

* Pag.105. [Then the Second Service as dainties, muſt be ſaid there.]
† Pag.105.

To this I anſwer: Firſt, That God forbid we ſhould worſhip any thing but God himſelf.

Secondly, That if to worſhip God when we enter into his houſe, or approach his Altar, be an Innovation, it is a very old one.

For *Moſes* did reverence at the very door of the Tabernacle, *Num.*20.6. *Hezekiah*, and all that were preſent with him, when they had made an *end of offering, bowed* and *worſhipped*, (2 *Chron.*29.29.) *David* calls the people to it with a *Venite, O come let us worſhip, and fall down, and kneel before the Lord our Maker,* (*Pſal.*95. 6.) And in all theſe places (I pray mark it) it is bodily Worſhip.

Nor can they ſay, that this was Judaical worſhip, and now not to be imitated. For long before *Judaiſm* began, *Bethel*, the Houſe of God, was a place of Reverence, *Gen.*28. 17, *&c.* Therefore certainly, Of, and To God.

And after Judaical Worſhip ended, *Venite*, *Adoremus*, as far upwards as there is any track of a Liturgy, was the *Introitus* of the Prieſt all the Latine Church over.

And in the daily Prayers of the Church of *England*; this was retained at the Reformation; and that Pſalm, in which is *Venite*, *Adoremus*; is commanded to begin the Morning Service every Day. And for ought I know, the Prieſt may as well leave out the *Venite*, as the *Adoremus*; the calling the people to their duty, as the duty it ſelf, when they are come.

Therefore even according to the Service-Book of the Church of *England*, the Prieſt and the People both are called upon, for external and bodily Reverence and Worſhip of God in his Church. Therefore they which do it, do not Innovate. And yet the Government is ſo moderate (God grant it be not too looſe therewhile) that no man is conſtrained, no man queſtioned, only *religiouſly* called upon, *Venite*, *Adoremus*, *Come, let us worſhip*.

For my own part I take my ſelf bound to worſhip with Body, as well as in Soul, when ever I come where God is worſhipped. And were this Kingdom ſuch as would allow no Holy Table, ſtanding in its proper place (and ſuch places ſome there are) yet I would worſhip God when I came into his Houſe. And were the times ſuch, as ſhould beat down Churches, and all the curious carved work thereof with Axes, and Hammers, as in *Pſalm* 74. 6. (and ſuch times have been) yet would I worſhip in what place ſoever I came to pray, though there were not ſo much as a ſtone laid for *Bethel*. But this is the miſery; it is Superſtition now adays for any man to come with more Reverence into a Church, than a Tinker and his Bitch come into an Ale-houſe; the Compariſon is too homely, but my Juſt Indignation at the Prophaneneſs of the times, makes me ſpeak it.

And you my Honourable Lords of the Garter, in your great Solemnities, you do your Reverence, and to Almighty God, I doubt not, but yet it is *verſus Altare*, towards his Altar, as the greateſt place of Gods Reſidence upon Earth. (I ſay the greateſt, yea, greater than the Pulpit. For there it is, *Hoc eſt Corpus meum*, This is my Body. But in the Pulpit, it is, at moſt, but, *Hoc eſt Verbum meum*, This is my Word. And a greater Reverence (no doubt) is due to the Body, than to the Word of our Lord. And ſo, in Relation, anſwerably to the Throne, where his Body is uſually preſent; than to the Seat, whence his Word uſeth to be Proclaimed. And God hold it there, at his Word; for, as too many men uſe the matter, It is *Hoc eſt verbum Diaboli*, This is the word of the Devil, in too many places, Witneſs Sedition, and the like to it.) And this Reverence ye do when ye enter the Chappel, and when you approach nearer to offer. And this is no Innovation, for you are bound to it by your Order, and that is not New.

And Idolatry it is not, to worſhip God towards his Holy Table; For if it had been Idolatry, I preſume Queen *Elizabeth*, and King *James* would not have practiſed it, no not in thoſe Solemnities. And being not Idolatry, but true Divine Worſhip, You will, I hope, give a poor Prieſt leave to Worſhip God, as your ſelves do: For if it be Gods Worſhip, I ought to do it as well as you: And if be Idolatry, you ought not to do it more than I.

I ſay again, I hope a poor Prieſt may Worſhip God with as lowly Reverence as you do, ſince you are bound by your Order, and by your

Oath, according to a Conſtitution of *Henry* the Fifth, (as appears*) to give due honour and Reverence, *Domino Deo, & Altari ejus, in modum virorum Eccleſiaſticorum*; That is, to the Lord your God, and to his Altar (for there is a Reverence due to that too, though ſuch as comes far ſhort of Divine Worſhip) and this in the manner, as Eccleſiaſtical Perſons both Worſhip and do Reverence.

* *In Libro. Nigro Windeſorienſi.* p.65.

The Story which led in this Decree is this, King *Henry* the Fifth, that Noble and victorious Prince, returning glorioully out of *France*, ſate at this Solemnity; and finding the Knights of the Order ſcarce bow to God, or but ſlightly, and then bow towards him and his Seat, ſtartled at it (being a Prince then grown as Religious, as he was before victorious) and after asking the Reaſon; for till then the Knights of the Order never bowed toward the King or his Seat; the Duke of *Bedford* anſwered, it was ſetled by a Chapter Act three years before. Hereupon that Great, King replied, *No, Ile none of this, till you the Knights do it* Satis bene *well enough, and with due performance to Almighty God*. And hereupon the forenamed Act proceeded, that they ſhould do this duty to Almighty God, not ſlightly, but *Ad modum virorum Eccleſiaſticorum*, as low, as well, as decently, as Clergy-men uſe to do it.

Now if you will turn this off, and ſay, it was the Superſtition of that Age ſo to do; Biſhop *Jewel* will come in to help me there. For where *Harding* names divers Ceremonies, and particularly bowing themſelves, and adoring at the Sacrament, I ſay, adoring at the Sacrament, not adoring the Sacrament; there Biſhop *Jewel* (that learned, painful, and reverend Prelate) approves all both the kneeling and the bowing, and the ſtanding up at the Goſpel (which as ancient as it is in the Church, and a common Cuſtom, is yet fondly made another of their Innovations:[a]) And further the Biſhop adds, *That they are all commendable geſtures, and tokens of devotion, ſo long as the people underſtand what they mean, and apply them unto God*. Now with us the people did ever underſtand them fully, and apply them to God, and to none but God, till theſe factious Spirits, and their like, to the great diſ-ſervice of God and his Church, went about to perſwade them, that they are Superſtitious, if not Idolatrous geſtures: As they make every thing elſe to be, where God is not ſerved ſlovenly.

[a] B. *Jewels* reply to *Harding*' anſwer. Art.3.Div.29.

13. The Thirteenth Innovation is, *The placing of the holy Table Altar-wiſe, at the upper end of the Chancel*, that is, *the ſetting of it North and South, and placing a Rail before it*, to keep it from prophanation, which Mr. *Burton* ſays, *is done to advance and uſher in Popery*.

Pag.4,5.105.

To this I anſwer, That it is no Popery to ſet a Rail to keep prophanation from that Holy Table: Nor is it any Innovation to place it at the upper end of the Chancel as the Altar ſtood. And this appears both by the Practice, and by the Command and Canon of the Church of *England*.

Firſt, By the Practice of the Church of *England*. For in the Kings Royal Chappels, and divers Cathedrals, the Holy Table hath ever ſince the Reformation ſtood at the upper end of the Quire, with the large or full ſide towards the People.

And though it ſtood in moſt Pariſh Churches the other way, yet whether there be not more reaſon, the Pariſh Churches ſhould be made conformable to the Cathedral and Mother Churches, than the Cathedrals to them, I leave to any reaſonable man to judge.

And yet here is nothing done either by violence or command to take off the Indifferency of the ſtanding of the Holy Table either way, but only by laying it fairly before men, how fit it is there ſhould be Order and Uniformity; I ſay ſtill reſerving the Indifferency of the ſtanding.

But howſoever I would fain know, how any diſcreet moderate man dares ſay, that the placing of the Holy Table Altar-wiſe (ſince they will needs call it ſo) is done either to advance or Uſher in Popery? For did Queen *Elizabeth* baniſh Popery, and yet did ſhe all along her Reign from firſt to laſt leave the Communion Table ſo ſtanding in her own Cappel Royal, in St. *Pauls*, and *Weſtminſter*, and other places; and all this of purpoſe to advance or uſher in that Popery which ſhe had driven out?

And ſince her death have two Gracious Kings kept out Popery all their times, and yet left the Holy Table ſtanding, as it did in the Queens time, and all of purpoſe to advance or uſher in Popery which they kept out?

Or what is the matter? May the Holy Table ſtand this way in the Kings Chappel, or Cathedrals, or Biſhops Chappels, and not elſewhere? Surely, if it be decent, and fit for Gods Service, it may ſtand ſo (if Authority pleaſe) in any Church. But if it advance or uſher in any Superſtition and Popery, it ought to ſtand ſo in none.

Nor hath any Kings Chappel any Prerogative (if that may be called one) above any ordinary Church to diſ-ſerve God in by any Superſtitious Rites. Where, give me leave to tell you, that the King and his Chappel are moſt jeeringly, and with ſcorn abuſed, in the laſt leaf of Mr. *Burtons Mutinous Appeal*, for ſuch it is.

Secondly, this appears by the Canon or Rule of the Church of *England* too, for it is plain in the laſt Injunction of the Queen; That the Holy Table ought to ſtand at the upper end of the Quire, North and South, or Altar-wiſe. For the words of the Queens Injunctions are theſe:

The Holy Table in every Church (mark it I pray, not in the Royal Chappel, or Cathedrals only, but in every Church) *ſhall be decently made, and ſet in the place where the Altar ſtood.* Now the Altar ſtood at the upper end of the Quire North and South, as appears before by the Practice of the Church. And there to ſet it otherwiſe, is to ſet it croſs the place, not In the place where the Altar ſtood: And ſo *Stulti dum vitant vitia* —— weak men, as theſe Libellers are, run into one Superſtition, while they would avoid another; For they run upon the Superſtition of the Croſs, while they ſeek to avoid the Superſtition of the Altar. So you ſee here is neither Popery nor Innovation in all the practice of Queen *Elizabeth*, or ſince.

Theſe words of the Injunction are ſo plain, as that they can admit of no ſhift.

And give me leave to tell you, that a very learned Prelate of this Church, and one, whom I think theſe men will not accuſe, as a man like to advance or Uſher in Popery, is of the ſame opinion: It is my Lord the Biſhop of *Saliſbury*.

Some difference was lately riſing about placing the Communion-Table in a Pariſh Church of his Dioceſs. The Biſhop careful to prevent all diſorder, ſends his Injunction under his hand and Seal to the Curate and Church-Wardens, to ſettle that buſineſs: In which he hath theſe two paſſages remarkable. I have ſeen and read the Order. *May 17. 1637.*

The firſt paſſage is this; *By the Injunction of Queen* Elizabeth (ſaith he) *and by Can.* 82. *under King* James, *the Communion Tables ſhould ordinarily be ſet and ſtand with the ſide to the Eaſt wall of the Chancel.* Therefore this is no Innovation, ſince there is Injunction and Canon for it.

The other paſſage is this; *It is Ignorance* (ſaith that learned Biſhop) *to think that the ſtanding of the Holy Table there, reliſhes of Popery.* Therefore, if it do not ſo much as reliſh of Popery, it can neither advance it, nor uſher it in. And therefore this is a moſt odious ſlander, and ſcandal caſt upon us.

So here is enough both for the Practice and Rule of the Church of *England* ſince the Reformation. Now before that time, both in this and other Churches of Chriſtendom, in the Eaſt and Weſt ordinarily the Holy Table or Altar ſtood ſo; Againſt this Mr. *Burton* ſays little.

But the *Lincoln-ſhire* Miniſter comes in to play the Puritan for that. Concerning which Book (falling thus in my way) and the Nameleſs Author of it, I ſhall only ſay theſe two things:

The one is, that the Author prevaricates from the firſt word to the laſt in the Book, for he takes on him both for the Name and for the placing of the Holy Table, and the like, to prove, that Generally and Univerſally, and ordinarily in the whole Catholick Church, both Eaſt and Weſt, the Holy Table did not ſtand at the upper end of the Quire or Chancel. And this he muſt prove, or he doth nothing.

Now when he comes to make his Proofs, they are almoſt all of them particular, few or none general and concludent; For he neither brings Teſtimonies out of the General and received Rituals of the Eaſtern and Weſtern Churches, nor of Fathers and Hiſtories of the Church, which ſpeak in General terms of all, but where they ſpeak of particular Churches only.

So that ſuppoſe the moſt that can be, that is, ſuppoſe his quotations be all truly alleaged, and true too in the ſenſe that the Miniſter takes them (though in very truth, the places, moſt of them, are neither truly alleaged, nor ſenſed,) yet they are but exceptions of, and exemptions from the General practice. And you know both in Law and Reaſon, *Exceptio firmat Regulam in non exceptis.* So that upon the ſudden I am not able to reſolve, whether this Miniſter hath done more wrong to himſelf or his Readers, for he hath abuſed both.

The other is, that in the judgment of very many learned men, which have peruſed this Book, the Author is clearly conceived to want a great deal of that Learning to which he pretends: Or elſe to have written this Book wholly, and Reſolvedly againſt both his Science, and his Conſcience.

And for my own part, I am fully of opinion, this Book was thruſt now to the Preſs, both to countenance theſe Libellers, and as much as in him lay, to fire both Church and State.

And though I wonder not at the Miniſter, yet I ſhould wonder at the Biſhop of the Dioceſs (a man of learning and experience) that he ſhould give Teſtimony to ſuch a buſineſs, and in ſuch times as theſe.

And once more, before I leave the *Holy Table, Name, and Thing,* give me leave to put you in mind, that there is no danger at all in the Altar, Name, or Thing. For at the beginning of the Reformation, though there were a Law for the taking down of the Altars, and ſetting up of Holy Tables in the room of them; yet in ſome places the Altars were not ſuddenly removed. And what ſays the Queen in her Injunction to this? *Injunct. ultim.*

Why, ſhe ſays, *That there ſeems no matter of great moment in this, ſaving for uniformity, and the better imitation of the Law in that behalf.* Therefore for any danger or hurt that was in the Altar, Name, or thing, they might have been left ſtanding, but for Uniformity, and the Imitation of the Law.

But howſoever, it follows in the ſame Injunction, *That when the Altar is taken down, the Holy Table ſhall be ſet in* (not croſs) *the place where the Altar ſtood*; which (as is aforeſaid) muſt needs be Altar-wiſe,

14. The Fourteenth and the laſt Innovation comes with a mighty Charge, and it is taken out of an Epiſtle to the Temporal Lords of his Majeſties Privy Council. Of which Epiſtle we got one ſheet, and ſo (for ought I yet know) that Impreſſion ſtaid: In that Sheet is this Charge, The words are,

The Prelates to juſtifie their proceedings, have forged a new Article of Religion, brought from Rome, (*which gives them full power to alter the Doctrine and Diſcipline of our Church at a blow,* as they interpret it) *and have foiſted it* (ſuch is their language) *into the beginning of the Twentieth Article of our Church. And this is in the laſt Edition of the Articles,* Anno 1628. *in affront of his Majeſties Declaration before them,* &c.

The Clauſe (which they is forged by us) is this: *The Church* (that is, the Biſhops, as they expound it) *hath Power to decree Rites and Ceremonies, and Authority in matters of Faith.* (The word is *Controverſies of Faith,* by their leave.) *This Clauſe* (ſay they) *is a Forgery fit to be examined, and deeply cenſured in the Star-Chamber. For it is not to be found in the Latine or Engliſh Articles of* Edward VI. or *Queen* Elizabeth, *ratified by Parliament.*

And then in the Margent thus, *If to forge a Will or Writing be cenſurable in the Star-Chamber, which is but a wrong to a private man: How much more the Forgery of an Article of Religion, to wrong the whole Church, and overturn Religion which concerns all our ſouls.*

This is a heavy Charge, my Lords: But I thank God the Anſwer is eaſie.

And truly I grant, that to forge an Article in Religion in whole or in part, and then to thruſt it upon the Church is a moſt hainous Crime, far worſe than the forging of a Deed; and is certainly very deeply cenſurable in this Court. And I would have humbly beſought you, that a deep cenſure might have been laid upon it, but that this Sheet was found after, and ſo is not annexed to the Information, nor in Judgment at this preſent before you.

But then, My Lords, I muſt tell you, I hope to make it as clear as the day, that this forgery was not, that this Clauſe mentioned was added, by the Prelates to the Article, to gain power to the Church, and ſo to ſerve our turns: But that that Clauſe in the beginning of the Article was by theſe men, or at leaſt by ſome of their Faction, razed out, and this to weaken the juſt power of the Church to ſerve their turns.

They ſay (to juſtifie their Charge) that this Clauſe is not to be found in the Articles, Engliſh or Latine, of either *Edward* VI. or Queen *Elizabeth.*

I anſwer: The Articles of *Edward* VI. and thoſe made under Queen *Elizabeth* differ very much: And thoſe of *Edward* VI. are not now binding. So whether the Clauſe be in or out of them, it is not much material.

But for the Articles of the Church of *England*, made in the Queens time, and now in force, that this Clauſe for the power of the Church to *decree Ceremonies, and to have Authority in Controverſies of Faith*, ſhould not be found in Engliſh or Latine Copies, till the Year, 1628. that it was ſet forth with the Kings Declaration before it, is to me a miracle, but your Lordſhips ſhall ſee the ſalſehood and boldneſs of theſe men.

What! Is this Affirmative Clauſe in no Copy, Engliſh or Latine, till the Year 1628? Strange! Why, my Lords, I have a Copy of the Articles in Engliſh, of the Year 1612. and of the Year 1605. and of the Year 1593. and in Latine of the Year 1563. which was one of the firſt Printed Copies, if not the firſt of all. For the Articles were agreed on but the Nine and twentieth day of *January*,

Anno $156\frac{2}{3}$. { According to the *Engliſh* Account.
According to the *Julian* Acccount.

And in all theſe, this Affirmative Clauſe for the Churches power is in. And is not this ſtrange boldneſs then to abuſe the World, and falſely to ſay it is in no Copy, when I my ſelf, out of my own ſtore, am able to ſhew it in ſo many, and ſo anciently.

But, my Lords, I ſhall make it plainer yet: For it is not fit concerning an Article of Religion, and an Article of ſuch conſequence for the Order, Truth, and Peace of this Church you ſhould rely upon my Copies, be they never ſo many, or never ſo ancient.

Therefore I ſent to the Publick Records in my Office, and here under my Officers hand, who is a publick Notary, is returned me the Twentieth Article with this Affirmative Clauſe in it. And there is alſo the whole Body of the Articles to be ſeen.

By this your Lordſhips ſee how free the Prelates are from forging this part of the Article. Now let theſe men quit themſelves and their faction, as they can, for their *Index Expurgatorius*, and their foul Raſure in leaving out this part of the Article. For to leave out of an Article is as great a Crime as to put in; and a main Raſure is as cenſurable in this Court as a forgery.

Why, but then my Lords, what is this *Myſtery of Iniquity*?

Truly, I cannot certainly tell, but as far as I can, I'le tell you.

The Articles you ſee were fully, and fairly agreed to, and ſubſcribed in the year $156\frac{2}{3}$. But after this, in the year 1571. there were ſome that refuſed to ſubſcribe, but why they did ſo, is not recorded. Whether it were about this Article or any other I know not. But in fact this is manifeſt, that in that year 1571. the Articles were Printed both in Latine, and Engliſh, and this Clauſe for the Church left out of both. And certainly, this could not be done, but by the malicious cunning of that Oppoſite Faction. And though I ſhall ſpare dead mens names where I have not certainty; yet if you be pleaſed to look back and conſider who they were that Governed buſineſſes in 1571. and rid the Church almoſt at their pleaſure; and how potent the Anceſtors of theſe Libellers began then to grow, you will think it no hard matter to have the Articles Printed, and this Clauſe left out.

And yet it is plain, That, after the ſtir about Subſcription in the year 1571. the Articles were ſetled and ſubſcribed unto at laſt, as in the year 1562. with this Clauſe in them for the Church: For looking farther into the Records which are in mine own hands, I have found the Book of 1563. ſubſcribed by all the Lower Houſe of Convocation, in this very year of Contradiction, 1571. Dr. *John Elmar*, (who was after Lord

Biſhop of *London*) being there *Proloquutor* : *Alexander Nowel*, Dean of St. *Pauls*, having been *Proloquutor* in 156$\frac{2}{3}$. and yet living and preſent and ſubſcribing in 1571. Therefore I do here openly in Star-Chamber charge upon that pure Sect this foul corruption of falſifying the Articles of the Church of *England*; let them take it off as they can.

I have now done, and it is time I ſhould, with the Innovations charged upon the Prelates, and fit to be anſwered here.

Some few more there are, but they belong to matter of Doctrine, which ſhall preſently be anſwered, *Juſto Volumine*, at large, to ſatisfie all well-minded people. But when Mr. *Burtons* Book which is the main one, is anſwered, (I mean his Book, not his Railing) neither *Prynn*, nor *Baſtwick*, nor any Attendants upon *Rabſhakeh* ſhall by me or my care be anſwered. If this Court find not a way to ſtop theſe Libellors Mouths and Pens, for me they ſhall rail on till they be weary.

Page 175. Yet one thing more I beſeech you give me leave to add. It is Mr. *Burtons* charge upon the Prelates, *That the Cenſures formerly laid upon Malefactors are now put upon Gods Miniſters for their Vertue and Piety*.

A heavy charge this too. But if he or any man elſe can ſhew that any man hath been puniſhed in the *High Commiſſion*, or elſewhere, by the Prelates, for Vertue and Piety, there is all the reaſon in the world we ſhould be ſeverely puniſhed our ſelves. But the truth is, the Vertue and Piety for which theſe Miniſters are puniſhed, is for preaching Schiſm and Sedition, many of their Sermons being as bad as their Libels; As *Burtons* Libel was one of his Sermons firſt. But whether this ſtuff have any Affinity with Vertue and Piety, I ſubmit to any Chriſtian Reader.

And yet Mr. *Burton* is ſo confident of his Innocency, even in this cauſe wherein he hath ſo foully carried himſelf, that he breaks forth into
Page 7. theſe words, *I never ſo much as once dreamed, that Impiety and Impudency it ſelf, in ſuch a Chriſtian State as this is, and under ſuch a gracious Prince, durſt ever thus publickly have called me in queſtion, and that upon the open Stage*, &c.

You ſee the boldneſs of the Man, and in as bad a cauſe, as (I think) in this kind ever any man had.

* Lib.1.Ep.3. I ſhall end all with a paſſage out of St. *Cyprian* *, when he, then Biſhop of *Carthage*, was bitterly railed upon by a pack of Schiſmaticks, his anſwer was, and it is now mine; They have railed both bitterly and falſly upon me, and yet *Non oportet me paria cum illis facere*; It becomes not me to anſwer them with the like, either Levities or Revilings, but to ſpeak and write that only which becomes *Sacerdotem Dei*, a Prieſt of God.

Neither ſhall I in this give way (though I have been extreamly vilified) to either grief or paſſion to ſpeak, remembring that of the *Pſalmiſt*, *Pſal*.37.8. *Fret not thy ſelf, elſe ſhalt thou be moved to do evil.*

Neither yet by Gods grace ſhall the Reproaches of ſuch men as theſe, make me faint or ſtart aſide, either from the right way in matter of pra-
Ibid.p.10. ctice, (they are St. *Cyprians* words again) or *à certâ regulâ*, from the certain Rule of Faith.

And ſince in former times, ſome ſpared not to call the Maſter of the houſe *Beelzebub*, how much more will they be bold with them of his houſhold, as it is in St. *Matthew*, *Chap.*10.25. And ſo bold have theſe men been; but the next words of our Saviour are, *Fear them not*.

I humbly crave pardon of your Lordſhips for this my neceſſary length, and give you all hearty thanks for your Noble patience, and your Juſt and Honourable Cenſure upon theſe Men, and your unanimous diſlike of them, and defence of the Church.

But becauſe the buſineſs hath ſome reflection upon my ſelf, I ſhall forbear to cenſure them, and leave them to Gods Mercy, and the Kings Juſtice.

July 27. 1631.

Inſtructions for Muſters *and* Arms, *and the uſe thereof,*

by Order of his Majeſties Privy Council.

FIrſt of all, it is to be underſtood that there are three ſorts of diſtances, to wit, *Open Order*, *Order*, and *Cloſe Order*. *Open Order*, or the firſt diſtance is, when the Souldiers both in *Rank* and *File* ſtand ſix foot removed one from another.

The ſecond diſtance, or your *Order* is, when the Souldiers ſtand three foot removed both in *Rank* and *File* one from another, and this *Order* is to be uſed when they are embattelled, or march in the face of an Enemy, or when they come to ſtand, or when you will Wheel. But when you march thorow any Country, you muſt obſerve three foot only from *File* to *File*, and ſix from *Rank* to *Rank*. The third diſtance, or your *Cloſe Order* is commanded by this word *Cloſe*, which is, when there is one foot and a half from *File* to *File*, and three from *Rank* to *Rank*, and this is for the Pikes only, and muſt never be uſed, but when you will ſtand firm to receive the Charge of an Enemy. The Muskettiers muſt never be cloſer than the ſecond diſtance of three foot in ſquare, becauſe they are to have a free uſe of their Arms.

Becauſe the meaſure of theſe diſtances cannot be taken ſo juſtly by the eye, we take the diſtance of ſix foot between *File* and *File*, by commanding the Souldiers, as they ſtand, to ſtretch forth their arms, and ſtand ſo removed one from another, that their hands may meet.

And for the *Ranks*, we make account we take the ſame diſtance of ſix foot, when the butt end of the Pikes do almoſt reach their heels that march before. We take the ſecond order or diſtance of three foot between *File* and *File*, by bidding the Souldiers ſet their arms a Kenbow, and put themſelves ſo cloſe, that their elbows may meet. And we reckon we take the ſame diſtance between the *Ranks*, when they come up almoſt to the Swords point.

In exerciſing your motions, you are always to obſerve your *Open Order* of ſix foot in ſquare, in which the Company being firſt placed, you are to acquaint them to theſe terms of directions.

Stand right in your *Files*.
Stand right in your *Ranks*.
Silence.
To the right hand.
As you were.
To the left hand.
As you were.
To the right hand about.
As you were.
To the left hand about.
As you were.
Ranks to the right hand double.
As you were.
Ranks to the left hand double.
As you were.
Files to the right hand double.
As you were.
Files to the left hand double.
As you were.
Middlemen to the right hand double your front.
As you were.
Middlemen to the left hand double your front.
As you were.

It is to be noted when you are commanded to be as you were, you are ever to return by the contrary hand, from whence you came. As for example, If you did turn to the right hand, you are to return as you were to the left hand, and ſo in the reſt.

Ranks, to the right or left hand countermarch.
To the right or left hand, at diſcretion.
Files, to the right or left hand countermarch.
To the right or left hand as you were.

When you will countermarch to the right hand, the firſt Rank of Leaders only muſt advance one ſtep forward with the right leg, and then turn, and all the other Ranks muſt march firſt up to the place from whence the firſt Rank did Countermarch before they turn. So likewiſe if you will countermarch to the left hand, the firſt Rank muſt ſtep forwards one ſtep with the left leg, and then turn, and all the other Ranks behind muſt come up to that place before they turn, as before. The ſame order is to be obſerved when you will countermarch your Files.

In countermarching though both are here ſet down for diſtinction ſake, you are to name neither Ranks nor Files: But are only to ſay, To the right hand Countermarch, or to the left hand Countermarch.

Before you Wheel.

Ranks, to the right or left hand double.
Files, to the right or left hand, or to the middle, cloſe to your *Order*, to three foot between *File* and *File*.
Ranks, cloſe to your *Order*, to three foot between *Rank* and *Rank*.
To the right hand Wheel,
To the left hand Wheel,
Or Wheel about, } Which you liſt, and each as often as you liſt.

When you exerciſe a Company ſingle, you double your Ranks before you Wheel, in regard the Body is ſmall. But in a Diviſion, or greater Body, you cloſe firſt both your Files and your Ranks to your Order of three foot, and omit the doubling, and ſo Wheel.

When you will Wheel to the right hand, double your Ranks to the left hand, and when you Wheel to the left hand, double your Ranks to the right hand. For ſo the right and left hand Leaders will keep their places on that corner towards which you Wheel.

After you have Wheeled.

Ranks, backward open in double diſtance.
Files, open to your *Order*, that is, to three foot.
Ranks, as you were.

This manner of opening is uſed only in a ſingle Company. For in greater Bodies where the doubling is omitted, you open firſt your Ranks, and then your Files to your open Order of ſix foot, to bring them back again as they were.

By double diſtance is meant twelve foot. For ſo the Ranks (which before did double) falling out again into their firſt places, come juſt to the diſtance of their open Order of ſix foot, in which they were before they doubled.

In opening *Ranks* or *Files*, you muſt make all the *Files* or *Ranks*, ſaving the outermoſt on that hand from whence you mean to open (which muſt ſtand) to move all together till the ſecond *Rank* or *File*, from that which ſtandeth, have gotten its diſtance, and ſubſequently the reſt.

If you will have them cloſe their *Files* to the right or left hand, the outermoſt *File* on that hand you purpoſe to cloſe, muſt be commanded to ſtand, and all the reſt to cloſe to it.

Advance your Pikes.
Order your Pikes.
Shoulder your Pikes.
Charge your Pikes,
Order your Pikes.
Trail your Pikes.
Check your Pikes.

In charging, half the Ranks only muſt charge their Pikes, the other hindermoſt half of the Ranks do port their Pikes, that is, they carry them ſo couched over the heads of the formoſt, as may give them no offence, either in charging or retiring. Beſides, this way the Pikes are not ſo ſubject to be broken by the Shot of the Enemy, as when they are advanced.

Theſe following motions are to be performed both ſtanding and marching.

They muſt likewiſe obſerve when they charge ſtanding, to fall back with the right Leg, and marching to ſtep forwards with the left.

Charge your Pikes.
Shoulder your Pikes.
To the right hand charge.
Shoulder your Pikes.
To the left hand charge.
Shoulder your Pikes.
To the Rear charge.
Shoulder your Pikes.
Stand.
Order your Pikes.

For the Musket.

Theſe are the Poſtures which in this Book are to be obſerved: But in Exerciſing, you muſt only uſe theſe three terms of direction.

Make ready.
Preſent.
Give fire.

Your Muskettiers muſt obſerve in all their motions, to turn to the right hand, and that they carry the mouth of their Peeces high, as well when they are ſhouldered, as in Priming, as alſo when they hold their Pans guarded, and come up to give fire.

In advancing towards an Enemy, when they do not skirmiſh looſe and disbanded, they muſt give fire by Ranks after this manner: Two Ranks muſt always make ready together, and advance ten paces forwards before the Bodies, at which diſtance a Sergeant (or when the Body is great, ſome other Officer) muſt ſtand, to whom the Muskettiers are to come up before they preſent and give fire. Firſt, the firſt Rank, and whilſt the firſt gives fire, the ſecond Rank keep their Muskets cloſe to their Reſts, and their Pans guarded; and as ſoon as the firſt are fallen away, the ſecond preſently preſent and give fire, and fall after them. Now as ſoon as the two firſt Ranks do move from their places in the front, the two Ranks next it muſt unſhoulder their Muskets, and make ready, ſo as they may advance forward ten Paces, as before, as ſoon as ever the two firſt Ranks are fallen away, and are to do in all points as the former. So all other Ranks through the whole Diviſion muſt do the ſame by twos one after another.

A manner there is to give fire retiring from an Enemy, which is performed after this ſort.

As the Troop marcheth, the hindermoſt Rank of all keeping ſtill with the Troop, maketh ready, and being ready, the Souldiers in that Rank turn all together to the right hand, and give fire, marching preſently away a good round pace to the Front, and there place themſelves in Rank together juſt before the Front. As ſoon as the firſt Rank turns to give fire, the Rank next it makes ready, and doth as the former, and ſo the reſt.

We give fire by the Flank thus; The outermoſt File next the Enemy muſt be commanded to make ready, keeping ſtill along with the Body, till ſuch time as they be ready, and then they turn to the right or left hand, according to the ſight of their Enemy, either upon their right or left flank, and give fire all together: When they have diſcharged they ſtir not, but keep their ground, and charge their Peeces again in the ſame place they ſtand. Now as ſoon as the aforeſaid File doth turn to give fire, the outermoſt next it makes ready, always keeping along with the Troop, till the bringer up be paſt a little beyond the Leader of that File that gave fire laſt, and then the whole File muſt turn and give fire, and do in all points as the firſt did, and ſo all the reſt one after the other. A Sergeant, or (if the Troop be great) ſome other better qualified Officer muſt ſtand at the head of the firſt File, and as ſoon as the ſecond File hath given fire, and hath charged, he is to lead forward the firſt File up to the ſecond File, and ſo to the reſt one after another, till he hath gathered up again the whole Wing, and then he is to joyn them again in equal front with the Pikes.

Laſt of all the Troop or whole Wing of Muskettiers makes ready all together, and the firſt Rank without advancing gives fire in the place it ſtands in, and ſpeedily as it may, yet orderly, falls away, all the Ranks doing the ſame ſucceſſively, one after another.

The Arms of a Pikeman are, Gorget, Curats, Head-piece, Sword, Girdle and Hangers.

The Arms of a Muskettier are, a Musket, a Reſt, Bandeliers, Head-piece, Sword, Girdle and Hangers.

It is required, that the Muskets be all of a Bore, the Pikes of a length: But to the end this courſe may not by a ſudden alteration turn to a general charge and burthen upon the people, the Lords Lieutenants, and the Deputy Lieutenants are rather to uſe the way of advice and encouragement, as a matter which will be very acceptable to his Majeſty, who will take notice of the affection of ſuch as ſhall moſt readily provide Arms according to this order, then to enforce a preſent general obſervation thereof. But in caſe where the Arms ſhall be decayed, and muſt be renewed, this order is to be ſtrictly obſerved.

The Arms of Horſemen; Cuiraſſiers, are a Gorget, Curats, Cutaſes, Pouldrons, Vambraces, a left Hand-Gauntlet, Taces, Cuiſſes, a Cask, a Sword, Girdle and Hangers, a Caſe of Piſtols, Firelocks, Saddle, Bridle, Bitt, Petrel, Crupper, with the Leathers belonging to faſten his Piſtols, and his neceſſary ſack of carriage, and a good horſe to mount on.

The Arms of a Harquebuſier or Dragoon, which hath ſucceeded in the place of Light-horſemen (and are indeed of ſingular uſe almoſt in all Actions of War) the Arms are a good Harquebus, or Dragoon, fitted with an Iron work, to be carried in a Belt, a Belt with a Flask, Priming-box, Key, and Bullet-bag, an open Head-piece with cheeks, a good Buff Coat with deep Skirts, Sword, Girdle, and Hangers, a Saddle, Bridle, Bitt, Petrel, Crupper, with Straps for his Sack of neceſſaries, and a horſe of leſs force and leſs price than the Cuiraſſier.

In the exerciſe of the Foot Troops, the Companies are to be of hundreds only, beſides Officers, that they may be ſo much the nearer together to be trained and exerciſed with leſs pains to the Souldiers, and leſs loſs of time, when they ſhall be called together by their Captain.

The Company is to be divided into Files of ten in a File, the File is to be diſtinguiſhed into a Leader, a Bringer up, two Middlemen, and

o Leader.
—
—
—
o Middleman
o Middleman
—
—
—
o Bringer up.

three between the Leader and his Middleman, and three between the Bringer up and his Middleman. When the Companies come together, they are to be exerciſed ten in depth (as the proportion beſt fitted to receive all charges, and perform all executions;) But in caſes of neceſſity in ſervice, and for exerciſe it will be requiſite to reduce them into five in File, and then thoſe two Middlemen become Bringers up, and then have a kind of charge over thoſe three between the Leader and the Bringer up, and will be of great uſe in preparing and exerciſing of the Souldiers in the practice of their Arms and Order. For it is not intended that the whole Companies ſhould be drawn together to be exerciſed: But that upon Sundays after Evening Prayer, and upon Holy days (as it hath been formerly uſed for Bow) the Leader, Bringer up, or Middlemen ſhould exerciſe together with his whole File, or ſuch a part as dwels moſt convenient for him. And further, that once in a Month, or ſix Weeks, the Captain, Lieutenant, or Ancient may (with the knowledge of the Deputy Lieutenant that dwells next him) upon a Holiday exerciſe a Squadron of his Company, or the whole, as ſhall ſeem good to the Deputy Lieutenant.

o Leader
—
o Middleman
o Middleman
—
o Bringer up.

The like form for the Horſe: But it is to be obſerved, that the Files of Horſe are never to be above ſix, but diſtinguiſhed by the names of Leader, Bringer up, and two Middlemen, and to be doubled to three deep, upon occaſion. And to avoid the great abuſe that is practiſed by thoſe that are inrolled to keep Horſes for the Kings Service, That the Leader, Bringer up, or Middlemen of the Files of Horſe, do exerciſe the Horſe upon Holidays and Sundays after Evening Prayer: And that the Captain by himſelf, his Lieutenant, or Cornet, may (with knowledge of the next Deputy Lieutenant) upon a Holiday, call together ſome Files, or a Squadron of his Company, to practiſe them in the exerciſe of their Arms. The Officers alſo both of Horſe and Foot-Bands, as well in the Chief, as Inferiours, Serjeants, Corporals, and Lamprizadoes, are to have a more ſpecial care for the ordinary exerciſing of the Souldiers of their Company, which dwell next unto them, and properly for them.

A ſpecial care and order muſt be taken that all thoſe that find a man to ſerve on Horſeback, whether they find the Horſe or the Man, or both, muſt not change the Horſe or Man at their pleaſure: For ſo it would be every day to practiſe a new Man, or a new Horſe, and the exerciſe be made vain. But they muſt take into conſideration, that the Man and Horſe deſigned to the Service of the King, hath (by the intention of the Law) been dedicated ſo to the Intereſt of the King, as they muſt always be in readineſs at the call of the Kings Officers, and may not be changed without the knowledge and conſent of the Captain, or Deputy Lieutenant next adjoyning, or by Warrant of the Lord Lieutenant. And this with this only limitation, that another ſufficient Man or Horſe be ſupplied in the room of the Man or Horſe made deficient, for a juſt cauſe well approved of. And as the Souldier, or Horſe may not be changed or diſcharged, without the knowledge of the Captain or Superiour Officers; So it is not lawful for the Captain to change or diſcharge any Man or Horſe (once inrolled) without the approbation of the Lord Lieutenant, or his Deputy.

A principal care is to be taken for the proviſion of the Arms, that they may be provided at ſuch rates as they are truly worth, that the people be not ſubject to the abuſe of undertakers for theſe buſineſſes:

And alſo for the furniſhing of every Shire with a competent proportion of Match, Powder, and Bullets, to which purpoſe directions have been heretofore already given. Nevertheleſs, it is not held neceſſary, until the Souldiers be perfect in their Poſtures, and ready managing of the Pike when they are armed, and the Musket together with the Reſt, that there ſhould be any expence of Powder at all: And then for ſome time to be exerciſed with ſome falſe fires; which is only a little Powder in the Pan: Nor at any time to blow away their Powder in vain; but that Powder which ſhould be allowed by the Country for training, be beſtowed only at Marks: In which caſe it is to be wiſhed, that little ſmall Prizes might be provided at the coſt of the Country, to be ſhot for at the Marks, which would give an ambition to men to carry them away, and would ſave the Country more in Powder than their value: And a deſire in men to render thamſelves perfect, would make them to find themſelves Powder with that money, which on thoſe days, and in thoſe times, would be worſe ſpent in an Alehouſe.

HAMILTONS Vindication, *Anno* 1638.

IT will, no doubt, ſeem ſtrange to ſee my name in Print, ſtanding ſo near theſe men who are Interlocutors in the Succeeding Pages, their profeſſion and mine being of ſuch different natures: But I ſhall intreat the ingenuous Reader to take notice of the neceſſity of this my doing.

I am by the three Anſwerers to theſe Demands wronged, and that by an injury of an high nature, challenged in Writing to have done that, which God doth know never entred into my thoughts; and for any thing the Anſwerers did, or do know, never came into my mind. And though by the Law of Challenges, they have challenged me, I may chooſe the Weapons (which certainly ſhould have been in another kind, had the Challengers been of another Profeſſion) yet being men of ſo holy a Function, I have thought good to make choice of their own Weapons; and by my Pen to do out that blot, which they by their Pen have laid upon me. And I have thought it fit to do it in a Schedule annexed to this Book (which for that cauſe only I have cauſed to be here Reprinted) that where mens minds perhaps may be poyſoned by ſwallowing an untruth in their Anſwers, ſo deeply wounding my Honour and Loyalty; this Antidote might be ready at hand to cure them, before they ſhould be fully tainted with it: As likewiſe ſuppoſing that if they ſhould be Printed ſeverally, many might meet with their Anſwers alone, which might leave in them a bad impreſſion of me; if they ſhould not be attended with this juſt and true expreſſion of mine.

The injuries wherewith I am violated by the three Anſwerers, are of two ſorts: One of them ſtrikes me alone, as his Sacred Majeſties High Commiſſioner: The other wounds me as his Majeſties Counſellour; and with me all of that honourable board. The former is this,

They deliver Affirmatively, That the *Declaration which they tendered me of their late Covenant, was ſuch as I accepted, and was well pleaſed with.* And this they ſet down twice for failing: In their anſwer to the firſt Demand towards the end, and in their anſwer to the third Demand a little before the middle of it: And that with ſuch confidence, as truly I cannot with any juſtice blame the Reader for believing of it, when it fell from the Pens of theſe men, whoſe Profeſſion is the teaching of truth.

But I ſhall deſire the Readers to ſuffer themſelves (notwithſtanding the prejudice of theſe mens perſons) to be undeceived by a plain averment of truth.

I am confident none of theſe three Anſwerers ever heard me ſay ſo, nor will they ſay they did. If they but heard it from others (which I do verily believe they did not, and ſhall do ſo ſtill, till they avouch their Authors) ſure no man can chooſe but miſs in them that civil prudence, which will not allow any diſcreet man to affirm that of any other; much leſs of a perſon of my quality, and at this time of my place; the foundation whereof ſhall be ſo frail and ſlippery, as report, which is always uncertain, and moſt times falſe.

For clearing the truth, I do aver upon mine Honour that I never ſaid ſo, I never thought ſo. And though that that Declaration was much bettered by the induſtry of ſome well-affected (from what was firſt intended) yet it gave me not ſatisfaction: And I dare boldly affirm, I never ſaid it would give my Maſter the Kings Majeſty any. My Juſtifiers in this ſhall be theſe Noblemen, Gentlemen, and others to whom I ever ſpoke, either publickly, or in private. I was indeed content to catch at any thing I could, when I could not obtain what I would: As being willing to do my Country-men that reſpect, as to the utmoſt of my power to recommend to my gracious Maſter, with all favourable conſtruction, even that which I then thought, and did know fell ſhort of juſt and home ſatisfaction. * And here, I do confeſs, I cannot charge it for a faulty miſtake upon the Readers of theſe Aſſeverations of the three Anſwerers, if they ſhould before this my Declaration, conceive that his Majeſty were in all probability like to reſt ſatisfied with that Declaration of the Covenant; having it delivered to them from men whom they have in all this buſineſs believed as much as themſelves, that his Majeſties Commiſſioner, who in all likelihood did know his Majeſties mind beſt, did reſt ſatisfied with it.

But his Majeſty hath juſt reaſon to charge me, if theſe Aſſeverations were true; as I have good reaſon to vindicate my ſelf, they being not true. The truth is, if theſe Aſſeverations be true, I do profeſs to the whole world, that his Majeſty hath a moſt juſt cauſe to diſcharge himſelf of me, and my ſervice, and to diſcharge me of all truſt in this, or any other Negotiation. For I profeſs, that I knowing his Majeſties conſtant miſlike of the ſaid Covenant, it muſt bewray in me, either breach of truſt, or want of judgment; If I ſhould go about to make either my ſelf, or the world believe, that my Maſter could receive ſatisfaction by ſuch an explanation.

And here I cannot diſſemble, but muſt ask leave to vent my ſelf thus far. Had theſe wrongs been put upon me by the Pens of other men, and not of thoſe whoſe Profeſſions I am forward and willing to believe (becauſe I would have it ſo) will not ſuffer them to embrace wilful and malicious deſigns: I ſhould juſtly have doubted, that there had been ſome men in this Kingdom, who being afraid of a ſetling and peaceable concluſion of this buſineſs, had gone about to raiſe in my Royal and Gracious Maſter a jealouſie of my ſlackneſs in my King and Countries Service, that ſo I might be called back, *re infecta*.

If any ſuch Enemies there be to the peace of this miſerable diſtracted Church and State, I beſeech God in time to diſcover them, and that all may end in covering them with ſhame and confuſion. The ſum of all I will ſay of this perſonal wrong offered to my ſelf is this: If theſe reverend and learned Gentlemen, the Anſwerers, in theſe untrue Aſperſions intended any harm to me, I ſhall only now requite them with a caſt of their own Calling, I pray God forgive them. If they intended me no harm, then I do expect that they will give my ſelf and the World ſatiſfaction in clearing me that I gave them no ground for theſe their Aſſeverations. And ſo being confident of his Majeſties goodneſs to all his Miniſters; among the reſt, to the meaneſt of them, my ſelf, eſpecially in this particular, that he will never be ſhaken in the opinion of my loyal and conſtant ſervice, upon ſuch ſlight, light, and groundleſs reports, I will ſay no more of that firſt point.

For that which concerneth my ſelf as a Counſellour, and the reſt of that honourable Board, averred by the three Anſwerers in their Anſwers to

* Nor is there any ground for their opinion of my acceptation of that declaration, unleſs they call receiving, accepting; and that was not in my power to refuſe, it being conceived in formal words of a ſupplication, and ſo tendered to me, who by my Royal Maſter his inſtructions was commanded to receive the Petitions of all his good and loyal ſubjects.

to the third and fourteenth Demand, I do here proteſt before Almighty God, that none of the Allegations alleged by the three Anſwerers, or any Petition given me by the Supplicants, moved me to give way, that the Order of the Council Table ſhould not paſs into an Act: for I did then, and do now avow, that I then was, and now am fully ſatisfied with his Majeſties moſt gracious Declaration; and that in my opinion all ought to have thought themſelves ſufficiently freed from fears of Innovations. But the true reaſon was this, I was ſo tenderly affectioned towards the peace of my Country, that I gave way to that, which many of honourable quality aſſured me, if it were not done, a preſent rupture might follow, and ſo conſequently the ruine of this Kingdom; which I was reſolved to keep off ſo long as poſſibly I could, retaining my fidelity to my Maſter. Which care of mine I find but ſlenderly requited, when it is made an argument to perſwade his Majeſties good Subjects to do that which is ſo diſpleaſing to him, and ſo unſafe for them. And yet even in this paſſage, it would have been expected from men of that Profeſſion, that nothing ſhould have paſſed but undoubted truth. In which point too they have failed, either as I hope by a miſtaking, or a miſ-informing. For the Miſſive once thought fit to be ſent to his Majeſty was never rent, but remaineth yet as it was: And we did not ſend it, becauſe we did not think, thanks to his Majeſty would be ſeaſonable in the name of the whole Kingdom, when we knew his Majeſty, by the laſt proceedings of many, and Proteſtations made againſt his Royal Declaration (pretended in the name of the whole Country) could not receive ſatisfaction.

To conclude, notwithſtanding this Perſonal wrong offered to me his Majeſties High Commiſſioner, I will carefully, chearfully, and conſtantly go on with this great buſineſs, wherewith he hath intruſted me. Which as I pray God it may proſper under my hands: So I praiſe God that he hath given me ſo chearful and willing a heart to go on in it: That if my life could procure the peace of this torn Church and Kingdom, to the contentment of my Royal Maſter, and comfort of his diſtracted Subjects; he who knoweth all things, knoweth likewiſe this truth: It is the ſacrifice of the world, in which I would moſt glory, and which I would moſt ſincerely offer up to God, my King, and Country.

HAMMILTON.

The

The Grievances given in by the Miniſters before the laſt Parliament in June 1633.

THe Miniſters ſtanding for the preſervation of the purity of Religion in Doctrine, Worſhip, and Goverment, aſſayed ſundry means to have his Majeſty rightly informed of the eſtate of our Kirk, but the ſucceſs was not anſwerable to their expectation. Yet having the opportunity of his Majeſties coming to his Native Country of *Scotland* to be Crowned, and hold his firſt Parliament, they adviſed upon ſome grievances to be preſented to his Majeſty and Eſtates. It was ordained by Act of Parliament 1594. that four of every Eſtate ſhould Convene twenty days before the beginning of the Parliament, to conſider all Articles and Petitions, which were to be given in, that ſuch things only might be put in form, and preſented to the Lords of the Articles in time of Parliament, as were reaſonable and neceſſary, and that ſuch, as were impertinent and frivolous, might be rejected. But it was not determined who ſhould make choice of the Perſons. Yet this was not obſerved before the laſt Parliament. But upon the 16 of *May* 1633. Intimation was made by Proclamation, that all ſuch, as purpoſed to give in any Articles or Petitions, deliver the ſame to the Clerk Regiſter betwixt that and the firſt day of *June*, to be preſented by him to ſuch of the Eſtates and Council, as ſhould be appointed to hear and conſider them. The Miniſters fearing not to be heard otherwiſe, appointed one of their diſtreſſed Brethren, Mr. *Thomas Hogge*, to preſent their grievances to him, which he preſented and delivered, and took inſtruments thereupon in the hands of a Notair.

Grievances and Petitions concerning the diſordered eſtate of the Reformed Kirk within this Realm of Scotland, *preſented upon the 29 day of* May 1633. *by me Mr.* Thomas Hogge, *Miniſter of the Evangel, in mine own name, and in the name of others of the Miniſtry, likewiſe grieved, to Sir* John Hay *Clerk of Regiſter, to be preſented by him to ſuch as ought, according to the Order appointed, conſider them, that thereafter they may be preſented to his Majeſty and Eſtates, which are to be aſſembled at the next inſuing Parliament.*

THe opportunity of this ſolemn meeting of your gracious Majeſty, and the honourable Eſtates convened in this High Court of Parliament, and the Conſcience of our duty to God and the Reformed Kirk within this Realm of Scotland, *where we ſerve by our Miniſtry, conſtrains us to preſent in all humility to your Highneſs and Eſtates preſently aſſembled those our juſt Grievances and reaſonable Petitions following:*

1. *Albeit Vote in Parliament was not abſolutely granted to Miniſters provided to Prelacies, but only upon ſuch conditions as his Highneſs of happy memory, and the general Aſſemblies of the Kirk ſhould agree upon, which is evident*

dent by the remit and proviſion expreſſed in the Act of Parliament holden at Edinburgh *in* December 1597. *And albeit the manner of their Election and Admiſſion to the Office of Commiſſionary, and the particular conditions and cautions to be obſerved by Miniſters Vote in Parliament in name of the Kirk after long diſputation, were agreed upon by his Majeſty preſent in Perſon, and the general Aſſembly, and were appointed by them to be inſert in the body of the Act of Parliament, which was to be made concerning that purpoſe. Some Miniſters nothwithſtanding have been, and are admitted to Vote in Parliament, in name of the Kirk, as abſolutely, as if the Act of Parliament did contain no ſuch reference, and as if his Majeſty with the general Aſſembly had not agreed upon the manner of their Election and Admiſſion to that Office, or upon any limitations; whereby the Kirk hath ſuſtained great hurt and prejudice in her Liberties and Priviledges, and ſpecially by their frequent tranſgreſſing the firſt of the Conditions, although grounded upon the very Law of Nature and Nations.* “*That nothing be proponed by them in Parliament, Council, or Convention in name of the Kirk without expreſs Warrant and direction from the Kirk, under the pain of depoſition from their Office; Neither ſhall they keep ſilence, nor conſent in any of the ſaid Conventions to any thing that may be prejudicial to the liberty and Weal of the Kirk, under the ſaid pain. And the ſecond, That they ſhall be bound at every general Aſſembly to give account anent the diſcharging of their Commiſſion ſince the Aſſembly preceding, and ſhall ſubmit themſelves to their Cenſure, and ſtand to their determination whatſoever without Appellation, and ſhall ſeek and obtain Ratification of their doings at the ſaid Aſſembly under the pain of Infamy and Excommunication. Therefore our humble Supplication is, that the execution of the Acts of Parliament of matters belonging to the Kirk, to which they have voted in the name of the Kirk, without any authority or allowance from the general Aſſemblies of the Kirk, be ſuſpended, till the Kirk be heard, and that in time coming Miniſters have no otherwiſe Vote in Parliament, but according to the proviſion of the Act of Parliament, and the order of their entry to the Office of that Commiſſionary and limitation foreſaid agreed upon, as ſaid is.*

2. *Seeing Ratifications of Acts and Conſtitutions of the Kirk cannot be conſtrued to be a benefit or favour to the Kirk, unleſs the Ratifications paſs according to the meaning of the Kirk, and the Tenour of the ſaid Acts and Conſtitutions, without Omiſſion, Addition, or Alteration of Clauſes, Articles, or Words of importance, and that in the Ratification of the Act of the Aſſembly holden at* Glaſgow, Anno 1610. *which paſt in Parliament holden* 1612. *under the name of Explanation, ſundry Clauſes and Articles were omitted; as* the ſubjection of Biſhops *in all things concerning their Life, Converſation, Office, and Benefice, to the cenſure of the general Aſſembly, the cenſure of Biſhops in caſe they ſtay of the Cenſure of Excommunication, the continuing of the exerciſe of Doctrine Weekly, the neceſſity of the Teſtificat and aſſiſtance of the Miniſtry of the bounds for the admiſſion of Miniſters, and other Clauſes and Articles are added and inſert, as the different degrees of Archbiſhops, and Biſhops, the power of giving collation of Benefices granted to Biſhops, the diſponing of Benefices falling in their hands* jure devoluto, *the appointing of Moderators in Dioceſan Synods in caſe of their abſence, and ſome words of the Oath are changed: By all which Omiſſions, Additions, and Alterations, the Kirk hath ſuſtained, and doth ſuſtain great hurt in her Juriſdiction and Diſcipline. Our humble deſire therefore is, that the Kirk may be liberate from the prejudice of thoſe Omiſſions, Additions, and Alterations of the Act foreſaid.*

3. Notwithſtanding the general Aſſemblies have been holden from the time of Reformation till the year 1603. at leaſt once in the year, and oftner pro re nata, Provincial Synods twice in the year, Weekly Meetings for Exerciſes and Presbyteries every Week, for matters to be treated in them reſpective, and their Liberties were ratified in Parliament Anno 1592. and by that, as a moſt powerful mean, bleſſed be God, Peace and Purity of Religion were maintained: And in the Aſſembly holden at Glaſgow 1610. when Commiſſioners Voters in Parliament provided to Prelacies were made liable to the Cenſures of the general Aſſembly, it was acknowledged that the neceſſity of the Kirk craved, that there ſhould be yearly general Aſſemblies; And the Miniſtry were then aſſured, that Liberty would be granted upon their requeſt, whereby they were induced to condeſcend ſo far to the Act then made, as they did, which Act alſo in the very entry thereof a requeſt to his Majeſty, that general Aſſemblies may be holden in all times coming once in the year, or preciſely at a ſet and certain time; Nevertheleſs the wonted Liberty of holding general Aſſemblies is ſuppreſſed, the order of the Provincial Synods confounded, Presbyteries in a great part diſordered and neglected, whereby Diviſions have entred into the Kirk, Miniſters have become negligent in their Callings, and ſcandalous in their Lives, the Godly are heavily grieved, the Weak are ſcandalized, erroneous Doctrine is delivered in Kirks and Schools without controlement; the Commiſſioners Voters in Parliament lie untried and uncenſured, and Atheiſm and Popery increaſe: Our humble deſire is therefore, that the Acts of Parliament, made in favours of the Aſſemblies of the Kirk, and eſpecially the Act of Parliament holden at Edinburgh in June 1592. be revived and ratified in this preſent Parliament.

4. Notwithſtanding the obſervation of Feſtival days, Private Baptiſm, Private Communion, Eſpieopal Confirmation of Children, have been rejected by this our Reformed Kirk, ſince the beginning of the Reformation; and it hath been declared by Act of Parliament in the year 1567. that ſuch only were to be acknowledged Members of this Reformed Kirk, as did participate of the Sacraments as they were then rightly miniſtred, which was without kneeling in the act of receiving the Sacramental Elements of the Supper, or immediate diſpenſing of the ſame to every Communicant by the Miniſter. And that it was Statute and Ordained in the ſame Parliament, that all Kings ſhould give their Oath at their Coronation to maintain the Religion then profeſſed, and that form of miniſtration of the Sacraments which then was uſed: nevertheleſs Paſtors and People adhering to their former profeſſion and practice are nicknamed Puritans, and threatned, not only without any good warrant, but beſide the tenour of the Act of Perth Aſſembly, which containeth no ſtrict injunction, and contrary to the meaning of the Voters, and to the proceedings of that Aſſembly, where it was profeſſed that none ſhould be preſſed with obedience to that Act: Therefore we humbly intreat that by Ratification of the Acts of Parliament, made before that Aſſembly, and by ſuch ways as ſhall ſeem good to your Gracious Majeſty, and honourable Eſtates aſſembled, your Majeſties good People, Paſtors and Profeſſors may both be purged from ſuch foul aſperſions, and may be freed from all dangers and fears which may occur by occaſion of that Act of Perth.

5. Albeit it be determined by the general Aſſemblies of this our Reformed Kirk, what Oaths Miniſters ſhould take at the time of their Admiſſion or Ordination, yet there is a new form of Oath deviſed and urged by the Admitters or Ordainers, upon intrants to the Miniſtry, together with ſubſcription to certain Articles deviſed by them without direction and warrant from any Aſſembly of the Kirk, yea, or Act of Parliament, whereby the entry to the

Miniſtry is ſhut upon the beſt qualified, and others leſs able are obtruded upon the people, to their great grief and hazard of their ſouls: Our humble Petition therefore is, that all ſuch Oaths and Subſcriptions urged upon Miniſters at their entry or tranſplantation may be diſcharged.

6. Notwithſtanding there be Conſtitutions of the Kirk, and Laws of the Country for cenſuring of Miniſters before the ordinary Judicators Eccleſiaſtical; yet contrary to that Order, Miniſters are ſuſpended, ſilenced, and deprived, and that for matters meerly Eccleſiaſtical before other Judicators, which are not eſtabliſhed by the Authority or Order of the Country and Kirk: Therefore our humble Petition is, that Miniſters deſerving cenſure, be no otherwiſe cenſured than the Order of the Kirk doth preſcribe, and that ſuch as are otherwiſe diſplaced, be ſuffered to ſerve in the Miniſtry, as before.

The Preſenter attended in *Edinburgh* to compear, if need were, before ſuch as were to Convene to conſider the Articles and Petitions, which were given in to the Clerk Regiſter. But there was no appearance of any ſuch Convention. The Miniſters therefore directed the Brother above-named to preſent the Supplication following to his Majeſty, which he did upon the fifteenth day of *June*, in the Caſtle of *Dalkeith*, the ſame day that he was to make his entry in *Edinburgh*,

This happy occaſion, with ſtrong deſires long waited for by your Majeſties moſt humble and loving Subjects the Paſtors and Profeſſors of the Reformed Religion within this your Majeſties Kingdom of Scotland. *The great fame, which hath often filled our Ears of your Majeſties moſt Pious and Princely inclination to Religion and Righteouſneſs, whence this Kirk and Kingdom from their ſingular intereſs in your Majeſties Birth and Baptiſm, have reaſon to look at this time for a comfortable influence: The Body of this Kingdom in heart joyning with us, and only waiting for the leaſt word from your Majeſties mouth: The Conſcience which we have, and which we truſt is manifeſt to all men that we are ſeeking neither Riches nor Honours to our ſelves, but that the ſum and ſubſtance of our deſires is to procure the advancement of the Kingdom of Jeſus Chriſt, and to ſee your Majeſties flouriſhing Eſtates in your Kingdoms: All theſe and each of them move us to intreat in all humility your Gracious Majeſty to be favourable to our Petitions, which we have delivered to the Clerk of Regiſter to be preſented to your Majeſty and Eſtates at the approachiug Parliament, that they may be conſidered, and receive a gracious anſwer.*

The King read the Petition at length. Yet there was no more heard of our grievances either among the Lords of the Articles, or in open Parliament, where nothing cometh in voting, but that which firſt muſt paſs the Lords of the Articles, and uſually what paſſed through their hands is concluded by the whole Eſtates in publick. Not only were our grievances ſuppreſſed, but alſo all former Acts concerning the Kirk were ratified. Howbeit it was well known that ſundry former Acts had wrought great diſturbance in our Kirk. An Act alſo in particular concerning the common habits of Kirkmen, (not of Surplice, or other like ſuperſtitious Veſtures, as many miſtake) was ratified and made a point of the Royal Prerogative. Small hope had we of any better event, conſidering the dependance either of Noblemen upon the Kings favour for the recovery of their broken Eſtates, or of ſome other men for preferment, or the fear of others to loſe it, all knowing very well the Kings bent and inclination.

For the better clearing of the equity of our grievances, I will ſet down theſe few obſervations:

Great oppoſition was made by many worthy men of the Miniſtry to Miniſters Vote in Parliament, Convention, or Council, and not without reaſon. When it was carried by Plurality of procured Voices in a general Aſſembly holden at *Dundee*, *Anno* 1597. againſt which and the two former Aſſemblies M. *John Davidſon* proteſted; the next care of the ſincere ſort was to have the Commiſſioner Voter in Parliament tied to a certain form of Admiſſion, and to ſome Cautions, that he degener not into a Roman or Anglican Biſhop.

He was to be recommended to his Majeſty, by the General Aſſembly, and to be admitted by the Synod as it then ſtood in integrity. The firſt two cautions ye have heard in the grievances. By the third, the Commiſſioner Voter in Parliament was bound not to prejudge the proviſion of other Kirks planted, or to be planted. By the fourth he was bound not to delapidat or diſpone any part of his Benefice without the advice and conſent of his Majeſty and the general Aſſembly, and to interdite himſelf to that effect. By the fifth, He was bound to attend faithfully upon his own particular Congregation, where he ſhall be Miniſter, in all the points of a Paſtor, and hereanent to be ſubject to the trial and cenſure of his own Presbytery and Provincial Aſſembly, as any other Miniſter that beareth not Commiſſion. By the ſixth Caution, In the Adminiſtration of Diſcipline, Collation of Benefices, Viſitation, and all other points of Eccleſiaſtical Government, he ſhall neither uſurp nor acclaim to himſelf any Power or Juriſdiction, farther than any of the reſt of his Brethren, under the pain of deprivation. By the ſeventh, That in Presbyteries, Provincial and general Aſſemblies, he ſhall behave himſelf in all things, and be ſubject to their cenſure, as any of the Brethren of the Presbytery. By the eighth, At his admiſſion to the Office of Commiſſionary, theſe, and all other Points neceſſary he ſhall ſwear and ſubſcribe to fulfil under the Penalties foreſaid, otherwiſe not to be admitted. By the ninth, In caſe he be depoſed by the general Aſſembly, Synod, or Presbytery from his Office of the Miniſtry, he ſhall loſe his Vote in Par *ipſo facto*, and his Benefice ſhall vaike.

Such as plotted the courſe of Epiſcopacy and aſpired to Prelacies were conſtrained for the preſent to condeſcend to theſe Cautions, but were not minded to ſtand to one jot of them longer than they ſaw occaſions to break looſe. Becauſe they were made countable by theſe Cautions to the general Aſſemblies, they procured firſt a Prorogation of the Diets of the Aſſemblies by the Kings Authority, and at laſt the bereaving of the Kirk of all liberty to indict any Aſſemblies, that ſo they might be freed from making any count at all. After they had gathered ſtrength and power to overrule Aſſemblies of their own deviſing, and after that ſome of the Miniſtry were baniſhed, others confined, a third ſort drawn up to Court, they procured a Convention at *Linlithgow*, *Anno* 1606. of Noblemen and Miniſters nominate by them, and recommended by the King to the Presbyteries to be ſent to that meeting. The name of a general Aſſembly was concealed in the Kings Miſſives. But ſoon after Presbyteries were charged with letters of horning to accept the conſtant Moderators choſen by that meeting, ſuch as were ſtiled vulgarly Biſhops in reſpect of their Benefices to be Moderators of the Presbyteries where they made reſidence. Synods likewiſe were urged to accept theſe Biſhops for conſtant Moderators, howbeit no ſuch thing was concluded at that meeting, but their Act falſified.

This moderation did not ſatisfie their ambitious humour, nor was it well accepted by Presbyteries or the Synods. In the year 1610, they were armed with the power of the High Commiſſion, of which they were not capable, and without conſent of the Eſtates, contrary to an Act of Parliament, *Anno* 1584. to ſilence and deprive, fine and incarcerate Miniſters, to command them to excommunicate ſuch as in their judgment deſerved that Cenſure, and to fine and impriſon other whatſoever ſubjects, After that they become thus great and terrible, and now able to extort any thing from ſervile Miniſters, they procured an Aſſembly to be holden at *Glaſgow* ſoon after, like that other at *Linlithgow*, but that there was more Gold dealt among Mercenary Miniſters at this Aſſembly.

Soon after, three of their number went to Court to be conſecrate Biſhops, returned and conſecrated the reſt of their Fellows, no ſuch thing being concluded at that meeting as the Office of a Dioceſan Biſhop, Anglican or Roman, that is, to be the proper Paſtor of all the Congregations within the Dioceſs, the power of Ordination reſiding in him, and of Juriſdiction flowing from him. The Presbyteries and Synods were only tied to theſe who were called Biſhops in reſpect of their Benefices in the points, and in the manner expreſſed, and upon truſt that they ſhould be liable to the cenſure of ordinary and ſet general Aſſemblies. But they were not content with ſundry Articles of that Act, howbeit the Aſſemby was overruled by themſelves, and they conſented, to the end that the Miniſters there convened might be induced to yield ſo far as they did. Therefore when the Act was ratified, *Anno* 1612. they conſented in Parliament to Additions, Alterations, and Omiſſions of ſundry Clauſes, as no doubt they had deviſed themſelves before. In the year 1617. they conſented in Parliament to the Election of Biſhops by Deans and Chapters, which was inhibited by the Acts of the Aſſembly holden 1578. and condemned in the ſecond book of Policy as Popiſh. It was likewiſe far different from the form of Election and Admiſſion agreed upon with their own conſents in the general Aſſemblies. What was proponed in Parliament for their advancement was granted by the Eſtates, and conſented to by themſelves, as no doubt they had deviſed. So they were their own carvers.

In the end they brought in Popiſh Ceremonies to vex the Miniſters and Profeſſors. and to give them ſome other ſubject to work upon, then to meddle with themſelves, and their uſurped Authority.

Becauſe they are conſcious to themſelves of the nullity of their Aſſemblies, and fear to want the concurrence of Synods and Presbyteries, they draw Miniſters and Profeſſors before their Court of High Commiſſion. But if this Court were not fortified and aſſiſted by the Lords of ſecret Council, by whom it was firſt authorized, their power in the High Commiſſion would be little regarded. Our bondage then reſolves upon the Council.

Whatſoever be the Uſurpation of the Prelates, the Miniſtry and Profeſſors are not to be excuſed. Firſt, for acknowledging or not opponing to their Aſſemblies. For the ſafety of Religion dependeth not upon Aſſemblies of whatſomever kind, but upon the liberty of free and right conſtitute Aſſemblies. As in the Common-weal he were not to be thought a faithful Patriot, who would not ſtand as much for the Liberty of a Parliament as his own Poſſeſſions, becauſe the ſafety of all other Liberties ſtandeth in the preſervation of that main Liberty. Next, becauſe

cauſe they continue in ſubjection, notwithſtanding we have not the liberty of ordinary and ſet Aſſemblies to cenſure them accoding to the Cautions and Acts agreed unto by themſelves. Thirdly, becauſe they give further obedience than is required by the Acts of their own Aſſemblies, as if they had an abſolute power to direct and enjoyn as pleaſeth them. But the firſt is fountain of all our miſchief.

I have here ſubjoyned certain Propoſitions concerning Adoration before the bread in the Sacrament without the knowledge of the Author, who is known to be learned and judicious.

1. *Beſides that manifeſt and groſs kind of Idolatry, whereby Divine or Religious Worſhip is given unto the Creature in ſtead of God, there is another more ſecret and ſubtile ſort, which rendereth not Divine Worſhip unto the Creature as it is conſidered in it ſelf, but as it carrieth a certain relation and reſpect unto God, who is to be worſhipped for himſelf, and therefore is commonly called* Relative Worſhip. *The reformed Kirks convince the Papiſts of manifold Idolatry of this kind, and howſoever the Papiſts gather together many fig-tree leaves to hide their nakedneſs, yet there is nothing more certain, than that both the Gentiles and Jews pleaſed themſelves in this ſort of Worſhip as may appear from* Rom. 1. 20, 23. Deut. 4. 12, 15. *and many other places.*

2. *As in the groſſer kind of Idolatry it matters not, as touching the point of Idolatry it ſelf, whether the object of Adoration, and that which we worſhip with divine honour, be the invention of our own head, or the Creature of God, as the Sun, Moon, or Stars, or made by our hands as an Image, or ſome thing ordained of God. And finally, whether it be a thing conſecrated or not, for the adoration of the Bread in the Sacrament is Idolatry, no leſs than the Adoration of the Sun in the Firmament. or the Adoration of an Image the work of mans hands. "For their Error is more tolerable who worſhip for "God a Statne of Gold or Silver, or an Image of any other matter, as the "Gentiles worſhipped their Gods, or a red Cloth lifted up upon a Spear, which "it reported of the* Lappians, *or living Creatures, as ſometime the Ægyptians, "nor theirs who worſhip a piece of bread.* Coſter. Enchir. chap. 12. *In like manner, in the other ſort of worſhip which is relative, it is all one matter touching the point of Idolatry, whether the ſecondary or ſubordinate object of our Adoration, and that which participates of the Worſhip of God, be a thing natural, as the Sun or the Moon, or a thing Artificial, as an Image, or ſome thing ordained of God, but for another end, as the Brazen Serpent, or a thing Conſecrated of God, but not to be worſhipped, as the Sacramental Bread, for although there be a very wide difference amongſt thoſe thinge in reſpect of Will-worſhip; And becauſe nothing can be a mean of the Worſhip of God, but that which is ordained of God, and the Sacrament is a mean of Gods Worſhip, an Image is not a mean, yet in the point of Idolatry there can be no difference at all, becauſe no Creature of whatſomever kind can ſo much as take of the Worſhip of God without the guiltineſs of Idolatry.*

3. *We fall into two evils, when we adore before an Image, one is, when we make the Image a mean or middle of the Worſhip of God without a warrant from God, whence it is that Adoration before an Image is Will-Worſhip; and although it had no other evil in it but this one, it behoveth to be (by interpretation, as they uſe to ſpeak, or by conſequence) Idolatry, for whoſoever appointeth of his own head a new manner or mean of Divine Worſhip, by conſequence alſo appointeth another God, which he thinks delighteth in that Form of Worſhip. The other evil is that Adoration before an Image is properly and formable Idolatry, becauſe thereby Religious Worſhip is rendred unto another*

than unto God, and in ſome meaſure and degree the Image is made partaker of the Worſhip of God, which is cleared at large by the Divines of the Reformed Kirks. Now in our Adoration before the Bread we are free of the former of the two evils, becauſe the Sacrament is a mean of Worſhip authorized by God, but we cannot poſſibly be free of the other evil, becauſe the Adoration before the Bread, and before an Image are altogether alike in reſpect of the participation of Divine Worſhip. They who are enemees to Images (ſaith Vaſquez *in his ſecond Book of Adoration,* diſp. 8. c. 13.) *and uſe Images only for Hiſtory and remembrance, do not bow their knees, nor proſtrate themſelves before them: For ſo they ſhould adore them, with an external ſign of Worſhip. He who is religiouſly proſtrate before the Croſs (ſaith the Biſhop of* Spalato, Book 7. pag. 293,) *he muſt have the Croſs for the object of Adoration. Although Images were means of Worſhip ordained of God, ſuch as the Sacrament is, yet were it not lawful to Adore before them. And the Arguments whereby our Divines prove the Worſhip of Images to be Idolatry, aim not at this point to ſhew that Images are not lawful means of Worſhip, for that were nothing elſe but to prove that Worſhip before Images were Will-Worſhip, but they labour for this, that the Papiſts while they adore before Images, they give that unto the Creature which is proper unto God, and the Papiſts in this queſtion uſe not this defence, that Images are lawful means of Worſhip, but that the Worſhip of Images is relative, and reſolveth upon the patterns whoſe Images they are.*

4. *That we may have a further inſight in this truth, we muſt learn, as in other parts of Divine Worſhip, ſo in our Adoration before the Bread, to diſtinguiſh betwixt that which is internal in the mind, and that which is external in the ſenſes and geſtures of the body, or (as the Schoolmen ſpeak) betwixt the ſpirit of Adoration, which they make the inward affection of ſubjecting our ſelves to that which we adore; And the external mark or ſign of Adoration, which they alſo call the material part of Adoration, for ſuppoſe it were true that the whole thoughts and affections of the Soul were taken up, and exerciſed about the thing ſignified in the Sacrament, and that nothing were intended but to render the whole Worſhip unto God, yet the very nature of the Sacrament (which is well called the viſible word) of neceſſity doth require that our eyes, and therefore our geſtures, the bowing of our knees, and that whole material part of Adoration be directed toward the Elements in the Act of receiving, in ſo far that although the Elements were nothing elſe to the mind but only ſigns to bring us to the right remembrance of the thing ſignified, it cannot be eſchewed, but they muſt be the object of the outward Adoration of the body, which is directed toward them, and therefore Adoration before the Bread, muſt needs be the Adoration of the Bread, even as the Adoration before the Image, the Adoration of the Image, while the Image to his mind, that adoreth, is nothing elſe but a ſign, bringing the Pattern to his remembrance.*

5. *Since there be two kinds of Divine Worſhip, one immediate, as for example,* Prayer, Thankſgiving, the religious hearing of the voice of God ſpeaking to us immediately: *The other mediate, as the ordinary hearing of the Word, and receiving of the Sacrament. It is both lawful and ſutable to uſe the geſture of Adoration in Prayer, in Thankſgiving, and when we hear the immediate Voice of God, becauſe no viſible middle cometh in betwixt God and us that can be the Object of our Adoration: But in the ordinary hearing of the Word at the mouth of the Preacher, and in the act of receiving the Sacrament, it is neither ſuitable, nor lawful to adore, for that were to adore in a mediate Worſhip, or to adore mediately, which both by force of truth, and confeſſion of both ſides muſt be Idolatry.*

6. It is therefore unlawful to adore before the bread, or to kneel in the very act of receiving the Sacrament, not only by reaſon of the danger of Bread-worſhip, wherein the Bread is adored inſtead of Chriſt by the ignorant multitude; neither is it only unlawful, becauſe it is Idolatry to adore before the bread for reverence and due regard of the Sacrament, which cannot be avoided by them who adore according to the meaning of the Article of Perth *Aſſembly; But it is alſo unlawful, becauſe Adoration before the Bread, even in the very nature of the action it ſelf, is Idolatry, neither is it poſſible for any man to make his Adoration before the bread not to be Idolatry, except he will take away the Element, that is, the Sacrament it ſelf from the Sacrament, which is impoſſible.*

7. And therefore they are to be commended, who far from all Idolatry, and from all peril and appearance of Idolatry, do ſit or uſe an ordinary Table-Geſture in the Supper of the Lord: Since neither the Evangeliſts, nor the Apoſtle Paul *have written ſo much as one word, which may give the leaſt ſuſpition, or ground of conjecture, that Chriſt and his Apoſtles did change their ordinary and common form of ſitting at Table: Since it is certain from the whole frame of the Inſtitution, that the Supper of the Lord was an holy Feaſt or Banquet, and ſince by ſo doing the whole Inſtitution of Chriſt, which is very many ways defaced by kneeling, is keeped ſafe and ſound. It is not far from blaſphemy (ſaith* Paræus*) to ſay, that the Kirk hath with greater wiſdom made any change in the Euchariſt, for what were that but to ſay, that the Kirk is wiſer than Chriſt himſelf, as if he had not known well enough, what was able to procure greateſt reverence to the Sacrament, or what ſhould carry with it the leaſt peril, which is a Blaſphemy worthy of the followers of Antichriſt.*

Mr. *William Cowper*, Miniſter at *Perth*, his Letter, written before he was Biſhop of *Galloway*, to Mr. *George Graham*, Biſhop of *Dumblane*, Anno 1606.

Brother,

I *Have received your commendations from B. which were needleſs, if you had kept your wonted heart. As for me, I never hated you, your courſe wherein ye are entered I never loved. Although the fruit ye enjoy be ſweet, yet the end ſhall prove it never grew on the tree of life. Doing in a work of Conſcience with doubting turneth light in darkneſs, whereupon followeth induration. Whereof it followeth that many in our Kirk without feeling are Courſers againſt their Brethren, that have done more good in the Kirk for edification of others than ever themſelves did, having neither eyes to ſee, nor hearts to feel how dangerous their eſtate is, who cannot riſe but with the falling of many who in God have entered this Miniſtry, cloſing the Fountain that God hath opened. One of your own told me, long ere the laſt Miniſters went to* England, *that they were written for to Reaſon, but the end proved Priſon, and no appearance of returning to ſome of them. Theſe are the firſt fruits of your preferment. Here ye ſtand, and therefore I cannot ſtand with you, except it be to witneſs to God in mine heart againſt you, that ye have gone wrong. Ye hope in this courſe to do good, but it is hard for you to work miracles: At leaſt he will hold of evil: But how ſhall ye draw in a yoke with them that are drawing on evil dayly. Ye will not go beyond the Caveats of the general Aſſembly. But the anſwers given to the Commiſſioners of the Kirk at the laſt Parliament by the*

Chancellour (we enter not Biſhops according to an Act of the Aſſembly, but according to that which they were were an hundred years ſince) detexis fraudem. *I heard it given, and ſo did the chief of themſelves,* A. B. C. *ye skar at them whom ye were blyth to ſee, ye like not the light ye loved, ye count theſe Preachings unpleaſant, wherein ye were wont to rejoyce. Theſe may tell you ye have fallen. Conſider your ſelf, where ye was, where ye are now,* & quantulum illud ſit propter quod nos reliquiſti. *Thus loving your ſelf, and not your way, I end.*

Mr. *Gawin Hammilton,* Biſhop of *Galloway,* was ſent up to Court by the reſt of the Biſhops, after the Convention of the Eſtates, which was holden about the end of *January* 1609. I have here ſet down the Inſtructions or Memorials recommended to him by the reſt of the Biſhops, written by Mr. *John Spotſwood,* then pretend it Biſhop of *Glaſcow,* and ſubſcrived by him in the name of the reſt.

Memorials to be proponed to his moſt excellent Majeſty.

1. *You ſhall relate the proceedings of the late Convention, and what affection ſome that were preſent keithed therein, that his Majeſty may be forſeen with mens diſpoſition, for the better choice of thoſe to whom the affairs ſhall be concredited.*

2. *You ſhall remember the care we have had of reclaiming the Marqueſs of* Huntly, *and the Earl of* Arral *from their errors, and the ſmall profit we have ſeen thereof, and inſiſt for his Majeſties favour to the Petition of our Letter.*

3. *Anent the Miniſters that are confined, your L. ſhall excuſe the requeeſt made by us in ſome of their favours, ſhewing how it proceeded, and further declare that of late they have taken courſe to give in ſupplications to the Council for their enlarging to a certain time, for doing their particular buſineſs at Seſſion and otherwiſe in the Country, and that ſome of them have purchaſed licence by the Votes of the Council, albeit we opponed. Therefore beſeek his Majeſty to remember the Council, that the confining of theſe Miniſters, was for faults done by them to his H. ſelf, and that they ſhould be acknowledged and confeſſed to his Majeſty and his H. pleaſure underſtood therein before the grant of any favour, otherwiſe they ſhall undo all that hath been hitherto followed for the peace of the Kirk.*

4. *Touching the erections, it is our humble deſire to his Majeſty that the Noblemen, in whoſe favours the ſame have been paſt, may take order for the proviſion of their Kirks, according to the conditions made in Parliament, or then diſcharge their erections: Which ſeems beſt to be done by an Act of this enſuing Seſſion of Parliament, for which his Majeſties Warrant would be had. And ſome ſuch like courſe would be taken for the Prelacies erected, which have paſt alſo the conſtant Plat, that the preſentation of Miniſters to the modified ſtipends at the vacanty of the Church ſhould be in his Majeſties hand, whereunto though his Majeſties expreſs commandment was given of before, no heed was taken by ſuch as had the charge of affairs.*

5. Since this matter of the Commiſſariats importeth ſo much to the reformation of our Church Government, as this being reſtored in a little time, the reſt may be ſupplied which will be wanting, it ſhall be good to remember it by a ſerious Letter to my Lord of Dumbar, *that we may know in due time what is to be expected. And ſince our greateſt hindrance is found to be in the Seſſion, of whom the moſt part are ever in heart oppoſite unto us, and forbear not to keith it when they have occaſion, you ſhall humbly intreat his Majeſty to remember our ſute for the Kirkmans place, according to the firſt Inſtitution, and that it may take at this time ſome beginning, ſince the place vacant was even from the beginning in the hands of the ſpiritual ſide with ſome one Kirkman or other till now, which might it be obteined, as were moſt eaſie by his Majeſties direction and Commandment, there ſhould be ſeen a ſudden change of many humours in that eſtate, and the Commonwealth would find the profit thereof.*

6. Anent our Conference with the Miniſtry, your L. will declare the time that is appointed, and reaſons of the continuation of the ſame.

7. Becauſe in the time of Parliament chiefly, it ſhould be expedient to have the Biſhops to teach in the Pulpits of Edinburgh, *his Majeſty would be pleaſed to commend this to my Lord of* Dumbar *by a particular Letter, and to require alſo the Miniſters of* Edinburgh *to deſire their help at that time, if it were for no other end, but to teſtifie their unity and conſent of minds to the Eſtates.*

8. Becauſe the Kirk of Leith *lieth deſtitute in a ſort through the Biſhop of* Roſſe *his age, and the impriſonment of Mr.* John Murrey, *and that the ſaid* Mr. John *is no ways minded, as appeareth, to give his Majeſty ſatisfaction, neither were it meet, in reſpect of his carriage, that he ſhould return to that Miniſtry, and to inſiſt in his deprivation with the Commiſſioners might perhaps breed us a new difficulty, if his Majeſty ſhall be pleaſed, we do hold it moſt convenient for the Errand, that the ſaid M.* John *be convened before the Council by his Majeſties command, and by them charged to waid in the Town of* Newabbey, *and ſome miles about, having liberty to teach that People, among whom he ſhall find ſome other ſubject to work upon than the ſtate of Biſhops. And for the proviſion of* Leith, *that his Majeſty would be pleaſed to command the Presbytery of* Edinburgh, *in regard of the Biſhop of* Roſſe *his age, and the ſaid* M. Johns *tranſportation by his H. appointment, to have care that ſaid Kirk of* Leith *be planted with all convenient diligence by* M. David Lindſey, *ſometimes Miniſter at* Sant Andrewis, *for whom both the people is earneſt, and we may have ſufficient aſſurance to his Majeſties ſervice. And in caſe the ſaid Presbytery prove wilful, that another Letter to the ſame effect may be ſent to the Commiſſioners of the General Aſſembly, who may take order to ſee that matter ended, if ſuch ſhall be his Majeſties pleaſure, and this would be done with all diligence convenient.*

We cannot but remember alſo the miſorder keeped in the Country, that once was happily repreſſed, wearing of Guns and Piſtols, and humbly beſeech his Majeſty that ſome new courſe may be eſtabliſhed for ſearching of ſuch perſons, and delating of them to the Counſel, that they may be puniſhed, and the Theſaurer may have commandment to make choice in every Country of certain that ſhall be thought fitteſt to ſearch, who ſhall be known only to his L. ſelf, and ſatisfie them for their pains, to the end this inſolence may be reſtrained. Particularly it would be forbidden in the granting Commiſſions, that this liberty be not permitted, for this is one of the cauſes of their ſo open dealing, as ſaid is.

Theſe particulars, your L. would have care to propone to his Majeſty at ſome fit time, and ſee the anſwers thereof diſpatched accordingly.

Glaſgow by the warrant and at the deſire of the reſt of my Lords the Biſhops.

Mr. *George Glaidſtones* ſent this Letter following to the King in *Auguſt* 1612. whereby the Reader may perceive what were their Plots and preparations before the Parliament following in *October*, where the Act of *Glaſgow* was ratified, or rather altered.

Moſt gracious Soveraign,

AS it hath pleaſed your Majeſty to direct me, and my Lord your Majeſties Secretary for adviſing anent our Affairs to be handled in this approaching Parliament, ſo happily did I find him, and my Lord of Glaſgow *both in this Town, and convened them both immediately after mine arriving, and with good adviſement we have made choice of theſe things which are moſt neceſſary, and have omitted theſe Articles which may ſeem to carry envy or ſuſpition, or which your Majeſty by your Royal Authority might not perform by your ſelf. But we all hold faſt this concluſion, that it is moſt neceſſary and convenient, both for your Majeſties Service, and weal of the Church, that the day,* viz. *the twelfth of* October *ſhall hold preciſely, to the which the Parliament was Proclaimed upon the twenty fourth of this inſtant. I will aſſure your Majeſty that the very evil will, which is carried to my Lord Chancellor by the Nobility and People, is like to make us great ſtore of friendſhip, for they know him to be our profeſſed enemy, and he diſſembled it not. I thank God, that it pleaſed your Majeſty to make choice of my Lord Secretary to be our Formaliſt, and Adviſer of our Acts: For we find him wiſe, faſt, and ſecret. We ſhall not be idle in the mean time to prepare ſuch, as have vote to incline the right way. All men do follow us, and hunt for our favour, upon report of your Majeſties good acceptance of me and the Biſhop of* Cathnes, *and ſending for my Lord of* Glaſgow, *and the procurement of this Parliament without advice of the Chancellour. And if your Majeſty will continue theſe ſhining beams, and ſhowes of your Majeſties favour, doubtleſs the purpoſe that ſeems moſt difficil, will be facilitate to your Majeſties great honour, and our credit, which if it were greater than it is, your Majeſty could receive no intereſſe. For beſides that no Eſtate may ſay, that they are your Majeſties Creatures as we may ſay, ſo there is none whoſe ſtanding is ſo ſlippery, when your Mayeſty ſhall frown as we: For at your Majeſties nodd we muſt either ſtand or fall. But we refer the more ample declaration of theſe purpoſes, and other points of your Majeſties Service, to the ſufficiency of my Lord of* Glaſgow, *and my good Lord Secretary, the fourteenth Biſhop of this Kingdom. But my Lord of* Glaſgow *and I am contending, to which of the two Provinces he ſhall appertain. Your Majeſty, who is our great Archbiſhop, muſt decide it. Thus after my moſt humble and hearty thanks for your Majeſties good acceptance, and gracious diſpatch lately which hath filled the Ears of all this Kingdom, I beſeech God to heap upon your Majeſty the plenty of all ſpiritual and temporal bleſſings for ever, I reſt*

Edinburgh the laſt
of *Auguſt* 1612.

Your Majeſties moſt humble

Subject and Servitour

S. Andrewis.

Mr. *William Struther* one of the Miniſters of *Edinburgh*, and a Conformitane, howbeit he was content to accept a fat Biſhoprick, yet was content in end to forgo the lean Ceremonies to live in the greater eaſe and peace, as this Letter following, directed to the Earl of *Airth*, to be preſented to his Majeſty, teſtifieth.

My very good Lord,

I *Viſit your L. with this Letter, and that for the end which I ſpoke more largely in conference, ever for the peace of this poor Kirk, which rent ſo grievouſly for Cerimonies. There is alſo ſome ſurmiſes of farther Novations of* Organs, Liturgies, *and ſuch like, which greatly augments the grief of people, but the wiſer ſort aſſure themſelves of his Majeſties Royal Wiſdom and Moderation, that his Majeſty would impoſe no new thing, if his Majeſty were timouſly informed of theſe, and the like reaſons.*

1. *Becauſe King* James *of happy memory, made the Marqueſs of* Hamilton *promiſe in his Majeſties name to all the Eſtates of this Land ſolemnly in face of Parliament, that this Church ſhould not be urged with any moe Novations than theſe five Articles, that then were preſented to the Parliament, upon which promiſe the Parliament reſted, and gave way the more chearfully that theſe Articles ſhould paſs in Act of Parliament.*

2. *Next, becauſe the motion, that is ſaid to be made to his Majeſty of theſe Novations, is made by and beſide the knowledge and conſcience of the Kirk of this Land, who are heavily diſpleaſed for that motion, and more becauſe it is alleaged to have been in their name, who knows nothing thereof but by report.*

3. *Becauſe our Church lies already groaning under two wounds, the firſt of the erection of Biſhops, the other of Kneeling. But if a third be inflicted, there is no appearance but of a diſſipation of this Church. In the firſt, people were only anlookers on Biſhops ſtate. The ſecond touched them more in celebration of the holy Sacrament, but yet leaſt arbitrary to them. But the third will be greater, becauſe in the whole body of publick Worſhip they ſhall be forced to ſuffer Novelties.*

4. *Becauſe the Biſhops are already* publici odii victimæ, *and born down with contempt, and that vexation is intolerable, when they depoſe any Brother for not conformity, they ſcarcely can find an expectant to fill the empty place, and that becauſe they become ſo odious to the Flock, that they can do no good in their Miniſty. But if any further Novation be brought in, the Biſhops will find ten for one to be depoſed, and that of thoſe who have already given obedience to the five Articles, who will rather chuſe to forſake their places, then to enter in a new fire of combuſtion.*

5. *Laſtly, becauſe it is obſerved by ſuch as are Judicious, that the former Schiſms have ſhaken the hearts of the People in Religion, and hath produced* odium Vatinianum *among Brethren, Popery is encreaſed in the Land, and if any further come in, it will be ſeen, that univerſally people will be made ſuſceptible of any Religion, and turn Atheiſts in groſs.*

Your L. knows I am not one of thoſe who ſtand out againſt order, but do ſuffer for mine obedience, and therefore the more boldly I ſuggeſt theſe reaſons unto your L. I dwell in the moſt eminent part of this Land, and ſo I have occaſion to ſee more what is the fruit of a Schiſm. I profeſs an unſpeakable grief to ſee any thing done that may trouble the peace of a Church, and divide the hearts of a good people from a good King. Our fire is ſo great already, that it hath more need of water to quench it, than oyl to augment it.

Edinburgh *the* 28 *of* January 1630.

The Lord Keepers Speech in the Star-Chamber *at ſuch time as he delivered the Judges their Charge from his Majeſty before they went their Circuits,* Anno 1638.

My Lords the Judges,

HIS gracious Majeſty ever ſtudious and careful of the weal of his people, remembring the Term being now at an end, and that the Aſſizes draw near for you the Judges of the Realm to depart into your Circuits, and to divide your ſelves into all the parts of the Kingdom, and therefore hath required, that according to the uſual cuſtom in former times, ſomething ſhould be ſaid unto you in this place, that your ſelves may know and acknowledge to others the ſingular care and zeal of his Majeſty, for the maintenance of Religion, Juſtice, and Government throughout his Kingdom. The ſervice and performance of your Circuits, in the minds of ſome, obtains no further place, but only as a matter of Courſe, but they would ſoon change their minds if they wanted it but a while, and through the wiſdom and deep Judgment of his Majeſties Circuits in *England*, have place as one of the chiefeſt ways of Peace and Government, and upon a juſt and ſure ground, for by the Circuits comes an infinite eaſe to the Subjects both for travel and charge, to have publick Juſtice in all parts of the Kingdom diſtributed to men at home, even at their own doors as it were; The Circuits of the Juſtices of Aſſize, did ſucceed the ſeat of the Juſtices in *Oyer*, and by their trial and experience thereof ſo long, it is found ſo much better to the condition of the Government of this Kingdom, as that they have antiquated the form.

I have often ſpoke unto your Lordſhips in this place of many particular things examinable in your Aſſizes and Circuits, and therefore I may well both for your eaſe and my own forbear now any long diſcourſe, and contain my ſelf to ſome few particulars.

Religion requires the firſt place, for it is bruited, that Recuſants in many parts of the Kingdom do exceedingly encreaſe, which I am ſorry and unwilling to believe if but for your ſakes; For I do not well ſee, if it be true, how the Judges of the Realm will be eſteemed blameleſs, for ſure I am that from his Majeſty in this place you have been conſtantly and continually called upon; And therefore if they encreaſe ſo much in your Circuits, and ſo little in the Kings Treaſure, certainly there is a fault, that there is ſo few convicted: Beſides your ſelves, others owe a duty to their conviction, but they are ſubordinate, the Juſtices of Peace they bear a great ſway in this buſineſs; certainly from them, the Service receives ſtronger or weaker proſecution.

This I hold more ſeriouſly to be conſidered in this time, becauſe it is ſaid, and I am afraid too truly, that many men Popiſhly affected indeavour to pervert others, or deceive them for worſe ends; they do not ſtick to ſay, that the Biſhops and Prelates of our Church of *England* are inwardly affected that way, and they do not ſpare the Sacred Perſon of the King himſelf, but give out that the King in heart is a Papiſt, by the

Statute of 2 *R.* 2. theſe are ſtiled to be horrible and falſe lies, of which great peril and quick deſtruction may enſue to the whole Kingdom; and therefore to the ſingular honour of his Majeſty, the bleſſed comfort to his Subjects well affected, and Terrours of ſuch as caſt ſuch aſperſions upon him, or the Prelates of the Kingdom.

An exemplary and remarkable piece of Juſtice hath this Term been done in this Court upon one *Pickering*, a *Shropſhire* man, for ſuch a Scandal againſt the King; he was brought from thence by Maſter Attorney to be here proſecuted againſt, though not in an ordinary way, but by the Kings own and immediate direction, and therefore held it my duty to make this mention of it here, that you may mention it in all places in your Circuits, and beat down thoſe ſcandalous rumours, that all men may know the ſincerity of the Kings heart, and how he doth diſtaſte all backſliding in Religion.

Next to the caſe of Religion, I am to put you in mind of the diſcovering and apprehending of Felons and other Capital Offenders, and of doing juſtice between party and party in all cauſes that ſhall come before you in your Circuits, his Majeſty doth expect a due and careful execution of Juſtice, according to the duty you owe to God, his Majeſty, and your Country.

But I may not forbear to mention a particular which I have often given you in charge, concerning the Kings Printed Orders, above eight years ago, wherein excellent rules are ſet down for the repreſſing and puniſhing of Vagabonds, imploying of Houſes of Correction, abridging of the number, and reforming the abuſes of Ale-houſes and Tipling-houſes, binding of Apprentices, and ſetting of work of poor People: Of theſe the Sheriffs and Juſtices of Peace were to give an account to you the Judges of the Realm, and you to render your account to the Council Board, wherein you have failed to do as it was expected from you: Therefore I am to put you in mind that a more exact account will be required from you herein, and therefore be more careful to call on the Sheriffs and Juſtices of Peace, that you may return an anſwer thereof to the King and State.

There is a great and general complaint at this time of Rates and Prizes, to which all things are enhaunſed in Corn, Hay, Cattel, Victuals, and all other things appertaining to the food or uſe of man. The time hath been when the Court of Kings Bench, and the Juſtices of *Oyer*, who are next unto the Juſtices of Aſſize, took theſe things to heart; there was never more need of a reformation in this kind than now, though in ſome things it may be attributed to Gods puniſhment upon us by unſeaſonable weather in the laſt and ſome former years, yet without doubt the greateſt part of it cometh from the malice and hard-heartedneſs of men, from Ingroſſers and foreſtallers; that do it to keep up the Markets for their own advantage. There can none ſo well give remedy to this as you the Juſtices of Aſſize, and the Juſtices of Peace ſhould take care of this for their own Commodity and Benefit, methinks that ſhould prevail with them, though it were not for the publick good. The Major that hath the Clerkſhip of the Market ought to ſeek this reformation, he hath it by Charter, but a great many of the Deputies under them take more care for their Fees, than to look to the duty of their Places, therefore it behoves you the Juſtices of Aſſize to take ſome pains to reform theſe abuſes.

One thing more I am to inſiſt upon, you have formerly received admonition from the King and Council Board, that care be taken that equal

Rates throughout all your Circuits be made on the Kings Subjects; This is a thing worthy of his Majeſties care and your endeavour, it is a heavy thing that in caſes of publick Services, that thoſe that are rich ſhould put off all from themſelves, and lay it upon the poor and friendleſs, that is the general caſe, whether for the levying of men, providing of Munition, *&c.* generally I find the Landlord finds a way to eaſe his own Demeaſn, and lays the Burden upon his Tenant, and the rich man upon his poor Neighbours; I know well you have given this in charge to the Juſtices of Peace in your Circuits; But for all I ſee, it is followed ſo ſlowly in the Country, as if it were a thing not fit the undertaking, and ſo it vaniſheth, but his Majeſty will not be ſo ſatisfied, for every day at Council-Board Petitions come and complain of their great grievances in being ſo unequally taxed. And therefore his Majeſty doth require, that I ſhould declare in this place, and command in his Majeſties name, that you proceed heartily and quickly in this ſervice, that his Majeſty may receive a ſpeedy account of it.

I might ſpeak many things more, but I know to whom I ſpeak, you know them before I ſpeak them. Therefore for all other things that ſhall fall out to be examinable, or enquirable in your Circuits, as his Majeſty leaveth them, ſo do I, to your Wiſdoms and Judgments; and I do heartily pray, that both his Majeſty may receive honour, and his People a comfort, by the performance of your ſervice.

The Argument of Mr. Juſtice Hutton.

28. Aprilis Anno 14. *Car. Regis Anno Dom.* 1638.

A *Scire Facias* brought by the Kings Majeſty in the *Exchequer* againſt *John Hampden*.

Bucks ſſ.

The Caſe upon the Pleading appears to be this.

THe Kings Majeſty, by his Writ under the Great Seal of *England*, bearing date the fourth day of *Auguſt*, in the Eleventh year of his Reign, directed to the Sheriff of the County of *Bucks*, and to the Bailiff and Burgeſſes of the Borough and Pariſh of *Buckingham*, and to the Mayors of divers particular Towns in the ſaid County of *Buckingham*; and to all honeſt men in the ſame, and in all the Towns, Villages, and places in the ſaid County, ſendeth greeting: Reciting, that where he is given to underſtand, that certain Robbers, Pirates, and Spoilers by Sea, as well enemies to the name of Chriſtians, as Mahometans, and others being aſſembled together, not only to take and ſpoil our Ships, and the Goods and Merchandizes; but alſo the Goods and Merchandizes of the Subjects of our friends upon the Sea (and which had of old been uſed to be defended) at their pleaſures, and to take and carry the men in thoſe Ships into moſt miſerable Captivity, and there keep them.

And the King doth ſee that they daily provide Ships to vex our Merchants, and grieve our Kingdom, unleſs ſpeedy remedy be provided therein: And conſidering the perils which in theſe times of War are every where imminent.

The King for the defence of the Sea, the ſecurity of his Subjects, the ſafe conduct of the Ships, and Merchandizes, being willing (by Gods aſſiſtance) to provide, the rather for that he and his Progenitors, Kings of *England*, have been Lords of the Sea.

And where this charge of publick defence which concerneth all, ought to be ſupported by all, as by the Laws and Cuſtomes of this Realm of *England* it had been done.

Therefore the King by his Writ commanded, that a Ship of War of the burthen of Four hundred and fifty Tuns, fitted and furniſhed with all things neceſſary for War, and one hundred and eighty men able and ſufficient Victualled, and this to be done before the firſt of *March*: And then at that time to come, ſo prepared, furniſhed, and victualled, for the ſpace of twenty ſix Weeks then next following, and with Wages for ſo many Men of War for that time, to *Portſmouth*, into the company of ſuch other Ships of our Subjects, and our own as ſhall be there, under the government of ſuch a man, to whom before that day we ſhall commit the cuſtody of the Seas; and to go from thence with the King's Ships, and the Ships of other our faithful Subjects, for the defence of the Sea, and the repulſing and overcoming of any whatſoever, which ſhall moleſt and hinder the coming in, or going out of our Merchants, or others upon the Seas.

A power is given by the Writ to the Sheriff, and to the Mayors, and any two of them for Corporate Towns, whereof the Sheriff to be one, to aſſeſs what Sums the Mayors and Corporations ſhall pay towards this charge; if they do not, then to be done by the Sheriff alone.

A general power to the Sheriff, to aſſeſs all the Inhabitants of all other Towns, Villages, Hamlets, and places, and the Ter-tenants, other than ſuch as ſhall have a part of the ſaid Ship, or ſhall ſerve in the ſaid Ship, to contribute towards the neceſſary expence for the proviſion of the premiſſes, upon every man according to his Eſtate and faculty: And ſuch portions ſo to be aſſeſſed upon them, to levy by diſtreſs, or other due means.

A Power to name Collectors.

And a Power to commit to Priſon all ſuch as the Sheriff ſhall find rebellious, or contradicting the premiſſes; there to remain until the Kings Majeſty ſhall think fit to give order for their enlargement.

This Writ is dated *Martii Anno* 12 *Car.*

And by vertue of this Writ, Sir *Peter Temple*, then Sheriff of the ſaid County, did aſſeſs upon the Defendant twenty ſhillings, towards this charge, which was after allowed by the ſucceeding Sheriff, Sir *Henry Proby*, and the Defendant was required to pay it, but refuſed.

And then by a *Certiorari* out of the Chancery directed to thoſe Sheriffs, which had been Sheriffs betwixt the fourth day of *Auguſt*, in the Eleventh year, and the firſt of *March* then following, to certifie what Sum of money had been aſſeſſed upon the Defendant for contribution.

They certified the ſaid Sum of twenty Shillings.

The Writ of *Mittimus* bears date the 5. of *May, Anno* 13 *Car. Regis*

Then by a Writ of *Mittimus*, out of the Chancery, bearing date the fifth day of *May*, in the thirteenth year of the Kings Majeſties Reign, the Writ of 4. *Auguſti Anno undecimo Car.* And the Schedule returned into the Chancery, whereby the Defendant was ſo aſſeſſed, are ſent into the Exchequer, to proceed againſt the Defendant, for the levying of the Sum of Twenty Shillings, which he hath not paid, and proceed there to do that which of right, and according to the cuſtom, ought to be done for the levying thereof.

In this Writ of *Mittimus* it is contained, that the Writ bearing date the fourth of *Auguſt*, *Anno* 11. *Car.* was granted for the defence of the Realm, the ſafeguard of the Sea, the ſecurity of the Subjects, and for that the ſafety of the Kingdom was in danger.

But theſe cauſes are not expreſſed in the Writ, but other particular cauſes.

And upon the tenours of theſe Writs, depending in the Chancery, thus ſent into the Exchequer; this Writ (of *Scire fac'.*) is awarded, bearing date the twentieth day of *May*, in the thirteenth year of the King's Majeſties Reign, againſt the ſaid *John Hampden*, to ſhew what he hath to ſay for himſelf, why the ſaid Sum ſo aſſeſſed upon him and not paid, ought not by him to be ſatisfied, and to do further what that Court ſhould think fit to order.

To which Writ the Defendant appeared in *Trinity* Term, and prayed the ſight of the Writ of the fourth of *Auguſt*, and the *Certiorari*, and the *Mittimus*, and they are all entred (*in hæc verba.*)

Whereupon the Defendant did demur generally.

And Mr. Attorney General joyned in Demurrer, and the Record being read there and opened, the Court did adjourn it into the Exchequer Chamber, before any Argument there at the Bar.

The ſole Queſtion is, Whether this Scire Facias *doth lie or not.*

And I am of opinion that it doth not lie, but that Judgment ought to be given for the Defendant, both for the matter, and the manner of this proceeding.

And to the intent that whatſoever I ſhall ſay, may the better be underſtood; I will obſerve this order in my Argument.

Firſt, I will prove by ſeveral Acts of Parliaments, and by ſome Authorities in Books, and by ſome Reaſons, that the Kings Majeſty cannot at this day, impoſe any ſuch charge in general upon all his Subjects as this is, without their conſent in Parliament.

Secondly, I will give anſwer to ſuch Objections as have been made by the Kings Council, and by ſome of my Brothers againſt theſe Statutes, and to ſuch Caſes as they have applied to prove the contrary.

Thirdly, I will anſwer thoſe precedents, which have been inſiſted upon, to prove that the like charge hath been before impoſed by the Kings Progenitors, Kings of this Realm; And I will ſhew ſome precedents of more force to the contrary.

Fourthly, I will inſiſt upon the diſuſe of the attempt of impoſing any ſuch general charge, by this way, at any time ſince the beginning of the Raign of King *Henry* the Fourth, which is almoſt two hundred and fifty years ſince: And many other courſes and kinds of attempts, for levying of moneys: And this way not attempted till of late.

Fifthly, I will inſiſt upon the Writ of 4. *Auguſti Anno* 11. *Car.* That the matter therein compriſed doth not contain ſufficient Warrant, for the levying of ſuch contribution. And that the matter which is added in the *Mittimus*, cannot ſupply or make the Writ of 4. *Auguſti* ſufficient: And that the *Scire facias* it ſelf is inſufficient.

Laſtly, I will give ſome Anſwer to that which heretofore was objected by Mr. Solicitor: That the Judges had formerly by a ſubſcription to ſome Propoſitions, which they were required to anſwer, his Majeſty (as he conceived) reſolved this point already.

My Brother *Jones* hath been long, and I will obſerve my own method, and Anſwer him by my Argument; And I will contract that which I have to ſay, in as ſhort a manner as I can.

And for the firſt Point and Reaſon, which I do inſiſt upon, is, that this power to charge the people of this Realm at this day, by the King only, is taken away, bounded and limitted by divers Acts of Parliaments, to be done by conſent of the Subjects, and only in Parliament.

First, By the Statute of *Magna Charta* it is enacted that no Freeman ſhall be taken, or impriſoned, or diſſeiſed of his Freehold, or of his Liberties or Free Cuſtoms, or Outlawed, or Exiled, not by any means deſtroyed; neither will we come upon him, or ſend him to Priſon, but by lawful judgment of his Peers, or by the Law of the Land.

Anno 9. Hen.3. Magna Charta cap. 29.

This Statute, as appears by the *Inſpeximus* of King *Edward* the Firſt, Son of King *Henry* the Third, was made of the free good will of the King, for the good of the Church, and for the Amendments of the Kingdom.

See the Laſt Chapter of *Magna Chart.* cap. 38.

And if you look upon the laſt Chapter of *Magna Charta, Cap.* 38. the King grants, that he and his heirs will, for what concerns him, well obſerve and keep the ſame in his Kingdom, and will that as well Clerks, as Lay-men ſhall obſerve the ſame: And this was not done for nought, for the Clergy and Communalty, did give to the King for theſe Liberties, the fiſteenth part *omnium mobilium*, as appears in the ſame Chapter.

And further in the ſaid Chapter it is contained, that the ſaid King, for him and his Heirs did grant, that neither he, nor his Heirs ſhould do any thing, nor procure to be done any thing whereby theſe Liberties thus granted might be infringed or diminiſhed: And that if any thing were done by any other to the contrary, it ſhould be void, and held of no force; See the Statute.

Statute of 25 *Edw.* 1.

And then King *Edward* the Firſt his Son, in the five and twentieth year of his Raign, the very firſt Chapter of that Parliament, confirmed the Charter of *Magna Charta*, for the honour of God, and of the Holy Church, and profit of that Realm, with Writs to all Juſtices, Sheriffs, and others, that they cauſe the ſaid Charter of Liberties to be publiſhed: And to declare to the People, that we have confirmed them in all points; And that Our Juſtices, Sheriffs, and other Miniſters, which under us have the Laws of our Land to guide, ſhall allow the ſame. That is, to wit, the great Charter, as the Common Law, and the Charter of the Foreſt, for the wealth of our Realm.

And where my Brother *Berkley* did ſay in his Argument, that the words of the Statute of *Magna Charta* were, *quod habeant libertates ſuas*, but that there were no particular liberties: To that the Anſwer is eaſie, for it is in the Preamble, and the firſt Chapter, *Habeant libertates ſubſcriptas tenendas in Regno noſtro Angliæ tenend. eis & hæredibus ſuis, imperpetuum.* And it cannot be denied but that the Clauſes of the Writ of 4. *Auguſti*, which gives not only power to deſtrain, but if any be rebellious or contrariant to the premiſſes, to commit them to Priſon, there to remain until the Kings Majeſty ſhall for their deliverance think fit to order other ways, are directly contrary to the expreſs Letter of this Statute of *Magna Charta*, and ſo conſequently againſt the Law of the Land: For this Statute is made by the ſaid Statute of the five and twentieth of King *Edward* the Firſt, the Law of this Land.

This Statute of *Magna Charta* hath been ever ſince, and now is put in uſe for the great priviledge of the trial of the Peers of this Realm for Treaſon or Felony; For there [*Peers*,] is grounded upon the words of this Statute (*viz.*) *Per legale judicium Parium ſuorum*, as you may ſee in *Stamford* in his Book of the Pleas of the Crown, *fol.* 152.

Stamford, fol. 152.
25 *Edward* 1. cap. 5.

Then by the ſtatute of 25 *Edw.* I. *cap.* 5. It is Enacted, “And foraſmuch as divers people of our Realm are in fear, that the Aids and Taxes, that they have given to us before-time towards our Wars, and other buſiueſs, of their own grant and good will, howſoever they were made, might turn to a Bondage to them and their Heirs, becauſe they might be at any other time found in the Rolls: And likewiſe the prizes taken by our Miniſters through the Realm, we have granted for us and our Heirs, that we ſhall not draw any ſuch Aids, Taxes, or Prizes, into a Cuſtom for any thing that hath been done before, be it by Roll, or any other Precedent that may be found.

The Statute of 25. *Edw.* I. cap. 6.

And in the ſame Parliament, in the ſixth Chapter it is thus: "We have granted for us and our Heirs as well to Archbiſhops, Biſhops, Abbots, Priors, and other Folk of holy Church, as alſo to Earls, Barons, and to all other the Communalty of the Land, That for no buſineſs from henceforth, we ſhall take ſuch manner of Aids, Taxes, or Prizes but by the common conſent of the Realm, and for the common profit thereof: Saving the ancient Aids or prizes due and accuſtomed.

Obſerve the words in this Statute, that for no buſineſs he ſhall take any manner of Aids, Taxes, or Prizes, but by the common conſent of the Realm.

The Words of this Statute are ſo plain (for no buſineſs,) as they include all, and admit any expoſition.

34 *Edward* 1. cap. 1.

Then in 34 *Edw.* I. *cap.* 1. It is enacted, "No tallage nor aid ſhall be taken or levied by us or our Heirs in our Realm, without the good will and aſſent of Archbiſhops, Biſhops, Earls, Barons, Knights, Burgeſſes, and other Freemen of the Land.

14 *Edward* 3. cap. 1.

Then by a Statute made the fourteenth year of King *Edward* the Third, It is in this manner; "That whereas the Prelates, Earls, Barons, and Commons of our Realm of *England* in our Parliament holden at *Weſtminſter* upon *Wedneſday* in Mid-lent, in the fourteenth year of our Reign over *England*, and the firſt over *France*, have granted to us of their free and good will in aid of the ſpeed of our great buſineſs which we have to do, as well on this ſide the Sea, as beyond, the Ninth Sheaf, the Ninth Fleece, and the Ninth Lamb, to be taken by two years next coming after the making of the ſame; And the Citizens and Burgeſſes, of Cities and Burroughs, the very ninth part of all their goods; and the Foraign Merchants and others which live not of grain, nor of flock of Sheep, the fifteenth part of their goods to the value. We willing to provide for the indempnity of the ſaid Prelates, Earls, and other of the Commonalty, and alſo of the Citizens, Burgeſſes, and Merchants aforeſaid, will and grant for us, and our heirs to the ſame Prelates, Earls, Barons, and Commons, Citizens, Burgeſſes, and Merchants, that the ſaid Grant which is ſo chargeable, ſhall not another time be had forth in example, nor fall to their prejudice in time to come, nor that they be from henceforth charged nor grieved to make any aid, or to ſuſtain the charge, if it be not by common conſent of the Prelates, Earls, Barons, and other great men, and Commons of our ſaid Realm of *England*; and that in Parliament.

25 *Edward* 3. cap. 8.

Then by the Statute made in the five and twentieth year of King *Edward* the Third, *cap.* 8. it is enacted, That no man ſhall be compelled to find men of Arms, Halberts, or Archers, other than ſuch as hold by ſuch ſervices, if it be not by common conſent and grant in Parliament, for that is againſt the common right of the Realm. Which laſt words, [for that is againſt the common right of the Realm] are in the Parliament Roll, but left out of the Printed Books of the Statutes.

Confirmed by an Act of Parliament in 4 *Hen.* 4.

And this Act of Parliament is recited by an Act of Parliament made in the fourth year of the Reign of King *Henry* the fourth, the thirteenth Chapter, and enacted and obſerved in all things.

1 *Richard* 3. cap. 2.

Then in the firſt year of King *Richard* the Third, and in the Second Chapter it is recited, That the Commons of this Realm, by new and unlawful inventions have been put to importune charge, eſpecially by a new impoſition, called, A Benevolence; It is enacted, that the Subjects and Communalty of this Realm, from henceforth in no wiſe be charged by any ſuch charge or impoſition, called a Benevolence, nor by any other ſuch charge.

Then comes the Act of Parliament, made in the third year of the Kings Majeſties own Reign, called the Petition of Right, whereby the Statute made in the time of King *Edward* the Firſt, commonly called the Statute, *De tallagio non concedendo*, is mentioned, and many particular incroachments recited to be made upon the Liberties of the Subject; And many particulars being recited, it is required to be enacted, that no Loan of money againſt the will and good liking of the Subjects, Billetting of Souldiers, and Mariners in mens houſes, there to ſojourn againſt their Wills, Commiſſions of Martial Laws in time of peace. They do therefore humbly pray you, that no man be hereafter compelled to yield or make any Gift, Loan, Benevolence, Tax, or ſuch like charge, without common conſent by Act of Parliament, whereunto his Majeſty conſented with this Subſcription. *Soit Droit fait come eſt Deſire.*

And theſe are the Statutes whereupon I relie, that this charge cannot be laid upon the Subject by this Writ only without the aid of ſome Act of Parliament.

Now for Authorities of Book Caſes, and other Authorities concurring herewith.

13 *Hen*.4. fol. 14, 15, 16.

Firſt, By the Caſe of 13 *Hen*. IV. *fol.* 14, 15, and 16. which were long debated, It appears that the King had granted an Office, for the meaſuring of Cloth in *London*, and a power to take ſo much for his labour.

There was a Writ under the Great Seal directed to the Mayor of *London*, commanding him to put the Patentee in poſſeſſion; and the Patentee had put it into practice, and divers had paid money to the Patentee: And yet after upon a return, that there was no ſuch Office, it is adjudged a good return; And it is there agreed, That the King cannot by his Patent create or erect a new Office, in charge of his people, without the ſpecial aſſent of the Commons: And the King cannot grant to any, that that he ſhall take of every Carriage that ſhall come over ſuch a Bridge ſuch a Sum; And it is ſaid there in the Sixteenth Leaf, that a common charge, though it ſound to the profit of the people, cannot be granted out of Parliament: And this in my opinion is a ſtrong caſe in the point.

37 *Hen*. 8. *Broke* Pattents Pla. 100.
14 *Hen*. 4. f. 9.
37 *Hen*. 6. f. 27.
8 *Hen*. 6. f. 19.
concurring.
Forteſcue in his Book *de Laude Legum Angliæ*, fol. 25. cap. 9.
He was made Lord Chief Juſtice of the Kings Bench, *An*. 19. *Hen*. 6. and made Chancellour of *England* as is ſaid in the Book.

Then ſee 37 *Hen*. VIII. *Broke* in Patents, *Placito* 100. The Kings Majeſty may erect Markets and Fairs with Tolls incident: For that concerns only ſuch as will buy: But the King cannot grant Toll *Travert*, nor a thorow Toll, nor alter or change Laws or Cuſtoms of the Realm, nor make Land deviſeable or Gavel-kind or Borough Engliſh, or change Gavel-kind or Borough Engliſh to be deſcendable to the Heir; which is ſo agreed in divers Books.

Then in the Book of *Forteſcue*, of his commendation of the Laws of *England*; It is thus written in the Ninth Chapter, the five and twentieth Leaf, The King of *England* cannot alter or change the Laws of his Realm at his pleaſure; For why, he governeth his People by Power, not only Royal, but alſo Politick: If his power over them were only Royal, then he might change the Laws of his Realm, and charge his

Subjects with Tallage and other burthens without their conſent; And ſuch is the Dominion which the Civil Law purports, when they ſay, that the Will of a Prince hath the force of a Law: But from this much differeth the Power of a King, whoſe Government over his people is Politick; For he can neither change Laws without the conſent of his Subjects, nor yet charge them with ſtrange impoſitions againſt their wills. Rejoyce therefore, O Soveraign Prince, and be glad that the Laws of your Realm, wherein you ſhall ſucceed, are ſuch; For it ſhall exhibit to you and your People no ſmall ſecurity,and comfort.

The ſame Author, cap.36. fol.84.

And the ſame Author, *fol.* 84. *cap.* 36. ſaith thus; That the King by his Officers (though the Owners would ſay nay) may take neceſſaries for his houſe at a reaſonable price to be aſſeſſed by the Conſtable; Nevertheleſs he is bound by the Law to pay therefore, either preſently, or at a day to be limited by the higher Officers of the houſe: For by the Laws he may take away none of his Subjects goods, without due ſatiſfaction for the ſame; neither doth the King there either by himſelf, or his Servants and Officers, levy upon his Subjects Tallages, Subſidies, or any other burthens, or alter their Laws, or make new Laws, without the expreſs conſent and agreement of his whole Realm in his Parliament.

And thus I have done with the Poſitive part of my Argument, and will indeavour to be ſhorter in the reſt.

The Second Part.

NOw in the ſecond place I will give an Anſwer to all ſuch Objections that have been made by the Councel of the King at the Bar; and by ſome of my Brothers in their Arguments againſt theſe Statutes.

Object. 1.

Reſp. 1.

Firſt, it hath been Objected, that the Statute *de Tallagio non concedendo* was not a Statute. And this was inſiſted upon by Mr. Solicitor, and not without many probabilities of the Kings not then being in *England*, and many other things by him alleaged; Yet becauſe it hath been agreed by all that have argued ſince, that it was and is an Act of Parliament, and is ſo recited in the Petition of Right, I will ſay no more to that; But thereby, and by his inſiſting ſo much upon that to be no Statute, I do conceive that he underſtood that Statute to be, (as indeed it is) a forcible Statute againſt this impoſition of a charge by Writ, without the conſent of the Parliament.

Object. 2. The ſecond Objection was; That the words, Aids, Tax, and Tallages, do not extend to this proviſion of Ships of War, and men for defence, and that there is no exception of the aids which are due to the Kings Majeſty, for making his Eldeſt Son Knight, nor aids for Marriage, nor other aids by Tenures.

Reſp. 2. The Anſwer is eaſie: For the words of the Statute of the fourteenth year of King *Edward* the Third, are, That they ſhall not from henceforth be charged or grieved, to make any aid, or to ſuſtain any charge.

Theſe are words ſo general, that all is comprehended which charges all; And for the aids of making the Eldeſt Son Knight, and the other aids, they are not general to charge all, but particular, ſuch as are charged by Tenure, and need no Exception,

And yet in the Statute of 25 *Edward* III. *cap*.8. there is an exception (of other than thoſe which hold by ſuch Tenure) which Exception was needleſs, becauſe no charge of any in particular is within any of the Acts of Parliament; but ſuch as are general, and extend to charge all the Subjects of the Realm, as this doth.

Object. 3. There hath been another Objection made againſt the Statute of 14 *Ed*.III. that it ſhould be but temporary, for the time of the continuance of thoſe Wars; And my Brother *Berkley* did except to this Statute, becauſe it is not mentioned in the Petition of Right.

Reſp. 3. To this there needs no other Anſwer, than the Statute it ſelf, firſt the Preamble, and then the body of the Act, (*viz.*) That from henceforth they ſhall not be compelled to make any aid, or ſuſtain any charge but by the common conſent of the Prelates, Earls, Barons, Great men, and Commons of our Realm of *England*, and that in Parliament; This is an abſolute Statute.

It is true, that the latter Clauſe whereby the King was pleaſed, that the profits to be made of his Wards, Marriages, Eſcheats, and other profits ſhould be diſpoſed of for the maintenance of the Realm of *England* and of his Wars in *Scotland*, *France*, and *Gaſcoyn*, and elſewhere, during the ſaid Wars, This was a matter of the Kings Bounty and Grace, and was to continue no longer; And to ſay, that becauſe it was not particularly mentioned amongſt other in the Petition of Right, therefore it ſhould be of no force, doth not ſtand with any reaſon to impeach the Statute, nor many others that are not there enumerated.

Object. 4. The laſt and greateſt Objection that hath been made, firſt by my Brother *Crawley*, and after by others, and inſiſted upon by my Brother *Jones*, is, That this is a Prerogative, or Power Royal, ſo incident to the Kings Majeſty, that it cannot be taken away by any Act of Parliament; And it was ſaid, it is *proprium quarto modo:* And in proof thereof it was affirmed, that when there was in the beginning of King *James* his Reign a purpoſe to have taken away all Tenures by an Act of Parliament, and to have ſhut up the Court of Wards; I1 was reſolved by the Judges, that ſuch a Statute had been void.

Reſp. 4. Firſt, I do agree, that there are many things ſo incident in power to a King, as are not in the power of any Parliament to take away, as appears by the Caſe of 1 *Hen*. VII. of the diſpoſing of the right of the Kingdom, power of making War and Leagues, the power of the Coin, and the value of Coines, and many other Monarchical Powers and Prerogatives which to be taken away, were againſt natural reaſon, and are incidents ſo inſeparable, that they cannot be taken away by Parliament.

And yet I will ſhew you, and prove, that Acts of Parliament have bounded, limited, and qualified the Kings ancient and inherent Prerogatives of like nature, and of as great importance as this is.

Ploy.fol. 332. The Caſe of Mines.

It is ſaid of *Ploydon*, in the caſe of Mines, *fol*. 332. That every Prerogative that the King hath, contains in it ſelf a matter of Preſcription, and as it is there ſaid, That before the Statute of 2 *Edw*. III. *cap*. 12. if one held his Land by Knights Service of the King *in Capite*, and had aliened that Land in fee, without the Kings Licence, the Land was forfeited to the King; And the King ſhould have had the Land to him and his Succeſſors for exer; The King willeth and granteth, that the King ſhall not hold them as forfeit: But ſhall take a reaſonable Fine, to be aſſeſſed in the Chancery by due Proceſs.

And in the ſame Book, *fol.* 322. The Kings Majeſty might by Prerogative have taken Woods in any mans Wood, for the repair of his Caſtles: But by the Statute of *Magna Charta*, *cap.* 21. he is excluded of that, the words are [Neither We, nor our Bayliff, nor any other for us] ſhall take Wood of any other mans, to repair our Caſtles, nor to do any other thing with them, but by good will of him whoſe Wood it is.

Fol.322.

And by the Statute of 25 *Edward* III. *cap.* 1. It is enacted that from thenceforth, neither he, nor any of his Heirs, ſhall take title to preſent to any Benifice of the right of another, of any time of his Predeceſſors.

25 *Edw.* 3. cap. 1.
11 *Hen.* 4. fol. 7, 8.

And the King brought a *Quare Impedit*, and made title to an avoidance in the time of King *Edward* the Firſt, Son of King *Henry* the Third; And the Defendant pleaded this Statute, and upon debate and Argument, although it was alleaged, that this Statute had not been put in uſe, It was adjudged, that being a Statute in force, it might be put in uſe: And ſo it was judged againſt the King.

And this is a ſtrong proof, that in one of the moſt ancient Prerogatives incident to the King of *Nullum tempus occurrat Regi*, which is grounded upon many Reaſons, yet by an Act of Parliament this Prerogative was taken away.

See the Statute of 7 *Hen.* VIII. *cap.* 3. The Informer is limited to begin his Suit within a year, and the King within two years, and not after, hereby the Kings Prerogative of *Nullum tempus* is taken away, and limited to two years.

The Statute 7 *Hen.* 8. cap.3.

The Statute of 21 *Jac. cap.* 2. whereby our late King *James*, of famous memory, was content to exclude himſelf to make any title to Lands, whereof he hath not been in poſſeſſion, or which have not lawfully been put in charge within ſixty years: But enacted, that ſuch perſons as do hold thoſe Lands, ſhall hold them ſtill without trouble: And that Patent of concealment, or defective title, ſhall not be a putting in charge, or ſtanding in *ſuper* within that Statute.

21 *Jac.* cap.2.

I might be infinite in this, but I will conclude with the Statute of 21 *Jac. cap.* 14. That where the Kings Majeſty by his Royal Prerogative, may inforce the Subject in informations of intruſions, to plead eſpecially, and to ſhew his title, or to loſe the poſſeſſion, The Kings Majeſty out of his gracious diſpoſition towards his loving Subjects, and at their humble ſuit (being willing to remit a part of his Ancient Regal Power) is well pleaſed that it be enacted, and be it enacted, That where the Kings Majeſty hath been, or ſhall be out of poſſeſſion, for the ſpace of twenty years, or ſhall not have taken the profits of any Lands, or Tenements, within the ſpace of twenty years; That in ſuch caſe the Defendant may plead the general Iſſue, if they think fit, and ſhall not be preſſed to plead ſpecially; and ſhall retain the poſſeſſion, till the title be tried and found for the King. And that no *Scire facias* ſhall be brought to put the party to a ſpecial pleading, where an information may be fitly brought.

21 *Jac.* cap.14.

By theſe, and many other of the like nature, it muſt be agreed, that ancient, Regal, and inſeparable Prerogatives, and Powers, may be, and have been qualified, bounded, and limited for the eaſe and benefit of the Subjects.

And give me leave to ſay this of Parliaments, that they have been eſteemed by the wiſdom of former times, to be ſo neceſſary, as there were Acts of Parliament heretofore made in the time of King *Edward* the Third; which

36 *Edward* 3. cap.10.

which you may ſee *Anno 36 Edw.3.cap.*10. That for the maintainance of Articles and Statutes, and for the redreſs of divers miſchiefs and grievances which daily happen, it was Enacted that a Parliament ſhould be holden every Year.

Bracton. fol.1.

Another reaſon is, that they have been eſteemed neceſſary for determining of difficult matters: And therefore *Bracton*, who wrote in the time of King *Henry* the third, fol.1. *Leges Anglicanæ & conſuetudines approbatæ conſenſu utentium, & ſacramento Regis confirmatæ; mutari non potuerunt nec deſtrui ſine conſenſu & conſilio eorum, quorum conſenſu & conſilio fuerunt promulgatæ: ſin autem aliqua nova & inconſueta emerſerint, quæ prius uſitata cum fuerunt in Regno, & obſcurum ſit eorum judicium, tunc ponentur judicia in reſpectu uſque ad magnam Curiam, ubi per conſenſum Curiæ terminentur.*

The Statute of *Wincheſter* 13 *Edw.*1. lib. 2.*Edw.*3.fol.7.

See to this purpoſe an excellent Caſe in 2 *Edw.*3. *fol.* 7. upon the Statute of *Wincheſter*, where a Robbery was done, and a Recovery againſt the Hundred next adjoining, and a Levy made of the Biſhop of *Coventries* Tenements, of the Hundred in *Staffordſhire*. The Biſhop came into Court and pleaded a Charter of Exemption made by King *Richard* the Firſt: And for the difficulty upon the Charters, and upon the Expoſition of the words of the Statute, there came a Writ to remove the Record into the Parliament, *Quindecim Paſch.* and the Sheriff was appointed to attend there with the money levied.

Vid. le Regiſt. fol.274.

See the Regiſter, where it appears that certain Meſſengers had from the Pope ſerved Proceſs upon an Officer of the Court of Chancery, then held at *York*, to command him by thoſe Bulls to appear at *Rome*: And for this Contempt, the Party who ſerved the ſaid Proceſs, was committed to the Caſtle of *York*: And at length the Kings Majeſty by the intreaty of divers of the Great Men of the Realm, was content, upon taking Bond, that he ſhould anſwer the ſaid Contempt, *ad proximum Parliamentum, ubicunque illud ſummoniri contigeri*, to deliver him out of Priſon.

The Statute of *Wincheſter* 2. cap.28.

Then the Statute of *Wincheſter* 2. the 28. chap. of *Concordent Clerici in Cancell. de novo Brevi, vel attendent in proximum Parliamentum.*

The further neceſſity and eſtimation which have been taken to be of Parliaments, is the number and frequency of them. For you may ſee by the Commentaries upon *Littleton, fol.*100. that before the Conqueſt, and in the Conquerors time, and after, till the end of King *Henry* the Third's time, there were Two hundred Eighty Seſſions of Parliament; and ſince almoſt Two hundred.

Doctor and Student, fol. 12.

Another Reaſon, as I conceive, to be collected out of the Oath, which the Kings of this Realm take at their Coronation, which is printed in *Magna Charta*, whereby the King agrees to give conſent to ſuch Laws, as ſhall be propounded for the profit and good of the Kingdom.

And that, I conceive, is the cauſe, that when Bills come up, being agreed by both the Houſes, the Kings Majeſty, to thoſe he doth not allow, or not like of, doth make no direct denial, but *Le Roy de aviſera.* For nothing can be done without the Kings conſent, who hath ſole power to Call, to Prorogue, and to Diſſolve Parliaments at his pleaſure. And I know not whether the laſt meeting in Parliament, either by ill choice of the Members of that Houſe, or by the great increaſe of the number, or by the ambitious humours of ſome Members of that Houſe, who aimed more at their own Ends and Deſigns, than the general Good of the Commonwealth; things were ſo carried, not as was uſed in ancient time, but ſo diſaſtrouſly, that it hath wrought ſuch a diſtaſte of this Courſe of Parliaments, as we, and all that truly love the Commonwealth, have juſt cauſe to be ſorry for it.

The Third Part.

NOw I come to my third Head, that is, to give Anſwer to ſuch Precedents as have been ſhewed and inſiſted upon, to prove that the Kings of this Realm have made ſuch Impoſitions, even in the matter of Shipping.

The firſt Precedent.

And herein firſt they have inſiſted upon a Tribute, or Impoſition, called *Dane-gelt*, which was begun in *Etheldreds* time, which, as it was ſaid, was double, *ad placandos Danos, vel ad coercendum Danos*, which was very grievance and of long continuance: For as it was ſaid by my Brother *Crook*, it was firſt Ten Thouſand pounds yearly, then increaſed to Sixteen Thouſand, then to Twenty four Thouſand, then to Thirty ſix Thouſand yearly. And from Twelve pence for every hide of Land, to Twelve Shillings for every hide of Land.

This Tribute continued after the *Danes*, for in the time of the *Normans* it became to be called a Tallage, or Tax, King *Henry* the Firſt granted to the Citizens of *London* to be quit and free from *Dane-gelt*. And the ſame King about the 30. year of his Reign, in redemption of his Sin did grant that *Danicum Tributum* ſhould be totally releaſed for ſeven years, as it appears in Sir *Henry Spelmans* Book intituled *Gloſſarium*, *fol.*200. Spelm. fol. 200.

*Reſp.*1.

To this I give this Anſwer, That by the Statute of 34 *Edw.*1. *De Tallagio non concedendo* but by Parliament, this was taken away: And thereupon enſued a ſtrong Argument, that if ſuch a thing as the *Dane-gelt*, which had ſo long continued, were not taken away by theſe Acts of Parliament, it might have been put in uſe: For no man will maintain that this Tribute of *Dane-gelt* can now be impoſed at this day by the Kings Writ under the Great Seal, which it might be, if theſe Statutes had not taken it away.

34 *Edw.*1. c.8.

And for this purpoſe, in the Statutes made 34 *Edw.*1. *cap.*8. the King grants to Clerks and Laymen, that they ſhall have their Laws, Liberties, and Free Cuſtome, as they have uſed the ſame at any time when they had them beſt: And if any Statutes have been made, or any Cuſtoms brought in by Us, or Our Anceſtors to the contrary, that they ſhall be void and fruſtrate for evermore.

And concerning the generality of Precedents, which have been made uſe of on the one ſide, and on the other, out of *Membrana's* Patents and Commiſſions, and Anſwers to Petitions in the Rolls of Parliament (10 Petitions.) I am very ſorry that ſuch obſolete and ancient things have been mentioned; many of which in my judgment, had been better to have ſlept in ſilence, than to have been ſpoken of in theſe times.

But herein is a ſtrong command, and as great neceſſity; And yet there was a Clauſe in theſe Commiſſions, *viz. Et veſtrum quod ad illud poſueritis, cum illud ſciverimus in exitibus ballivat allocari fatiemus*.

2 *H.*4. num.22.

And in 2 *Hen.*4. Parliament recites, That where divers Commiſſions were made to divers Cities, Boroughs, and Towns, to command the making of certain Barges and Billingers, without the aſſent of Parliament, and in another manner than had been done before: The Commons did pray the King that the ſaid Commiſſions might be repealed, and that they ſhould be of no force, or effect. And the King anſwered, that the ſaid Commiſſions ſhould be repealed for ever.

But for the great neceſſity of ſuch Veſſels for the defence of the Realm, in caſe that the Wars do come, the King will commune of this matter with the Lords, and after he will ſhew it to the Commons to have their conſent.

And ſo I leave theſe Precedents, which together with ſome other Objections, have been fully anſwered by my Brother *Croke*, and proceed to my farther point.

The Fourth Part.

THat is, That ſince the time of *R*.2. and *H*.4. there hath been no ſuch thing attempted, and that this diſuſe is a ſufficient matter to prove the unlawfulneſs. For ſince that time, though there have been in the Reigns of many Kings, occaſion of employments both of Ships for the defence of the Sea, and ſervice of the Land, yet the courſe and order of defence hath been by ſeveral other ways: as by Commiſſions to provide Men to ſerve for Wages, and by Indentures of Covenants, which were very frequent to be made between the Captain and the King, that he ſhould Covenant to ſerve with ſo many Men, for ſuch particular times, and for ſuch Wages, as were compriſed therein, and the Precedents of Modern Times, have been this way all for Wages.

This is proved by an Indenture made in 15 *Ed*.4. and Sir *W. Pirton* Kt. reciting that the King had diſpoſed of an Army of 4000 men for the Narrow Seas, and the keeping of them; and that he ſhould have conſtantly 460 men under him, for four Moneths, the Kings Majeſty was to find the Ships furniſhed with Guns, Powder, Artillery, and Victual, and that the ſaid *W. Pirton* ſhould take Wages for every of his Company, *viz*. two ſhillings a Week, and the times appointed for the payment thereof.

And 28 *H*.8. it appears by a Letter under the Privy Signet then, when by command Men were raiſed in the County of *Lancaſter*, and by command coming towards the County of *Lincoln* to aid the ſuppreſſion of Rebels, the Rebels having ſubmitted before they came, they were comanded to return, and for their charges in their entertainment, and conveying of them, a reaſonable Bill ſhould be made, and ſent to the King by a truſty Meſſenger, and he would cauſe a convenient recompenſe to be delivered accordingly.

And for that which hath been inſiſted upon, that there hath been Commiſſions of Array, and proviſion for Arms, and for preparing Armor from time to time, it is not to be denied, that firſt by ſeveral Statutes, as that of *Wincheſter*, and divers ſince, the Armor and Weapons, wherewith the Subjects of this Realm have been charged, are ſeveral, and changed according to the variety of times, as things have grown out of uſe, and other manner of proviſion more ſerviceable and neceſſary, for which there have been directions for Views, and for Training and Diſciplining of Souldiers to be prepared for defence. That this hath been in uſe no man can, or ever could deny, or affirm the contrary. And in all the Prerogatives which have been before by Mr. Attorny General urged that the King hath intereſt in mens Goods, and to execute his Writs by his Sheriffs upon mens perſons, and in their Lands, for giving Poſſeſſion, and for levying Amerciaments and Fines, and power to put ſome of his Subjects out of their Poſſeſſions, and to deliver the Poſſeſſion thereof to others; as it appears in *Ploydon* in *Mancells* Caſe, which was vouched by Mr. Attorney General.

This is very true, for this is a thing which the King is bound to do for the good of his Subjects.

For as it is agreed in 34 *H.6.fol.*14. The Kings Majeſty is bound to keep his Courts of Chancery, and all his other Courts, at his own charge. And 39 *H.6.fol.*40. The King is bound to do Law and Right to all his Subjects, which without theſe Powers and Prerogatives would not be performed.

Out of theſe and the like of Murage and Pontage, there can no ſound Argument be drawn to warrant the proviſion of Ships, and Men, and Furniture for War, when the King will ſo appoint.

But, I conceive, that it hath been generally agreed by all the Judges (*nullo contradicente*) that if this Writ of *Aug.*4. which is proviſion of a Ship and Furniture, and Men, had been to have authorized the Sheriffs to have levied monies of the Subjects for that purpoſe, that then the Writ could not have given power to have done it, becauſe that would have been expreſly againſt the Statutes; And if that be granted, then conſidering that theſe Writs to the Sheriffs, are accompanied with Inſtructions commanding and directing the Levying of Mony, and proportioning what Sum is to be raiſed in every County for that Service: As in the County of *York*, and in the County of the City of *York*, the ſum of 12000 *l.* and the ſum of 8000 *l.* for the County of *Lincoln*: and ſo a proportion of mony for every County for that purpoſe. The conſequence may be this, That this Levy which hath obtained the name of Ship-mony, and wherein no endeavour hath ever been made for preparing any ſuch Ship, or Furniture, or Men, as the Writ in it ſelf purports, is not purſued, or warranted by this General Levy of Shipmony. For it is a Rule, *Id quod non poteſt fieri directè, ex obliquo fieri non debet.*

I confeſs that divers of the Kings of this Realm, have upon ſome pretended occaſions, taken upon them by perſuaſion of ſome Great Men in their time, and aſſumed a Royal and Monarchical Power, to levy Monies by Commiſſions, and have extended that Power very far; whereof you may read, that in the 17. year of K. *H.* 8. C. *Woolſey* was charged to have been the cauſe of directing Commiſſions into all Countries for the levying of the 6. part of all mens Goods, and the 6. part of their Plate, for that the King was then determined to make War with *France*, and to paſs the Sea himſelf. This being attempted by enforcing ſome, and ſending others to Priſon, it grew to be ſo generally diſliked, that the People roſe up in divers Countries, and then the K. diſclaimed that it was done without his privity. The Card. charged it to be done firſt by the conſent of the Council; which they denied. Then he charges the Judges to be conſenting, which being untrue, the Card. took it to himſelf; and all the Commiſſions were recalled: you may ſee it at large ſet down in divers Chronicles. And in the latter time of our gracious Q. *El.* upon pretence of want for Expeditions in *Ireland*, there was a general Benevolence required, and it went on for a time, and ſo far as it came to be voluntarily levied in the Inns of Court. And I can ſpeak it of my own knowledge, I paid a ſum, I think but 20 *s.* and others paid likewiſe. But not long after (as it was ſaid) when the Q. was informed that this Benevolence was expreſly againſt the Statute of *R.* 3. and againſt the Laws, and diſtaſtful; all the monies levied was commanded to be reſtored, and repaid, and mine was, and the reſt was ſo to others, as I heard, and do verily believe: and this was attempted by ſo gracious a Queen.

17 *H.*8. Anno Dom. 1225.

The Attempt to have Benevolence for Q. *Eliz.*

And to ſpeak nothing of the Commiſſion dated the thirteenth day of *October*, in the ſecond Year of our gracious Soveraign Lord the Kings Majeſty, for the loan and levying of the five Subſidies which was effected, and acknowledged after not to be warranted by the Laws and Statutes: This point is apparent, that in time of neceſſities, theſe illegal or Monarchical powers have been aſſumed in the time of other Kings.

And hereupon I conclude theſe points, That the Statutes have taken away this power of charging the Subjects of this Realm with any general and publick Charge, Aid, or Tallages, or burthens for any buſineſs, but only by their conſent in Parliament, and no Uſage Precedent, or Cuſtom, if any ſuch have been, can by Law take away the force of theſe Acts of Parliament, ſo long as they ſtand in force.

And I do abſolutely believe, that if the Kings Majeſty had not been perſuaded by ſome opinions, that this courſe was warranted by Law and Cuſtom of the Realm, that he would not have attempted the ſame.

The Fifth Part.

NOw I proceed to the fifth Part; That the Matter which is contained in the Writ of *Auguſt* 4. *Anno* 11. *Car.* doth not contain ſufficient matter to warrant this Levy.

Firſt, The words of the Writ are not any affirmance directly of any danger, for they are but *Quia datum eſt nobis intelligi:* this is but of Information, and not *ex certa ſcientia*, which are of more force. The other words are but of Information or Suggeſtion.

Then for the matter, it contains onely theſe points, That there are many Pirats and Sea-Robbers congregated upon the Sea, to take away ſome of our Subjects into miſerable captivity, and to hinder our Merchants to bring in their Merchandizes and Goods, and the Goods and Merchandizes of the Subjects of our Friends coming and traffiquing hither, and ſpoiling of our Merchants: And for that the Sea hath been, and ought to be defended by *Gentem Anglicanam*, and they intending to trouble the Kingdom.

And we conſidering the danger every where now imminent, and deſiring the defence of the Realm, the ſafe-guard of the Sea, the ſecurity of our Subjects, the ſafe conducting of the Ships of our Merchants, and of their Merchandizes, to come into our Realm, and to go forth of the Realm, and willing to provide for their aid, do therefore direct this Writ.

Here is no matter of any publick danger to all the Subjects, no intended coming upon the Land, but to rob and ſpoil as Pirates by Sea, and Conſpirators to moleſt Merchants, to hinder Traffique, to take ſome Priſoners, as have been done heretofore, ſometimes by the *Dunkirkers*, and many times by the Pirats to *Argiers*.

All this is but ſuch a defence as doth require but the ordinary defence, to the which the Kings Majeſty is ſolely bound for to ſee performed, for the ordinary benefits that he hath of Cuſtoms, and Subſidies of Wines, and other profits, beſides the Tonnage and Poundage; and the Ships which are provided by the Cinque Ports, for which they have many Priviledges.

This matter contained in the Writ, by all the particulars doth not comprize any general aſſault or attempt to be made for taking of any Towns, as hath been before time.

Another reaſon to prove that the Writ hoth not contain ſufficient matter to induce a general charge (is to be collected.) That this being perceived, it is contained more amply, and laboured to be aided and ſupplied by the words put into the *Mittimus*, which are of more efficacy; For therein is contained, which is not in the Writ of 4. *Auguſti*: *Quod pro Defenſione Regni, & tuitione Maris*; And for that, *Salus Regni noſtri Angliæ & populi noſtri periclitabitur*: And the recital of [*Datum eſt nobis intelligi*] is omitted, but hereby affirmed poſitively.

And where my Brother *Berkley* inſiſted; that the matter contained in the *Mittimus* was ſufficient to ſupply the Writ of 4. *Auguſti*, if it were not ſo fully expreſſed as it ſhould have been.

Thereunto I make this Anſwer, *Quod in initio non valet, tractatu temporis non convaleſcet*: Beſides the date of the Writ of *Mittimus* of the fifth of *May*, *Anno* 13 *Car. Regis*, which is almoſt two years after the Writ of 4. *Auguſti* did iſſue; And this is a very late ſupply; And therefore that caſe was vouched by my Brother *Berkley*, which was *Dowmans* Caſe, *Anno* 25. & 26. *Eliz.* and reported by my Lord *Coke* in his Ninth Book, wherein it is adjudged that when a Fine or Recovery is ſuffered, and no uſes declared, That an Indenture ſubſequent declaring that the Fine or Recovery was to ſuch uſes, ſhall be ſufficient in Law to lead to the Uſes of thoſe proceeding Aſſurances; Which I agree to be good Law. But that doth not reſemble this Caſe, for this muſt be good in the foundation, or no ſubſequent declaration can make that good which at the firſt was not. And that I prove by two Caſes directly adjudged. 25 & 26 *Eliz.* *Coke* l.6.f.1. in *Dowmans* Caſe

The firſt is *Vernons* Caſe, *Anno* 14 *Eliz.* adjudged and reported by my Lord *Coke* in his Fourth Book upon the Statute of Joynture, A man intending to make a Joynture to his Wife to bar her of her Dower, maketh a Feoffment of his Land to the uſe of himſelf for life, and then to the uſe of a Friend for his life, and then to the uſe of his Wife for a Joynture; Although by ſucceſs of time it hapneth that the Friend die in the life of the Feoffer, and ſo the Wives Eſtate becomes immediate to begin upon her Husbands death, and might have been a good Joynture, if it had be ſo made at firſt, yet this Caſe is adjudged to be no Joynture, for it was not good in the Foundation, and that which was defective in the Original, is not good by any accident ſubſequent. *Coke*. 4. *Vernon*. Caſe.

And in the Lord *Cheneyes* Caſe reported by my Lord *Coke* in his Fifth Book, *fol.*62. in the four and thirtieth year of Queen *Elizabeth*, It is reſolved upon the Statute of Wills, that the Eſtate contained in a Will in writing, which is the foundation and ground, muſt be ſuch as is expreſſed in the written Original Will, and that no averment or ſubſequent proof of intention or explanation can add or ſupply any thing to that Original. *Coke* l.5.f.68. *Le Seigneur Cheneyes* Caſe.

And as in theſe Caſes the original foundation cannot be ſupplied by ſuſequent addition; So the Writ of 4 *Auguſti* being the Original, cannot be ſupplied by ſubſequent explanation.

Another Exception is, that by the Writ, all the Kings Majeſties Subjects are to be rated and taxed to contribution, other than ſuch as have part in the Ship, or elſe do ſerve therein. And hereby the Sheriff of every County muſt either not be taxed, or not contribute, for it is inconvenient, nor can be done, that every Sheriff ſhould tax himſelf. *Except.* 2. 8 *Hen.*6.19. 18 *Hen.*3. 9 *Eliz.*

Next for the Writ of *Certiorare*, that is very unuſual to be directed to two ſeveral Sheriffs, being then no Sheriffs, to certifie what Taxations they had made upon that Writ; They were then no Officers: But it ſhould either have come by Inquiſition, or by the return of the then preſent Sheriff, to have ratified what his Predeceſſors had done in their times, and not this way which was never before heard of.

And then touching the *Scire facias* it ſelf, I am of opinion that it doth not lie, for many cauſes:

Reaſon 1. Firſt, The Sum ſo aſſeſſed doth not appertain to the King; And for the Kings Majeſty to have a *Scire facias*, for to inforce him to do or pay that which belongs to another is not uſual.

Secondly, It is not ſhewed that any Ship, or proviſion of Men, or Munition, was prepared or provided, which is a contempt in the Sheriff.

Thirdly, The direction by the Writ is to diſtrain, or to commit to Priſon ſuch as ſhall refuſe; and no other courſe appointed by the ſaid Writ, for the levying thereof.

Fourthly, The *Scire facias* ought to be awarded out of a Preſentment, or Inquiſition, whereby the matter may be found, whereby the King is entituled, or upon ſome Preſentments which concern the Common-wealth, as Preſentments that a common Bridge is in decay, and that either a particular man is bound to repair it, or that it is in default of the County, or of the Inhabitants of ſuch a Hundred; And the like for repair of High-ways: There I agree as was ſaid by my Brother *Trevor*, a *Scire Facias* is uſually awarded out of the Exchequer; But I conceive theſe prove, that without a Preſentment or Inquiſition that no *Scire facias* doth properly lie, or ought to be awarded.

And therefore I will conclude this with the Caſe of 2 *Edw.* III. *fol.* 2. The King by his Writ directed to the Sheriff of *Lancaſter*, reciting, That where Sir *John Langton* had delivered divers Sums of money to one *Robert* his Companion, to come to the King in aid of his Wars in *Scotland*, and the ſaid *Robert* did not come, but did ſpoil and did take the Goods and Chattels of divers of our Subjects in the ſaid County, and did rob, and ſpoil, and waſte the Goods of our Subjects to the value of two thouſand pounds *ut accepimus le Roy*, command to the Sheriff, *De attach* the body of the ſaid *Robert*, and he was attached, and did not appear: And by his Counſel alleaged, that upon this Suggeſtion, the King being not otherwiſe appriſed by indictment or otherwiſe, this ſuit did not lie for the King, and the parties grieved may have their Suits.

And thereupon the Court was adviſed, and took time to ſpeak with the Chancellour, to ſee if he had any matter, out of which the ſaid Writ was awarded: And afterwards, becauſe this Writ was grounded upon a ſuggeſtion againſt the Common Law, therefore the ſaid *Robert* was diſcharged, which is a ſtranger Caſe than ours. And for theſe Reaſons I conclude this Part, that no *Scire facias* ought to be awarded in this Caſe.

The Sixth Part.

NOw it remains to give Anſwer to that which hath been before objected, and ſpoken of only by Maſter Solicitor, that the Judges had before given their opinions to warrant the legality of this charge, and ſubſcribed their names.

Firſt, I do affirm, and it doth appear by my Argument, that this Caſe now in queſtion doth not concern nor contradict the matter of the Subſcription; for the matter whereunto the Subſcription was made, is, That when the good and ſafety of the Kingdom in general is concerned, and the whole Kingdom is in danger, that then for the defence of the Kingdom from ſuch danger, the King may by Writ impoſe the proviſion of Ships with furniture and men.

But if only there be Pirats and Robbers of the Sea, aſſembled together at Sea to rob, ſpoil, and take the Goods and Merchandizes that are to be brought into the Kingdom, and ſafe conducting of the Merchants from ſpoil, as no other particular thing is alleaged in the Writ of 4. *Augusti*, I think it will be granted that this doth not by our opinions inable the King to make ſuch a general charge upon that occaſion.

But if there were an intended Invaſion, and that known to the Kings Majeſty, whom it concerns moſt, and upon ſuch an intentien, in ſuch a caſe of neceſſity, which is and may be termed a time of ſuch danger, as it may be fit to prepare for defence of the Realm, then I am of opinion, that in ſuch a caſe, all that hath been ſaid, that *Neceſſitas eſt Lex temporis*, and *Salus Reipublicæ eſt ſumma Lex*, and then *Silent inter arma leges*, might be juſt cauſes for that time only to make a preparation of Ships. And in this caſe here doth not appear that there was not any one Ship provided or prepared by the Sheriff.

The King is the ſole Owner and Lord of the Sea, and hath power thereof: And as it was agreed in a notable Caſe that was adjudged in the Exchequer *Mich.* the fourth year of King *James* againſt one *Bates*, wherein I was then of Council, the King may lay an Impoſition upon Foraign Commodities to be brought into this Realm, for there was five ſhillings laid upon every hundred weight of Currants, over and beſides the two ſhillings ſix pence for Poundage: And *Bates* having notice of this Impoſition, brought in a Ship fraughted with Currants, and paid the two ſhillings ſix pence for Poundage, but refuſed to pay the five ſhillings for every hundred weight: And upon information, the Caſe was argued at the Bar, and at the Bench; and it was adjudged, that the Impoſition was lawful, and that the King in his Prerogative had *totum dominium maris*, and that all the Ports were the Kings, and that the King had ſole power to reſtrain or forbid the going beyond the Sea; the ſole appointment into what Countries the Merchants ſhould or might trade, and to appoint into what Countries they ſhould not trade. And for theſe reſpects, the King was to maintain the Ports, to provide for the ſafety of the Merchants, and to clear aud ſcowre the Narrow Seas from Pirats and Robbers, for the doing whereof was added the Tonnage and Poundage by grant in Parliament. *Mich.* 4. *Jac.* *Bates* his Caſe.

Laſtly, Theſe ſudden Opinions, when Judges hear no Arguments, are of no ſuch force as to bind them to continue the ſame opinion: But that when they ſhall have heard Arguments, and be better informed, they may alter and change, which hath uſually hapned. Beſides, as it is very well known, we were not all of opinion, but the greater number then concurring, the Subſcription was for conformity, as ſometimes is uſed in ſuch caſes.

Laſtly, It hath been objected, that the Defendant by his general Demurrer hath confeſſed all the matters to be true, which are ſurmiſed in the *Scire facias*. Object. upon the Defend. general Demurrer.

To

Reſp. 1. To this it is anſwered, That a Demurrer confeſſeth the matters of fact, which are ſufficiently alleaged; but ſuch matters of fact as are not ſufficiently alleaged, thoſe are not confeſſed, but left to the judgment of the Court.

Coke l.4.f.43. in *Hudſons* Caſe. Fol.71.*Hinds* Caſe. See theſe Caſes ſo adjudged and reſolved in theſe Books, *Coke Lib.*4. *fol.*43. in *Hudſons* Caſe, matter ſufficiently alleaged *eſt confeſſe*: And according to this it is agreed in *Hinds* Caſe, in the ſame Book, *fol.*71.

33 & 34 *Eliz.* The very expreſs Caſe, is that of *Birton* upon Uſury, which was *An.* 33 & 34 *Eliz.* where it is adjudged that the Demurrer confeſſeth nothing that is ſufficiently alleaged; as where a matter of Uſury is alleaged, and is not ſo ſufficiently alleaged, that it appears to be Uſury, the Demurrer doth not confeſs that to be Uſury, as is pretended.

So likewiſe in this Caſe, the Demurrer general doth not, nor can ſupply the defect of the matter which ſhould have been comprized in the Writ of 4. *Auguſti.* The Demurrer confeſſeth that there was ſuch a Writ, but doth neither confeſs the lawfulneſs thereof, nor the defect of the inſufficient alleaging of any matter which ſhould have been contained therein.

And thus with as much brevity and perſpicuity as want of memory, and other infirmities which attend upon my Age would ſuffer me, and without either Preamble or Proteſtation, I conclude with that which my Brother *Berkley* uſed in the beginning of his Speech, That the People of this Realm are Subjects, and not Slaves; Freemen, and not Villains; and therefore not to be taxed *De alto & baſſo*, and at will, but according to the Laws of this Kingdom.

And therefore I conclude, that neither for the matter, nor for the manner, this Writ of *Scire facias* brought in this Court of Exchequer, upon the tenour thereof, can be maintained. And therefore in my opinion I adviſe the Barons to give Judgment accordingly for the Defendant.

This is the ſame which I did deliver in my Argument in the ſame manner that I did argue.

The

The Argument of Sir George Crooke, *Knight, one of the Judges of the Kings Bench, upon the Caſe of the* Scire facias *out of the Exchequer, againſt* John Hampden, *Eſq;* Decimo quarto Aprilis, Anno Domini 1638.

The Caſe is this upon the Record.

THe King, by Writ under his Great Seal, dated 4. *Auguſti, Anno* 11. of his Reign, directed to the Sheriff of the County of *Bucks*, and to all the men of that County, commandeth them in theſe words:

The motives of the Writ, which are five

1. *Quia datum eſt nobis intelligi, Quòd Prædones quidam Pirati, ac maris Graſſatores, tam nominis Chriſtianæ hoſtes Mahumetani, quàm alii congregati, Naves, ac bona, ac mercimonia non ſolùm Subditorum noſtrorum, verùm etiam Subditorum amicorum noſtrorum in mari, Quòd per gentem Anglicanam ob olim defendi conſuevit, nefariè diripientes & ſpoliantes ad libitum ſuum, deportavere hominesque in eiſdem in captivitatem miſerimam mancipantes.*

2. *Cumque ipſos conſpicimus navigium indies præparantes ad Mercatores noſtros ulterius moleſtand', Et ad regnum gravand', niſi citiùs remedium apponatur, eorumque conatum viriliùs obvietur.*

3. *Conſideratis etiam periculis quæ undique his guerrinis temporibus imminent; Ita quòd nobis & Subditis noſtris defenſionem maris & regni omni feſtinatione quâ poterimus accellerare convenit.*

4. *Nos volentes defenſione regni, tuitione maris, ſecuritate Subditorum noſtrorum, ſalva conductione navium & merchandizarum ad regnum noſtrum Angliæ venientium, & de eodem regno ad partes exteras tranſeuntium (auxiliante Deo) providere; Maximè cum nos & Progenitores noſtri Reges Angliæ, Domini maris prædicti, ſemper hactenus extiter', & plurimum nos læder', ſi honor iſte Regius noſtris temporibus depereat, aut in aliquo minuatur.*

5. *Cumque onus iſtud defenſionis quod omnes tangit, per omnes debeat ſupportari, prout per legem & conſuetudinem regni Angliæ fieri conſuevit.*

The charges in the Writ are three.

Vobis præfatis Vicecomitibus, Ballivis, Burgenſ. Majoribus, probis hominibus, & omnibus aliis quibuſcunque ſupramentionat' in Burgis, Villis, Villatis, Hamlettis, & locis ſupradictis, eorumque membris in fide & ligeancia, quibus nobis tenemini, & ſicut nos & honorem noſtrum diligitis: Necnon ſub foriſfactur' omnio quæ nobis forisfacere poteritis firmiter injungemus.

The commands of this Writ, which are five.

Mandamus quòd unam novem de guerra, portagii 450. *dolior cum hominibus, tam magiſtris peritis, quàm marinariis volentior & expertis centum & octoginta ad minus, Ac tormentis tam majoribus quàm minoribus, pulide tormentario, ac haſtis, & telis, aliiſque armatoriis neceſſariis pro guerra ſufficien': Et cum duplici Eſcippamento, necnon victualibus uſque ad primum diem Martii tunc proximè ſequentem, ad tot homines competen'; & ab inde in viginti & ſex ſeptiman' ad cuſtagia veſtra tam in victualibus, quàm homin' ſalariis, & aliis ad guerram neceſſariis per tempus illud ſuper defenſionem maris in obſequio*

The end for which this Ship is to be prepared.

The Clauſe of the aſſeſsment for the expences.

noſtro in Comit' cuſtodis maris, cui cuſtodiam maris ante prædict' primum diem Martii committemus, & prout ipſe ex parte noſtra dictaverit moratur parari; Et ad portum de Portſmouth citra dictum primum diem Martii duci faciatis. Ita quòd ſint ibidem eodem die ad ultimum ad proficiſcend' exinde cum navibus noſtris, & navibus aliorum fidelium Subditorum noſtrorum pro tuitione maris & defenſione veſtrum & veſtrorum, repulſioneque, debellationeque quorumcunque Mercatorum noſtrorum, & alios Subditos & fideles prædictos in Dominia noſtra, ex cauſa Mercatur' ſe divertentes, vel abinde ad propr' declinantes ſuper mare gravare, ſeu moleſtare ſatagent': Aſſignavimus autem te præfatum Vic' Bucks ad aſſidend' omnes homines in villes de Agmundeſham, Wendov', & Marloe magna, & in omnibus aliis Villis, Villatis, Burgis, Hamlettis, & aliis locis in Com' Bucks, & terræ tenentes in eiſdem navem vel partem navis præd' non habentes, vel in eadem non deſervientes, ad contribuend' expenſ. erga proviſionem præmiſſ. neceſſar.

Et ſuper prædictas Villas, Villatas, Burgos, Hamlettas, & locos cum membris eorundem, ſic ut præfertur, aſſidend' & ponend' viz. Quemlibet eorum ſuper ſtatum ſuum, & facultates ſuus, & portiones ſuper ipſos aſſeſſat' per deſtrictiones, alioſve modos debitos levand' & Collectores in hac parte nominand' & conſtituend', Ac omnes eos quos rebelles & contrarios inveneris in præmiſſis, in carcere mancipand' in eodem moratur, quonſque pro eorum deliberatione ulterius duxerimus ordinand'.

The purcloſe of the Writ.

Et ulteriùs mandamus quòd citra præmiſſ. diligenter intendatis, & faciatis, & exequamini cum affectu ſub periculo incumbente: Nolumus autem, quòd colore prædicti mandati noſtri, plus de eiſdem hominibus levari faciat, quàm ad præmiſſ. ſufficiat expenſ. neceſſar. Et quod quiſquam qui pecuniam de contributionibus ad prædict' cuſtag' faciend' levaverit, eam, vel partem inde aliquam penes ſe detineat, vel ad alios uſus, quovis quæſito colore appropriare præſumat, volentes quòd ſi plus quàm ſufficiat collectum fuerit, hoc inter ſolventes pro rata portionis ipſis contingen' exſolvat'.

By virtue of this Writ, Mr. *Hampden* is aſſeſſed to twenty ſhillings for his Land in *Stoke Mandivil* in that County, which not being paid, is certified (amongſt others) into the Chancery upon a Writ of *Certiorari*, dated 9. *Martii*, *Anno* 12 *Car.* by a Schedule thereunto annexed: And by a Writ of *mittimus Teſte*, 5. *Maii*, 13 *Car.* this Writ of *quarto Auguſti*, *Anno* 11 *Car.* and the Writ of *Certiorari*, and the Schedule annexed is ſent unto the Exchequer, with a command there to do for the levying of the ſums ſo aſſeſſed and unpaid (*Prout de jure, & ſecundùm legem regni noſtri Angliæ fuerit faciend'.*) Whereupon a *Scire facias* iſſued out of the Exchequer, reciting the ſaid Writs, to warn Mr. *Hampden*, amongſt others, to ſhew cauſe why he ſhould not be charged with this money. Upon this, he being ſummoned, appeareth, and demands the hearing of thoſe Writs and Schedule, which being entred, thereupon he demurreth in Law.

And whether judgment upon this whole Record be to be given againſt *John Hampden*, that he is to be charged or no, that is the queſtion: For he is the only party in this Caſe: And there is no Cauſe, why any man ſhould ſay, that the queſtion is, Whether Judgment ſhould be given for the King, or for the Defendant; for, as this Caſe is, the King is no party to the Record, but only it is a judicial Proceſs out of the Exchequer, grounded upon thoſe former Records for the Defendant, to ſhew cauſe why he ſhould not be charged, which hath been very elaborately argued by the Defendants Counſel (who demurred) that he ſhould not be charged; and by the

Kings Counſel very learnedly and elaborately argued, that he ſhould be charged.

This Caſe is a caſe of great weight, and the greateſt Caſe of weight that ever we read argued by Judges in this place; and therefore adjourned into this place, for advice of all the Judges: For of the one ſide it is alleaged, that it concerneth the King in his Prerogative and Power Royal; And on the other ſide, that it concerneth all the Kings Subjects in their Liberties, their Perſons, and their Eſtates: For which cauſe, it hath made ſome of us to wiſh and move among our ſelves, that it might have been (by his Majeſties favour) heard and determined in another place by his Majeſty, and his great Council of his Realm: Where all conveniencies and inconveniencies might have been conſidered of, provided for, and prevented for preſent and future times, and not to be argued only by us, who are accompted his Majeſties Counſel at Law; wherein if any thing be done amiſs, the fault muſt light upon us, as miſ-adviſing the King therein: But ſeeing that it hath pleaſed his Majeſty, that the ſame ſhould be argued and determined in this place, whoſe pleaſure we muſt obey, I muſt give my beſt advice upon my Oath to the beſt of my skill; wherein, I hope not to trench upon his Highneſs Prerogative, which we are all bound by our Oaths, to the beſt of our skills, to maintain, and not to ſuffer to be diminiſhed; nor upon his Royal Power: But truly to deliver what I conceive the Law to be, concerning the Caſe in Queſtion.

Wherein I muſt confeſs, I have been much diſtracted, having heard ſo learned Arguments on both ſides at the Bar; and ſo many Records and Preſidents cited on either ſide: But they did not ſo much move me; for the Counſel have on either ſide preſſed ſuch Reaſons and Arguments, and cited ſuch Records, as they thought convenient for the maintaining of their opinions; and perhaps with a prejudicate opinion, as I my ſelf, by mine own experience, when I was at the Bar, have argued confidently: And as I then thought the Law to be of that ſide for whom I argued; but after, being at the Bench, weighing indifferently all Reaſons and Authorities, have been of a contrary opinion: And ſo the Law hath been adjudged contrary to that opinion, which I firſt confidently conceived; but that which hath moved me moſt, and maketh me moſt miſtruſt mine own judgment in this Caſe, is, That all my Brothers (who have all argued upon their Oaths, and, I preſume, have ſeen the Records and Preſidents cited on either ſide) have all argued one way, with whoſe opinions I ſhould willingly have concurred, if I could have ſatisfied mine own judgment with their Reaſons; but not being ſatisfied, I have learned, that I muſt not run with a multitude againſt mine own Conſcience: For, I muſt ſtand or fall unto mine own Maſter; and therefore I ſhall ſhew mine own Reaſons, and leave my ſelf to the judgments of my Lords, and others my Brethren: And whatſoever ſhall be adjudged, I muſt ſubmit unto, and ſo do wiſh all others; and do now determine mine opinion to be, That, as this Caſe is, judgment ought to be given for the Defendant.

But before I proceed to the Argument, I deſire to remove two difficulties, Firſt, that by the Demurrer the danger of the Kingdom is confeſſed, and ſo to be a Caſe of neceſſity.

To this I anſwer, that the Demurrer confeſſeth not matters in fact, but where the matter is legally ſet down, but if it be not a legal proceeding, then the Demurrer is no confeſſing of the matter in fact.

This appears in the Book Caſe of 5 *Hen.* VII. *fol.* 1. and *Cook, lib.* 5. *fol.* 69. in *Burtons* Caſe, that a Demurrer is no confeſſing in matters of fact; but where the matter precedent is ſufficiently pleaded and laid down, and ſo it is holden in all our Books.

The ſecond difficulty is, that this Caſe is ſo reſolved by all our opinions under our hands, That this Writ was legal, which was much preſſed by Maſter Solicitor.

To this I anſwer, that it is true, I have ſet down mine opinion under mine hand unto a Caſe in *February* 1636. which is, that when the good and ſafety of the Kingdom in general is concerned, and the whole Kingdom in danger, his Majeſty may, by Writ under the Great Seal of *England*, command all his Subjects of this Kingdom at their charges to provide and furniſh ſuch number of Ships with Men, Victuall, and Munition; and for ſuch time as his Majeſty ſhall think fit for the defence and ſafeguard of the Kingdom from ſuch danger: And that his Majeſty may compel the doing thereof (in caſe of refuſal and refractorineſs) and that in ſuch caſe his Majeſty is the ſole Judge of the danger, and when, and how the ſame is to be prevented and avoided.

To this opinion, I confeſs, I then with the reſt of the Judges ſubſcribed my hand: But I then diſ-aſſented to that opinion, and then ſignified mine opinion to be, that ſuch a charge could not be laid by any ſuch Writ, but by Parliament; and ſo abſolutely in that point one other did agree with me, and diſſent from that opinion which was after ſubſcribed; and ſome others in ſome other particulars from that which was ſubſcribed: But the greater part ſeeming to be abſolutely reſolved upon that opinion, ſome of them affirming, that they had ſeen divers Records and Preſidents of ſuch Writs, ſatisfying them to be of that judgment, I was preſſed to ſubſcribe with them: For that the greater opinion muſt involve the reſt, as it was ſaid to be uſual in Caſes of references. And that the leſſer number muſt ſubmit to the opinion of the more, although they varied in opinion; as it is in our Courts, if three Judges agree in opinion againſt one or two, where there is five Judges, judgment is to be entred *per Curiam*, if the *major* part agree, and the others are to ſubmit unto it.

So in Caſes of conference and certificate of their opinions, if the greater part did agree and ſubſcribe, the reſt were to ſubmit their opinions: And this (by more ancient Judges than my ſelf) was affirmed to be the continual practice; and that it was not fit, eſpecially in a Caſe of this nature, ſo much concerning the ſervice of the King, for ſome to ſubſcribe and ſome to forbear their ſubſcription. And that although we did ſubſcribe, yet it did not bind any, but that in point of judgment, if the Caſe came in queſtion judicially before us, we ſhould give our judgments as we ſhould ſee cauſe, after the hearing of Arguments on both ſides, and not to be bound by this ſudden reſolution.

Hereupon I conſented to ſubſcribe; but I then ſaid, in the mean time the King might be mis-informed by our Certificate under our hands, conceiving us all to agree together, and give him this advice under our hands, and not know that there was any that diſſented, or was doubtful: But it was then ſaid, the King ſhould be truly informed thereof. And thereupon, we that did diſſent, did ſubſcribe our hands with ſuch proteſtations as aforeſaid, onely for conformity, although contrary to the opinion I then conceived.

But this being before Arguments heard of either ſide, or any preſidents ſeen, I hold that none is bound by that opinion: And if I had been of that opinion that was ſubſcribed, yet now having heard all the Arguments of both ſides, and the Reaſons of the Kings Counſel to maintain this Writ, and why the Defendant is to be charged, and the Arguments of the Defendants Counſel againſt the Writ, and their Reaſons why the Defendant ſhould not be charged to pay the money aſſeſſed upon them: And having duly conſidered of the Records and Preſidents cited and ſhewed unto me, eſpecially thoſe of the Kings ſide, I am now of an abſolute opinion, that this Writ is illegal, and declare my opinion contrary to that which is ſubſcribed by us all. And if I had been of the ſame opinion as was ſubſcribed, yet upon better adviſement, being abſolutely ſetled in my judgment and conſcience, in a contrary opinion, I think it no ſhame to declare, that I do retract that opnion: for, *Humanum eſt errare*, rather than to argue againſt mine own conſcience: And therefore now having (as I conceived) removed theſe difficulties, I proceed to my Argument, and ſhall ſhew the Reaſons of mine opinion, and leave the ſame, as I have ſaid, to my Lords and Brethren.

My Reaſons and Grounds that I ſhall inſiſt upon, are theſe:

1. That the command, by this Writ of *Aug.*4. 11 *Caroli*, to make Ships at the charge of the Inhabitants of the County (being the ground of this ſuit, and cauſe of this charge) is illegal, and contrary to the Common Law, not being by authority of Parliament.

2. That if at the Common Law it had been doubtful, yet now this Writ is illegal, being expreſly contrary to divers Statutes prohibiting any general charge to be laid upon the Commons in general, without conſent in Parliament.

3. That it is not to be maintained by any Prerogative, or Power Royal, nor allegation of neceſſity or danger.

4. That admitting it were legal to lay ſuch a charge upon Maritine parts, yet to charge an Inland County, as the County of *Bucks* is, with making Ships, and furniſhing them with Maſters, Mariners and Souldiers at their charge which are far remote from the Seas, is illegal, and not warranted by any former Preſident, &c.

5. I ſhall examine the Preſidents and Records cited to warrant this Writ, which have been all the principal grounds of the Arguments to maintain the ſame. And I conceive, there is not one Preſident or Record in any precedent time, that hath been produced and ſhewed unto me, that doth maintain any Writ to lay ſuch a charge upon any County, Inland, or Maritine.

6. I will examin this particular Writ, and the ſeveral parts thereof, and do conceive that it is illegal, and not ſufficient to ground this charge upon the Defendant.

1. The Motives of this Writ are not ſufficient to cauſe a Writ to be ſent.

2. The Command of the Writ, to prepare a Ship at the charge of the

Inhabitants, with Munition and Men, is againſt the Common Law and Statutes.

3. That to lay a charge of finding Victuals, and Wages of Souldiers and Mariners, is illegal, and contrary to the Common Law, and divers Statutes in point.

4. The power of Aſſeſment given to the Sheriff alone, and to diſtrain for this, is illegal, and not warranted by any Preſident.

5. The power of impriſoning is illegal, and contrary to divers Statutes, and not warranted by the Preſidents.

6. That the Percloſe of the Writ, and the practice of it, is contrary to it ſelf, and *oppoſitum in objecto*.

7. If this Writ were legal, yet the manner of Aſſeſment by the Sheriff, as it is certified, is not warranted by the Writ: So conſequently this ſum cannot be demanded of the Defendant by virtue of this Writ.

8. That the *Certiorari* and *Scire facias*, iſſued not out legally; and ſo conſequently no judgment can be given againſt the Defendant thereupon.

For the firſt point, that this Writ of *Aug.*4. 11 *Car.* is againſt the Common Law: my Reaſons are theſe:

1. Becauſe that this is the firſt Writ, ſince the Conqueſt, that went to any Inland County, to prepare a Ship with Men and Munition, for ought appeareth by any Record that hath been ſhewed; and where there was never any preſident before, by the Rule of Mr. *Littleton, fol.*23. the Law is not conceived to bear any ſuch Writ. And Sir *Edward Coke* in his Commentary upon *Littleton, fol.*81. ſaith, that where there is no example, it is a great intendment, that the Law will not bear it.

So I conceive here, there never having been a preſident before of any ſuch Writ to the Sheriff and Inhabitants of a County, to prepare a Ship with Men and Munition, upon any occaſion whatſoever, that it is againſt the Common Law to award ſuch Writs.

2. For that the Common Law of *England* ſetleth a Freedom in the Subjects, in reſpect of their perſons, and giveth them a true property in their Goods and Eſtates, ſo that without their conſent (that is, their actual conſent, or implicit, by a common Ordinance, which they conſented unto by a common aſſent in Parliament) it cannot be taken from them, nor their Eſtate charged. And for this purpoſe the Law diſtinguiſheth between Bondmen, whoſe Eſtates are at their Lords will and diſpoſition; and Free-men, whoſe property none may invade, charge, nor take away, but by their own free conſent. But here in this Caſe is a charge laid upon the Subjects, without their conſent; and therefore not warranted by Law; which is proved by theſe Authorities.

Coke in his *Rep. l.*8. *f.*92. in *Francis* Caſe, ſetteth down this Rule, *Quod noſtrum eſt, ſine facto ſeu defectu noſtro amitti, ſeu in alienum transferri non poteſt.*

Mr. *Lambert, fol.* 24. ſetting down the Laws of *England* which were confirmed by *William* the Conquerour, hath theſe words: *Inter alia, volumus & concedimus, quod omnes liberi homines Monarchiæ Regni ſui prædicti, habeant & teneant, terras ſuas bene & in pace liberas ab omni exactione injuſta, & ab omni Tallagio* (not mentioning there *injuſta*) *Ita quòd nihil ab eis exigatur præter ſervitium juſte debitum*: Hereby it appears, there is an abſolute freedom from all Tallage. 17 King *John* in *Matt. Paris, fol.* 246. The King doth grant and confirm unto his Barons and Commons *inter alia*, theſe Liberties following: *Nullum Scutagium vel auxilium ponamus in Regno noſtro, niſi per Commune Concilium Regni noſtri, niſi ad redimendum corpus noſtrum, filium noſtrum primogenitum mill' faciend'*

ciend', vel ad primogenitam filiam noſtram maritand'. By this it appears, what was then conceived to be amongſt others, their Liberties, and then confirmed, which was, that no aid ſhould be put upon them but by Parliament; for the Parliament was then called *Commune Concilium.*

That the Law is ſo, appeareth by the Treatiſe written by *Forteſcue*, who had been Chief Juſtice of *England*, and then Chancellor of *England* in King *Henry* the Sixth's time, when he wrote the Book entituled, *De laudibus Legum Angliæ.* For *fol.* 25. *cap.* 9. he ſaith thus, That the King of *Eugland* cannot alter nor change the Laws of *England* at his pleaſure.

For, *Principatu non Regali*, *ſed & politico ipſe populo ſuo dominatur:* If his power were Royal onely, then he might change the Laws, *Tallagia quoque & cætera onera eis imponere, ipſis inconſultis*; but adds, that the King of *England*, *ſine Subditorum aſſenſu Leges mutare non poteſt, nec ſubjectum populum renitentem onerare impoſitionibus peregrinis*, And in *chap.* 13. *fol.* 31. he compares the King and Subjects of *England*, to the Head and Body natural, *Ut non poteſt caput corporis Phyſici nervos ſuos commutare, neque membris ſuis proprias vires, & propria ſanguinis alimenta denegare: ſic nec Rex, qui caput corporis politici eſt, mutare poteſt Leges corporis illius, nec ejuſdem populi ſubſtantias proprias ſubtrahere reclamantibus eis, aut invitis:* Thus he in this place: But in *fol.* 84. *cap.* 36. he ſeems to ſay, *In hoc individuo Rex Angliæ nec per ſe, nec miniſtros tallagia, ſubſidia, aut quævis onera alia imponit Legiis ſuis, aut Leges eorum mutat, aut nova condit, ſine conceſſione vel aſſenſu totius Regni ſui in Parliamento ſuo expreſſo:* which words ſeem ſo general, that in no caſe he may do it.

So it appeareth by the Book Caſe, 13 *H.*4. *fol.*14. that the grant of the King which tendeth to the charge and prejudice of his People in general, is not good, unleſs by Parliament. But it is agreed there, that Grants of Tolls, of Fairs, of Pontage, of Pikage, Murage, Ferrying, or ſuch like, which are for the profit, good, and eaſe of them that will take benefit thereof, and not compulſory to any to pay, but to them that will take the benefit of ſuch Fairs, &c. and being very ſmall and reaſonable ſums, the Law doth give allowance unto them: but if they were great ſumms, that tend to the charge of the People, the Law will judge them void.

This appears in Sir *Edward Cokes* Reports, *lib.*5 *fol.*63. in the Caſe of the Chamberlain of *London*, That an Ordinance made by the Common Council of *London*, where they have a Cuſtom by the ſaid Common Council, to make reaſonable Ordinances to bind all within the City concerning Clothes to be brought to *Blackwel-Hall*, there always to be viewed, and meaſured, and ſearched before they were ſold, and a penny appointed for the Officer that did that ſervice; That ſuch a charge was reaſonable, for that it was for the publick benefit of the City and Commonwealth: And a pecuniary penalty laid for not performance of that Ordinance was allowed. *Ibid. fol.*64. in *Clarks* Caſe, is reſolved, That an Ordinance made by the aſſent of the Plaintiff himſelf, and other Burgeſſes for the Town of S. *Albans*, of a ſmall Tax upon the Inhabitants of the Town towards the erection of the Courts, and other neceſſaries for the Term to be kept there; it was allowed to be good, and did bind the Plaintiff, being by the Plaintiffs own conſent, and for the publick good of the Town.

Alſo *Coke*, *l.*11. *fol.*86. in *Darcies* Caſe, citeth this out of *Fitzherb. Natur. Brev. f.*122. That every Grant of the King, hath this condition in it, tacite or expreſs, *Quòd patria per donationes illas magis ſolito non oneretur, ſeu gravetur.*

And as by Grant the King cannot charge his People, ſo neither can he by Writ lay any charge upon his People, but by their conſent, or where they have apparent benefit thereby. And that is the reaſon of the Writ in the Regiſter, *fol.* 127. *Fitzherb. Nat. Brev. fol.* 113. where, by breach of the Sea-wall, any innundation of the Country, the King, who is *Pater Patriæ*, and taketh care for the good and ſafety of his People, ſendeth out his Commiſſioners to enquire by whoſe default any ſuch breach happened, and to cauſe all that had Lands and Commons near adjoining, which may have benefit of incloſed Marſhes, or loſs by ſuch Innundation, to be contributary to the making up of the Sea-walls; and this is done by a Jury: But this charge cannot be laid upon a County or Town in general, but particular men that have benefit or loſs, or may have loſs or benefit thereby: And this is done upon enquiry of a Jury before the Sheriff or Commiſſioners appointed,

So it is at this day upon the Commiſſion of Sewers, as appeareth by *Coke, lib.* 10. *fol.* 142. in the Caſe of the Iſle of *Ely*; That the Taxation by the Commiſſioners of Sewers muſt be upon every particular man that hath, or may have loſs or benefit by ſuch Innundations, and making up the Walls, and cannot be laid upon any remote parts, which are out of the level of ſuch loſs or benefit: And it muſt be certain and particular upon perſons certain, by reaſon of Land or Profit, and cannot be laid in general; But in theſe Caſes there is a particular loſs or benefit, and in particular places, and but in petty charges; and then where the Law alloweth that which in reaſon is to be done, that may be done, without a ſpecial Statute; for, *De minimis non curat Lex:* but in this caſe there is a general charge through the Kingdom, which the Law doth not permit without common conſent in Parliament.

Object. But it hath been alledged, that this charge hath been impoſed for the proviſion of the publick ſafety and defence of the Kingdom; And may not this be done, when every one hath advantage by it?

Solut. To this I ſay, When imminent danger and cauſe of defence is, there muſt be defence made by every man (when the King ſhall command) with his perſon; and in ſuch a caſe every man, as it is ſaid in the preſident, is bound *per ſe & ſua* to defend the Kingdom. And I think no man will be ſo unwiſe, but that he will *exponere ſe & ſua* for the defence of the Kingdom, when there is danger; for otherwiſe he is in danger to loſe *ſe & ſua.* But to lay a charge in general upon a Kingdom, either for making or preparing of Ships or Money in lieu thereof, is not to be done but by Parliament, when the charge is to be born in general of all the Subjects.

To prove further, that no man may have his goods taken from him but by his conſent, appeareth by a Record in *Mic.* 14. *E.* 2. *Rot.* 60. in the K. Bench in a Writ of Error brought upon a Judgment given in *Durham*; where, in an Action of Treſpaſs by *W. Heyborne* againſt *W. Keylow*, for entering his houſe, and breaking his Cheſt, and taking away 70*l.* in mony, the Defendant pleading Not guilty, the Jury found a ſpecial Verdict, That the *Scots* having entered the Biſhoprick with an Army into *Durham*, and making great burning and ſpoils, the Communalty of *Durham* met together at *Durham*, whereof the Plaintiff was one, and agreed to ſend ſome to compound with them for money to depart, and were all ſworn to perform what Compoſition ſhould be made, and to perform what Ordinance they ſhould make in that behalf: and thereupon they compounded with the *Scots* for 1600. Marks. But becauſe that was to be paid immediately, they all conſented that *William Keylow* the Defendant, and others, ſhould go into every mans houſe to ſearch what ready money was there, and to take it for the making of that ſum, and that it ſhould be repaid by the Communalty of *Durham:* And thereupon the Defendant did enter into the Plaintiffs houſe, and did break open the Cheſt, and took the 70. pounds, which was paid accordingly towards that Fine. The Jury were demanded whether the Plaintiff was preſent, and did conſent to the taking of the money; they ſaid, No: Whereupon the Plaintiff had judgment to recover the ſaid 70. pounds and damages; for that otherwiſe he had no remedy for his money ſo taken, and the Defendant committed in execution for the ſame: And thereupon the Defendant *Keylow* brought a Writ of Errour in the Kings Bench, and aſſigned his Errours in point of Judgment, and there the judgment was reverſed:

1. Becauſe the Plaintiff *Heybourne* had his ſufficient remedy againſt the Communalty of *Durham* for his money.

2. Becauſe he himſelf had agreed to this Ordinance, and was ſworn to perform it; and that the Defendant did nothing but that he aſſented unto by his Oath: and therefore is accompted to do nothing but by his conſent, and as a Servant unto him; therefore he was no Treſpaſſer: And therefore the judgment given in *Durham* was reverſed, becauſe he had aſſented to that Ordinance; though he was afterwards unwilling, yet having once conſented, his Goods were lawfully taken: By which it appeareth, that if he had not particularly conſented, ſuch an Ordinance could not have been good to bind him, although this was in a caſe of great danger, and for defence.

In the ſecond Year of King *Richard* the Second, *Pars prima*, The Parliament Roll proved this directly: although it be no Act of Parliament, yet the Record is much to be regarded, for it ſheweth what the Law was then conceived to be: For, *Scroope* the Lord Chancellor then ſhewed to all the Lords and Commons aſſembled in Parliament, that all the Lords and Sages had met together ſince the laſt Parliament, and having conſidered of the great danger the Kingdom was in, and how Money might be raiſed in a caſe of imminent danger, which could not ſtay the delay of a Parliament, and the Kings Coffers had not ſufficient therein; The Record is, That they all agreed, that money ſufficient could not be had without laying a charge upon the Communalty; which (ſay they) cannot be done without a Parliament. And the Lords themſelves for the time did ſupply the ſaid neceſſity with money they lent. Which Record proved directly, that this charge, without an Act of Parliament, is illegal.

So upon this Reaſon I conclude, That this Writ compulſorily to charge the Subjects againſt their Wills, is not warranted by any Books, and therefore illegal.

If this Writ ſhould be allowed, great inconveniencies would enſue, which the Law always will avoid, and not permit any inconveniences.

That if ſuch a charge may be laid upon the Counties by Writ, without aſſent of Parliament, then no man knoweth what his charge may be; for they may be charged as often as the King pleaſeth, and with making as many Ships, and of what burthen, and with what charge of Munition, Victuals, and Men, as ſhall be ſet down: Wherein I doubt not, but if the Law were ſo, the King, being a very pious and juſt King, would uſe his power very moderately; but Judges in their judgments, are not to look to preſent times, but to all future times, what may follow upon their judgments.

That this inconvenience may be, it appears by the Dane-gelt, firſt appointed in time of neceſſity to redeem them from the cruelty of the *Danes*, which often changed, and ſtill increaſed: for in *Anno Domini*, 991. when it began, it was ten thouſand pounds; and *Anno Domini* 994. it was increaſed to Sixteen thouſand pounds; and *Anno Domini* 1002. it was increaſed to Twenty four Thouſand pounds; and *Anno Domini* 1007. it was increaſed to Six and thirty Thouſand pounds; and in *Anno Domini* 1012. it was increaſed to Eight and forty Thouſand pounds. So if this Writ be well awarded, it may be at pleaſure what bounds it ſhall have.

Alſo there were never but one ſingle Subſidy and two Fifteens uſed to be granted in Parliament, until the one and thirtieth Year of Queen *Elizabeth*, and then a double Subſidy and Four Fifteens were granted, Sir *Walter Mildmay*, then Chancellour of the Exchequer moving for it, and ſaying, his Heart did quake to move it, not knowing the inconveniences that ſhould grow upon it; but ſhewed great reaſons for ſo moving of it, being immediately after the Spaniſh Invaſion: and ſo it was granted. Afterwards in the Five and thirtieth Year of Queen *Elizabeth*, treble Subſidies, and Six Fifteens were granted: and in the three and fortieth Year of Queen *Elizabeth*, Four Subſidies and Eight Fifteens; and yet theſe were not accompted grievous, neither would it have been, if it had been Ten Subſidies, becauſe in Parliament, and convenient times and means appointed for the levying of them.

Tonnage and Poundage were granted to this end, 13 *R*.2. (and have continued ever ſince by ſeveral Grants) that the King might have monies in his Purſe againſt time of need for extraordinary occaſions; eſpecially for the defence of the Realm, and for guarding the Seas, as it is eſpecially declared by the Statute of 1 *Jac.* and former Statutes.

Object. But it is ſaid, that Tonnage and Poundage is not granted now to the King; Therefore the King is enforced to take theſe extraordinary Courſes.

Solut. Though it be not granted, yet I think it is taken; and I doubt not but to the ſame intent, and for the ſame purpoſe for which it was firſt granted; which was for the defence of the Kingdom, and the guard of the Seas.

Therefore in caſe of danger and neceſſity, every Subject, for defence of the Kingdom, is bound *Ligeanciæ debito*, as ſome Records ſay; and *Ligeanciæ ſuæ vinculo aſtricti*, as others ſpeak: *Se & ſua totis viribus & poteſtate exponere, &c.* And in ſuch a caſe the King may command the perſons of his Subjects, and arreſt their Ships to wait on his, to defend the Sea: Yet this alſo (when they go out of their Counties) at the Kings charges. But to command the Subjects by Writ to build new Ships, or to prepare Ships at their charges, or to lay a common charge on the Subjects in general, for matter of defence or avoidance of danger, is not warrantable by the Common Law.

2. Another inconvenience is, That it is left in the power of the Sheriff to charge any mans Eſtate at his pleaſure; taxing ſome, and ſparing others, as his affection leadeth him. And ſometimes by colour thereof, levying more than be need, and enriching himſelf; which power the Law never alloweth him, although it were in leſs matters; as to make an Aſſeſsment for the breach of the Sea-walls, but to do it by a Jury, and not himſelf alone.

So for theſe Reaſons I conclude this Writ is againſt the Common Law, and ſo illegal.

For the ſecond point, I conceive, if the Common Law were doubtful in this, whether ſuch a charge might be impoſed by Writ, yet now it is made clear by divers expreſs Statutes, that the King is not to lay any charge upon his Subjects, but by their conſent in Parliament: and that is by many Acts of Parliament in force, and not repealed. And there is no doubt but the Kings by Statute may bind them and their Succeſſors not to lay any ſuch charge, every King being bound by Oath to perform the Statutes of his Realm.

The Statute of 25 *Edw.*1. which is in theſe words: 25 *Edw.*1.

Foraſmuch as divers People of our Realm are in fear that the Aids and Taxes which they have given us before time towards our Wars and other buſineſs of their own Grant and Good Will (howſoever they were made) might turn to a Bondage to them and their Heirs, becauſe they might be at another time found in the Rolls; and likewiſe for the Prizes taken throughout our Realm by our Miniſters, We have granted for us and our Heirs, that we ſhall not draw any ſuch Aids, Taxes, or Prizes into a Cuſtom for any thing that hath been done heretofore by any Roll, or any other Preſident that may be found.

Ibidem, cap.6. *Moreover We have granted for us and our Heirs, as well to Arch-biſhops, Biſhops, Abbots, Priors, and other Folk of Holy Church; As alſo to Earls, Barons, and to all the Communalty of the Land, that for no buſineſs from henceforth we ſhall take ſuch Aids, Taxes, nor Prizes, but by the common aſſent of the Realm, and for the common Profit thereof,* ſaving *the ancient Aids and Prizes due and accuſtomed.* Which are the expreſs words of that Statute. Ibid.cap.6.

Now what thoſe ancient Aids were, is well known, *viz.* that they were, *ad redimendum corpus, ad filium primogenitum militem facien': Et ad filiam primogenitam maritandam.* Which Aids concern not the Subjects in general, but particular men were liable thereunto by their tenures: ſo this *ſaving* needed not to have been; for the Body of the Act extended not to them, but to general Aids of the Kingdom.

However, if this *Salvo*, as it hath been objected, would preſerve this Aid now in queſtion; yet the Statute made afterwards *de Tallagio non concedendo*, being without any *Salvo*, takes it away: which Statute *Raſtal* in his Abridgment, *fol.*441. in his Title of Taxes, abridgeth in this manner;

Anno 25 Edw.1. *It is Ordained, That the Taxes taken, ſhall not be taken in Cuſtom, nor but by the aſſent of this Realm, except the ancient Aids and Taxes.*

And there the Taxes of Wool of forty ſhillings a Sack is releaſed.

Ibidem 2. *That no Tallage by us or our Heirs in our Realm, be put or levied, without the aſſent of the Arch-biſhops, Biſhops, Earls, Barons, Knights, Burgeſſes, and other Free Commons of our Realm, That nothing be taken from henceforth in the Name, or by reaſon of* Male tout *of a Sack of Wool,* Statutum de Tallagio non concedendo.

Maſter Solicitor laboured much to prove, that there was no ſuch Statute *de Tallagio non concedendo.* *Object.*

1. For that it is not to be found in the Rolls of Parliament.
2. For that it is not ſet down, when it was made.
3. That it was but an Abſtract out of *Confirmatio Chartæ libertatum.*

Maſter Attorney ſaid, he would not deny it to be a Statute, neither would he affirm it; but yet it did not extend to take away the Aid demanded

manded by Prerogative, or Power Royal, for defence of the Kingdom.

Solut. To this I anſwer, that it was never doubted to be a Statute, until this Argument; and that it is a Statute, appeareth;

1. For that it is printed in the Book of Statutes as a Statute.

2. It is recited in the Petition of Right, 3 *Car.* to be a Statute.

3. To that, that it is not found in the Rolls, I anſwer, That many Statutes which are known Statutes, are not found in the Rolls, as *Magna Charta* is not.

And as touching the time, I conceive it to be made in 34 *Edw.*1. *cap.*1. for ſo it is ſet down in the great printed Book of Statutes, *Anno* 1618. to be the firſt Chapter of the Statutes therein made, *viz.* in theſe words:

No Tallage or Aid ſhall be taken or levied by us or our Heirs in our Realm, without the good will and aſſent of Archbiſhops, Biſhops, Earls, Barons, Knights, Burgeſſes, and other Free men of the Land.

And that it is a Statute, all my Brethren the Judges have agreed.

The onely doubt then is, Whether this Statute extendeth to Aids for defence of the Kingdom: which I think it doth; for it is the preciſe words, *That no Tallage or Aid ſhall be taken or levied, but by conſent in Parliament: which extendeth to all manner of Aids.*

Bod. fol.97. Edw.1. *Bodin* ſaith *fol.*97. by a Law made in the time of *Edw.* 1. that it was provided and enacted, *That no Tax, Tallage, nor Aid, ſhall be impoſed, but by Grant in Parliament.* And by this Law the *Subjects* of *England* have defended themſelves ever ſince, as with a Buckler: whereby it appeareth that notice was taken of this Law in Foreign parts, and ſo held ſtill to be a Statute in force.

14 Edw.3. c.1. The next Statute is 14 *Edw.*3. *cap.*1. which reciteth the Grant of the great Subſidy of the ninth Fleece of the ninth Lamb, *&c.* (formerly granted) and thereupon theſe words follow:

We, willing to provide for the Indemnity of the ſaid Prelates, Earls, Barons, and other the Communalty of the Realm; and alſo of the Citizens, Burgeſſes and Merchants aforeſaid, will and grant for us and our Heirs, to the ſame Prelates, Earls, Barons, and Commons, Citizens, Burgeſſes, and Merchants, that the ſame Grant ſhall not be had forth in example, nor fall to their prejudice in time to come: Nor that they be from henceforth charged nor grieved to make any Aid, nor ſuſtain charge, if it be not by the common Aſſent of the ſaid Prelates, Earls, Barons, and other Great Men, and Commons of the ſaid Realm of England, *and that in the Parliament: and that all the Profits ariſing of the ſaid Aid, and of Wards Marriages, Cuſtoms, and Eſcheats, and other Profits ariſing of our ſaid Realm of* England, *ſhall be ſet and diſpended upon the maintenance of the ſafeguard of this Realm of* England, *and of our Wars of* Scotland, France *and* Gaſcoin, *and in no place elſewhere, during our ſaid Wars.*

By this Statute it appeareth, that it is expreſly provided, That the Subjects ſhould not be from thenceforth charged nor grieved to make any aid, nor ſuſtain any charge, but by common aſſent, and that in Parliament; which is as expreſs as may be, and excluſive to any charge otherwiſe; which I conceive, was made againſt the appointment of making or preparing, and ſending of Ships at the charges of the Towns whence they were, or ſending Men out of their Counties at the charges of the County.

Now, where it is alledged by my Brother *Weſton*, and my Brother *Berkley*,

Berkley, that this was but a temporary Statute, and ended when his Wars ended, which appeareth by the laſt Clauſe, for employment of thoſe profits of his Wards, *&c.* towards thoſe Wars : I conceive it appeareth to be an abſolute and perpetual Statute; for it is granted for him and his Heirs, which is in perpetuity : And alſo it appears by *Plowd.* his Commentaries, *fol.*457. in Sir *Thomas Wroth*'s Caſe, where a grant is by the name of the King, which is in his politick capacity; this extended againſt him, his Heirs and Succeſſors, although they be not named.

Alſo the intendment of this Law appeareth to be for the ſecurity of the Subjects from thenceforth for all future Ages; and then the Office of Judges is, as appears by Sir *Edward Cokes* Reports, *lib.* 3, *fol.* 7. and *Plowdens* Commentaries in *Byſton* and *Studs* Caſe, to conſtrue Statutes according to the true intent of the makers thereof, which was in this Caſe, That it ſhould be a perpetual ſecurity for them, And to little purpoſe it had been to make a Statute to continue but during the time of the Wars.

Alſo where it is alleaged, that the Statute of 14 *Edw.*III. is not mentioned in the Petition of Right, which is ſome Argument that it was not conceived to be a continuing Statute. *Object.*

To that I anſwer, that in that Petition of Right it is ſaid, That by the Statntes there recited, and other the good Statutes of this Realm, the Subjects ſhall not be compelled to contribute to any Tax, Tallage, Aid, nor other like charge not ſet by Parliament, in which this Statute is as well intended, as other Statutes, and as far, as if it had been expreſly cited. *Sol.*

Alſo it appeareth by all the Books of Statutes, that this Statute is Printed as a Statute continuing, whereas others expired, are ſo ſet down as expired.

21 *Edw.*III. *pars* 2. *m.* 11. A Subſidy being granted by Parliament, *viz.* Forty ſhillings of every Sack of Wooll tranſported before *Michaelmas* following, and Six pence of every twenty ſhillings of Merchandize, for the ſafe guarding of the Merchants, defence of the Coaſts, *&c.* 21 *Edw.*3.p.2. m.11.

After *Michaelmas*, *viz.* 31. *Octob.* 21 *Edw.*III. by Writ the Collectors were commanded to continue the Collection of thoſe Subſidies until *Eaſter*. But 26. *Novemb.* 21 *Edw.* 3. the King by Writ commanded the ſtay of the Collection of the ſixpence in the twenty ſhillings, and to continue the Collection of the Subſidies upon the Sacks of Wool until *Eaſter*.

22 *Edw.* III. Parliament, *mem.* 16. the Parliament being holden in Lent, the Commons complained of this continuance of the Collection of the Subſidy upon the Sacks of Wooll longer than the Parliament had granted it; and provided, that it ſhould not be continued longer than *Eaſter* by the procurement of no perſon. 22 *Edw.* 3. m.16.

By this it appeareth, that the Parliament being careful, that the time for levying of a Subſidy granted, ſhould not be inlarged by any power, much leſs would they admit of a Writ, to lay a charge without grant by Parliament.

25 *Edw.*III. *m.*8. it was enacted, That no man ſhould be compelled to find men at Arms, other than ſuch as hold by ſuch Services, except it be by common aſſent in Parliament. 26 *Ed.*3.m.8.

By this appeareth, that if men be not compellable to find a man at Arms, unleſs it be by common aſſent in Parliament, much leſs is any bound to be contributory to the preparing of a Ship with 180. men at Arms, and Victuals, and Wages of the Souldiers for a time, unleſs it be by common aſſent in Parliament.

Rot. Parliamenti 2 *Hen.*IV. *nn.*22. (an Act of Parliament, as I account in the very point) is in theſe words: For that of late divers Commiſſions were made to divers Cities and Burroughs within the Realm, to make Barges and Barringers, without aſſent in Parliament, and otherwiſe than hath been done before theſe hours; The Commons do pray the King, that thoſe Commiſſions may be repealed, and that they may not be of any force or effect, to which it is anſwered: That the King willeth, that the ſaid Commiſſions be repealed in all points, which is an abſolute and perfect Statute; but then there is added theſe words: But for the great neeeſſity that he hath of ſuch Veſſels for defence of the Realm, in caſe that the Wars ſhall happen, he will treat with his Lords of this matter, and afterwards will ſhew it unto the Commons, to have their counſel and advice in this point: So by this Record it appeareth, that the Commons did conceive, That no Cities, Burroughs, nor Towns, without aſſent in Parliament, were to be charged with the making of ſuch Veſſels, to which the King agreeth. And from that day to this very day, (until the making of theſe Writs) in no Age (although the Kingdom hath been many times in danger of Invaſion, and hath been invaded) there do appear any Records that ever I have ſeen, or any Writs directed to any Towns or Cities, at their charges to make or prepare any Ships or Veſſels whatſoever.

Object. And whereas it hath been objected, and eſpecially inſiſted upon by my Brother *Berkley*, That this latter part (that the King will treat with his Lords concerning them, and after confer with the Commons) is a gentle denial of that Act, as the experience is at this day: *Roy ſe aviſera*, is a denial of an Act.

Solut. Hereunto I anſwer, That it is an abſolute Act; for it is an abſolute aſſent unto the Petition, and that which came after, was but a plauſible excuſe; for that ſuch Commiſſions had gone out, and this further conſultation never appeared to be made, nor ever any ſuch Writ or Commiſſion for ſuch Veſſels to be made, went out ever ſince until this Writ.

13 *H.*4. nu.10. 13 *Hen.*IV.*nu.*10. A grant is of a Subſidy of Woolls, Woolfels, Hides, and other things there mentioned, and of Tonnage and Poundage for one year, for the defence of the Marches of *Callice*, &c. and for the defence of the Realm, and ſafeguard of the Sea: And therein is this expreſs proviſo, *viz.* Provided always, that this grant of a Subſidy of Wools, *&c.* and of Tonnage and Ponndage in time to come, ſhall not be taken in example, to charge the Lords or Commons of this Realm with any manner of Subſidy, for the ſafeguard of *Callice*, &c. nor for the defence of the Realm, nor for the ſafeguard of the Seas, unleſs it be by the wills of the Lords and Commons of this Realm; and that by a new grant to be made, and that in full Parliament to come. By this it appeareth, that it was then provided, That no charge ſhould be laid upon the Lords or Commons, no not for the defence of the Realm, but by grant in full Parliament.

13 *H.*4. nu.33. 13 *Hen.* IV. *nu.* 33. A Petition was in Parliament, reciting, that there was an Office granted of *Alnager* within *London*, and the Suburbs of the ſame, with Fees to that appertaining, where any ſuch Office never was, nor any ſuch Fees appertaining thereunto; and that by colour thereof they

levy upon the ſale of every Broad-cloth, an half penny of the Buyer, and an half penny of the Seller; and upon ſale of every hundred Ells of Canvas, a penny of the Seller, and a penny of the Buyer, wrongfully againſt the Statute in the time of your Highneſs Progenitors made to the contrary; by which it is ordained, That no Tallage nor Aid ſhall be granted nor levied, without aſſent and conſent of the Lords and Commons of your Realm, as by the ſaid Statute fully is declared: Wherefore they pray, that ſuch Letters Patents thereof made ſhall be void, and holden for none: And this was granted; whereby it appeareth, that it is declared then in Parliament, that theſe Statutes were, and did continue, that no Tallage or Aid ſhall be levied without grant in Parliament.

1 *Rich.* III, *cap.* 2. It is enacted in theſe words: Our Soveraign Lord the King remembring how the Commons of this Realm by new and unlawful inventions, and inordinate covetiſe againſt the Laws of this Realm, have been put to great ſervitude, and importune charges and exactions; and eſpecially by a new impoſition, called a *Benevolence*, whereby divers Subjects of this Land againſt their Wills and Liberties have paid great ſums of money, *&c.*

It is enacted and ordained, That the Subjects and Commons of this Realm from henceforth ſhall in no wiſe be charged by ſuch charges or impoſition, called a *Benevolence*, or by ſuch like charge: And that ſuch exactions, called a *Benevolence*, before that time taken, ſhall be taken for no example, to make any ſuch, or any like charge of any his Subjects of this Realm hereafter; but ſhall be damned and adnulled for ever.

By this it appeareth, that it is expreſly provided, That the Subjects ſhall not be charged by way of *Benevolence*, which is in nature of a free gift, or ſuch like charge, that is, no charge of money ſhall be upon the Subject for any pretence whatſoever, be it for defence in time of danger, or the guarding of the Seas.

The laſt and concluding Statute is the Petition of Right, made in the third year of his Majeſties Reign, where reciting, that it was enacted by a Statute made in the time of *Edward* the Firſt, commonly called, *Statum de Tallagio non concedendo*, that no Tallage or Aid ſhall be laid or levied by the King or his Heirs in this Realm, without the good will and aſſent of the Archbiſhops, Biſhops, Earls, Barons, Knights, and other the Freemen of the Communalty of this Realm: And by a Statute of 25 *Edw.* III. That none ſhall be compelled to make any loans to the King, becauſe ſuch loans were againſt reaſon, and the franchiſe of the Land: And by another Statute, That none ſhall be charged by any impoſitions, called a *Benevolence*: By which Statutes, and other the Statutes of this Realm, your Subjects have inherited this freedom. That they ſhall not be compelled to contribute to any Tax, Tallage, Aid, nor other like charge not ſet by Paliament: And then they pray, that none hereafter be compelled to make or yield any Gift, Loan, Benevolence, Tax, or any ſuch like charge, without common conſent by Act of Parliament.

And after five other things there mentioned, the concluſion is, All which they pray as their Rights and Liberties: Unto which the King anſwers, Let right be done, as is deſired, which is a full and perfect Statute, ſhewing in this point the Liberties of the Kingdom prayed and allowed, which was not done without the advice of the Judges then being, whereof I was one; whoſe opinions were then demanded, and reſolved, that the ſame did not give any new Liberty, but declared what the Liberty of the Subject was in this amongſt others, that they ſhould not be compelled to be contributory to any Tax, Tallage, Aid, nor any like charge not ſet by Parliament.

By reaſon of all which Statutes, eſpecially of thoſe of 25 *Edw.* I. 34 *Edw.* I. and 14 *Edw.* III. being in the Negative and in force, I conceive that thoſe Writs, to lay ſuch a charge, is againſt the Law, and ſo the aſſeſſment by colour thereof not lawful.

Object. Now, whereas the precedent Arguments have been, that the Kingdom being in danger, therefore theſe Writs went forth for the making of Ships, becauſe there could not be ſo ſuddenly any Parliament called: And the Parliament is a ſlow body; and the Kingdom may be loſt, whileſt there is conſultation: And the danger is conceived to be very great, becauſe the firſt Writ of 4. *Auguſti* ſo mentioneth, that the Pirates provide a great Navy to infeſt the Kingdom, and it is fit with ſpeed to provide a remedy; and that the Writ of *Mittimus* mentioneth, that *Salus Reipublicæ periclitabatur*: And we muſt believe theſe ſuggeſtions to be true; for the Kings Certificate by this Writ is, *Recordum ſuperlativum*, as Maſter Solicitor and my Brother *Berkley* termed it; and we muſt leave it upon the Kings conſcience (if it be not true) to lay ſuch a charge upon an untrue ſuggeſtion: And the Defendant alſo by his Demurrer hath confeſſed all the ſuggeſtions in the Writ to be true; therefore it muſt be conceived, that the Kingdom was in great danger, and preſent remedy muſt be had by making theſe Ships, and may be commanded by thoſe Writs, and not to ſtay for a Parliament: And my Brother *Crawley* ſaid, It may be, that if a Parliament were called, they will not yield to the going forth of ſuch Writs, although the Kingdom were never ſo much in danger: And this charge, in reſpect of the making of defence, is not within the intention of theſe Statutes; and if it had been expreſly mentioned within a Statute, that ſuch a charge ſhould not be impoſed, it had been a void Statute, and contrary to the Law, that the Kingdom ſhould not be defended.

Solut. 1. To all theſe I anſwer, That the matter now in queſtion is upon the Writ of 4. *Auguſti.* whether that be legal, or not; and the ſuggeſtions therein be ſufficient or not for the Writ of *Mittimus*, mentioning that *Salus Reipublicæ periclitabatur*, at the day of iſſuing forth the Writ of 4. *Auguſti* (which is a year and a half after the firſt Writ) doth not help it, And this is not notified to the Sheriff and Inhabitants of the County, to make them the more careful, and in the greater contempt, if a Ship were not provided: But it is only a notification to the Barons of the Exchequer, that the ſame was the reaſon why the ſaid Writ iſſued forth.

2. That the ſuggeſtions are not abſolute, that any ſuch danger was, or ſuch Navy was prepared by the Pirates, but only mentioneth, *Quia datum eſt nobis intelligi*, that the Pirates had done ſuch miſchief, *&c.*

3. If ſuch ſuggeſtions had been abſolutely ſet down, yet we are not always bound abſolutely to believe them, becauſe many times untrue ſuggeſtions are made in Writs and Patents; and yet it doth not lie upon the Kings conſcience, neither doth the Law impute any fault to the King, if any ſuch be; for the Law doth always conceive honourably of the King, that he cannot, nor will not ſignifie any untruth under his Great Seal; but is abuſed therein, and the Law imputeth it to them that ſo miſ-informed the King, and thruſt in ſuch ſuggeſtions into the Writ:

And therefore all Patents grounded upon untrue ſuggeſtions are accounted void.

4. That the Demurrer confeſſeth nothing but that which is legally and well ſet down; but if it be illegal, the Demurrer confeſſeth it not, but is well offered for that cauſe.

5. If the Kingdom were in danger, yet a charge muſt not be laid in general upon the Subjects, without their conſent in Parliament; for either the danger is near, and then preſent proviſion muſt be made by mens perſons, and the preſent Ships of the Kingdom, which the King may command from all parts of his Kingdom, as need ſhall require; but cannot command money out of mens Purſes, by diſtraining their goods, or impriſoning their perſons: But if the danger be further off, by reaſon of any forein combinations (as it is conceived it may be here) then proviſion muſt be made of Ships by all the Kingdom for defence; then (as *Philip de Comines* ſaith, *fol.*179.) that cloud is ſeen afar off, before that the tempeſt fall, eſpecially by a forein War; and ſuch invaſions cannot fall ſo ſoon, but that the King may call his Sages together, and by conſent make proviſion for ſuch defence.

So I ſay here, if there be time to make Ships, or prepare Ships at the charges of the Counties; then is there time enough for his Majeſty (if he pleaſe) to call his Parliament, to charge his Commons by conſent in Parliament to have a ſubſidiary Aid, as always hath been done in ſuch caſes; and they are not ſo long coming or meeting, when they come but to make proviſion for defence, being all their ſafeties,

For it appeareth by *Coke*, *lib.* 9. *fol.*1. in his Epiſtle, that King *Alfred* made a Law, that the Parliament ſhould be held twice every year; and oftner, if need require, in time of peace: So that it was then conceived, it was neceſſary to have Parliaments often to redreſs inconveniences.

Cok.lib.9.f.1.

Alſo by a Statute made 4 *Edw.* III. *cap.*14. It is enacted, that a Parliament ſhall be held once every year, and oftner, if need be: Alſo by a Statute made 36 *Edw.* III. *cap.* 10. It is enacted, for redreſs of miſchiefs and grievances that daily happen, a Parliament ſhall be holden every year; as another time was ordained by a Statute, which I think referreth to 4 *Edw.* III. Alſo it appeareth by the ſpeed that was in the Parliament held in the third year of his Majeſties Reign, five Subſidies were granted, two of them to be paid within few days after the Seſſion of Parliament ended; and therefore might (as this caſe is) been ordered and provided for by Parliament, within ſeven months, as the time was between the Teſte of the Writ, and the time prefixed for Ships to be prepared and ſent.

4 Ed.3.ca.14.

36Ed.3.c. 10.

4 Edw. 3.

Where it is objected, that the Parliament perhaps would not have conſented, and ſo the Kingdom might have been loſt.

It is anſwered, That it is not to be preſumed, that the Parliament would deny to do that which is fit for the ſafety and defence of the Kingdom, their own Eſtates and Lives being in danger if the Kingdom were not ſufficiently defended; for it is a Rule, *Nihil iniquum eſt præſumendum in Lege*: So of the High Court of Parliament, that they would not deny that which is fitting: But I confeſs I do think, if it had been moved in a Parliament, they would never have conſented to theſe Writs, they never having been awarded before ſince the Conqueſt; and if they had conſented, they would have taken a courſe how the ſame ſhould have been made with moſt conveniency, and not to leave it to the Sheriff to tax them when and how he would.

7. To that which hath been ſaid, That this charge is not within the intention of the Statutes, and that a Statute to prohibit ſuch a charge for defence were void: I anſwer, That it is true, if a Statute were that the King ſhould not defend his Kingdom, it were void, being againſt Law and Reaſon; but a Statute that Money ſhall not be charged or levied, nor that men ſhall be charged to make or prepare Ships at their own charges, without common conſent in Parliament, I conceive it a good Law, and agreeable to Law and Reaſon; and the King may by Parliament reſtrain himſelf from laying ſuch a charge but by conſent: And then the King, being a juſt and pious King as ever governed the Kingdom (which we that ſerve in his Courts of Juſtice have daily experience of) would not aſſent unto, or ſuffer any ſuch charge (if he may be truly informed) that the impoſing of this charge were againſt any one Law of his Kingdom, as this is againſt ſo many; but would ſay, as it is ſaid in the Statute made in the 25 *Edw.* III. *de proviſoribus*, reciting the Statute of *Carlyes*, made 35 *Edw.* I. That the Pope ſhould not be permitted to preſent to Benefices, That he was bound by his Oath to ſee that and other Laws in force, and not repealed, to be performed, That he would not ſuffer ſuch charges to be laid, contrary to the Laws and Statutes of his Realm; and would do as the late famous Queen *Elizabeth* did, having required a charge upon divers her Subjects by particular Letters from the Lords of her Council of ſeveral ſums of money, for preſent help towards her Wars in *Ireland*, hearing that one of her Judges being convented before her Lords for not payment of it, thereby diſcouraging others to pay it, anſwered, that it was againſt the Law that the ſame ſhould be impoſed, there being an expreſs Statute againſt it, which he being a Judge, was bound by his Oath to ſignifie; he being, as much as in him was to be, a conſervator of the Queens Oath in that behalf: The Queen, I ſay, was very angry, that ſuch an impoſition had been made againſt Law, and commanded, that it ſhould be ſtopped from further gathering, and to ſome that had paid their Moneys, the ſame were reſtored: And therefore the principal and only fault in the charging of his Subjects by theſe Writs (if they be unlawful, as I conceive they are) is in thoſe that deviſed them, and informed him that they were lawful, and ſuch as his Progenitors had from time to time uſed to ſend out; and in his Judges, who have affirmed it to be lawful: Therefore upon this point I conclude, That this charge by this Writ is illegal, and is no ſufficient cauſe to charge the Defendant.

Id eſt, Walmeſley, & come Hutton, Glanvil auxi.

Object.

Where it hath been much urged and argued by Maſter Solicitor and Maſter Attorney, that this Writ is warranted by the Kings Prerogative and power Royal, to ſend forth ſuch Writs for defence and ſafety of the Kingdom in time of danger.

Solut.

To this I anſwer, That I do not conceive, that there is any ſuch Prerogative; for if it were a Prerogative, I ſhould not offer to ſpeak againſt it, For it is a part of our Oaths that are Judges, to maintain the Kings Prerogative to the beſt of our skills, and not to ſuffer the ſame to be diminiſhed; but if it be (as I have argued it is) againſt the Common Law, and againſt ſo many Statutes, that the Subjects ſhould be inforced to ſuſtain, or to contribute to any charge, without their eſpecial aſſent, and common aſſent in Parliament, then there is no ſuch Prerogative: For whatſoever is done to the hurt or wrong of the Subjects, and againſt the Laws of the Land, the Law imputeth that Honour and Juſtice to the King (whoſe Throne is eſtabliſhed by Juſtice) that it is not done by the

King, but it is done by ſome untrue and unjuſt Informations; and therefore void, and not done by Prerogative.

Bract.lib.3. fol.107.

This appeareth by the authorities of our Books; for *Bracton* who is an ancient Writer in our Law, ſaith, *Nihil aliud poteſt Rex in terris, cum ſit miniſter Dei,& ejus Vicarius,quàm de jure poteſt:* And there a little after, *Itaque poteſtas ſua juris eſt, & non injuriæ; cum ſit author juris, non debet inde injuriarum naſci occaſio unde juris naſcuntur.* Sir *Edw. Coke* in the eleventh Book of his Reports, in the Caſe of *Magdalen* Colledge, where the queſtion was, Whether Queen *Elizabeth*, having taken a long Leaſe of a Colledge, being conceived to be againſt the Statute of 13 *Eliz.* was ſought to be maintained by her Prerogative; but reſolved it could not, being againſt a Statute, by which ſhe was bound, although not named; and there *fol.* 72. it is ſaid, *Hoc ſolum Rex non poteſt facere, quod non poteſt juſtè agere.*

Plowd. Com. fol.246,247.

Plowdens Comment, *fol.* 246 *&* 247, in the Lord *Berkley's* Caſe it is ſaid, that the Prerogative of the King cannot do wrong, and his Prerogative cannot be any warrant to do any wrong to any.

Plowd. Com. fol.487.

Plowdens Comment, *fol.*487. in *Nichols* Caſe, it is ſaid by Juſtice *Harper*, Although the Common Law doth allow many Prerogatives to the King, yet it doth not allow any that he ſhall wrong or hurt any by his Prerogative.

21 *Ed.*3. f. 47.

21 *Edw.* III. *fol.* 47. in the Earl of *Kents* Caſe it is ſaid, That if the King under his Great Seal do make any grant to the hurt of any other, he ſhall repeal and avoid it *Jure Regio*; for the King is accounted to be abuſed by untrue ſuggeſtions, when he is drawn to do any wrong to the hurt of any other, much more, I ſay, when he is drawn to do any thing to the hurt of his Subjects in general.

Cok. l.11. f.86.

Sir *Edward Coke*, *lib.* 11. *fol.* 86. in *Darcies* Caſe it is ſaid, That every grant of the King hath this condition unto it, *Tacitè* or *expreſſè*: *Ita quòd Patria per donationem illam magis ſolito non oneretur ſeu gravetur.*

Doct.& Stud. fol.8.

The Book called *Doctor* and *Student*, *fol.* 8. ſetting down, that the Law doth veſt the abſolute property of every mans goods in him, and that they cannot be taken from him, but by his conſent, ſaith, That is the reaſon, if they be taken from him, the party ſhall anſwer the full value thereof in damages: And ſure I conceive, that the party that doth this wrong to another, ſhall, beſides the damages to the party, be impriſoned, and pay a Fine to the King, which in the Kings Bench is the tenth part of as much as he payeth to the party: So then, if the King will puniſh the wrong of taking of goods without conſent between party and party, much more will he not by any Prerogative take away any mans goods without his aſſent, particular or general.

So I conclude, that I conceive there is not any ſuch Prerogative, to award ſuch Writs, to command men to ſuſtain ſuch charge, or to be contributory to it, and to be diſtrained or impriſoned for not payment thereof.

Alſo I conceive, that this is not an Act of Royal power; for if it be illegal to impoſe ſuch a charge, then is it not accounted as a matter of Royal power, but as a matter done upon an untrue ſuggeſtion, and a matter of wrong done; and wrong is not imputed to the King, for he can do no wrong, but it is imputed unto them who adviſed him to this courſe.

Royal power, I account, is to be uſed in caſes of neceſſity and imminent danger, when ordinary courſes will not avail; for it is a Rule, *Non* *recurrendum eſt ad extraordinaria, quando fieri poteſt per ordinaria*; as in caſes of Rebellion, ſudden Invaſion, and in ſome other caſe, where Martial Law may be uſed, and may not ſtay for legal proceedings; but in a time of peace and no extreme neceſſity legal courſes muſt be uſed, and not Royal power.

31 *H*.8.c.8. Therefore, where by the Statute of 31 *Hen*. VIII. *cap*.8. which was made upon ſuppreſſion of Abbies, when Rebellions were begun to be ſtirred, it is recited, That ſudden occaſions happen which do require ſpeedy remedies, and for lack of a Statute the King was inforced to uſe Royal power; it was enacted for the reaſons therein mentioned, That the King, by the advice of his Council therein named, two Biſhops, two chief Juſtices, and divers others, and the more part of them, by his Proclamation might make Ordinances for puniſhment of offences, and lay Penalties, which ſhould have the force of a Law (with a Proviſo, that thereby no mans Life, Lands, or Goods ſhould be touched or impeached:) So that therein Royal power was fortified by a Statute; yet that Statute took care, that no Lands or Goods ſhould be taken or prejudiced: But yet that Statute was thought inconvenient, and therefore by a Statute of 1 E. VI. the ſame was repealed. 1 *E*. 6.

Bract.l.2.c.24. fol. 55. *Coke* l. 7. fol.11. *Bracton*, *lib*.2. *cap*.24. *fol*.55. and the ſame is cited in *Coke*, *lib*. 7. *fol*.11. in *Calvins* Caſe, *Regis Corona eſt facere juſtitiam & judicium*, *& tenere pacem*, *ſine quibus Corona conſiſtere non poteſt*, *nec teneri*.

Coke l.7.fol.5. *Coke*, *lib*.7. *fol*.5. in *Calvins* Caſe, cited out of *Forteſcue*, *Rex ad tutelam Legis*, *corporum*, *& bonorum erectus eſt*; which being ſo, he cannot take any mans Goods, or charge them without his aſſent, by any Prerogative or power Royal.

Alſo there can be no ſuch neceſſity or danger conceived, that may cauſe theſe Writs to be awarded to all Counties of *England*, to prepare Ships at ſuch charge, and with ſuch Men and Munition, without conſent in Parliament.

For the Laws have provided means for defence in time of danger without taking this courſe, for that the King hath power to command all, or any Perſons of his Kingdom, to attend with Arms at the Sea-coaſts, or any other parts of the Kingdom; and alſo by his Officers to make ſtay or arreſt all or any the Ships of Merchants, and others having Ships, or as many as he pleaſeth, to go with his Navy to any parts of his Kingdom for defence thereof, and to attend thoſe to whom he appointed the guard of the Sea or Sea-coaſts, at ſuch times and places as they ſhould appoint: And this hath been always taken and conceived to be ſufficient for defence againſt any Prince whatſoever; and yet the ſame was in times when the Navy of *England* was not ſo ſtrong, as now by the bleſſing of God, and good providence of his Majeſty it is: That this courſe was then ſo taken, it appeareth by divers Records, *viz*.

23.*Ed*.1.m.4. 23. *Edw*. I. *m*.4. The Record reciteth, that the French King had prepared a great Navy upon the Sea, and purpoſed to invade the Kingdom, *Et linguam Anglicanam de terra delere*; and thereupon the King commanded all his Ships and Men with Arms to be in a readineſs to defend the Kingdom.

10 *Ed*.3. m.16. *Scot*. 10 *Edw*.III. *m*.16, reciteth, that certain Gallies in the parts beyond the Seas were prepared with proviſion of Men and Arms, and other neceſſaries of War, and ready to invade the Land; command was, that divers Ships ſhould be in a readineſs to defend, and the Ships of the Ports of *Ireland* to be ſent to *England* to help to defend the Kingdom.

Scot.

10 *Ed*.3.m.22. *Scot* 10 *Edw*.3. *m*.22. A Writ was to the Bailiff of *Southwales*, reciting, that the *Scots* and divers others confederating together, prepare themſelves to Arms and Ships in a great number, and intend to invade the Kingdom; command to them was, to have one Ship ready upon the Sea to defend their Coaſts.

12 *Ed*.3.m.10. *Alman*. 12 *Edw*.3. *m*. 10. A Writ to the Major of *London*, *Quia hoſtes noſtri in Galliis, cum multitudine non modica congregati, in diverſis partibus regni hoſtiliter ingreſſi ſunt, & civitatem prædict' celeriter ſi poſſunt invadere proponunt*; The King commandeth them to ſhut up the City towards the Water, and to put all their men in Arms, ready to defend, *&c*.

12 *Ed*.3.m.13. *Alman*. 12 *Edw*. 3.*m*.13. A Writ to the Bailiffs of *Great Yarmouth*; *Quia pro certo didicimus, quòd hoſtes noſtri Franciæ, & adhærentes eiſdem, Gallias & Naves guerrinas in copioſa multitudine in partibus exteris congregarunt, & eis hominibus, ad arma, & alia arma parare faciunt, & proponunt ſe movere verſus regnum noſtrum, & navigium regni noſtri, & portus prope mare ſcituat' pro viribus deſtruere, & idem regnum invadere, &c.* Command to the ſaid Town to prepare four Ships, with two hundred and forty men, *&c*. At the ſame time, like Writs went out to twenty other Towns upon the Sea-coaſts.

26 *Ed*.3.m.5. *Franc*. 26 *Edw*. 3. *m*. 5. A Writ to the Earl of *Hunt*. and others; *Quia adverſarii noſtri Franciæ, Nos & Regnum noſtrum invadere machinantes, magnum navigium parari fecer' & armari, nedum ad Regnum noſtrum Angliæ ſubitò attrahend', ad nos & dom. noſtr', & totam nationem Anglicanam pro viribus ſubvertend'*, &c. Commanding them to guard all the Coaſts of *Kent*, and to array all able men with Arms, to be ready to defend the Sea-coaſts.

5 *H*.4. m.28. 5 *Henr*.4. *m*.28. A Commiſſion is to *Thomas Morley*, and others; *Quòd cum inimici noſtri Franciæ, Britan. Scotiæ, & alii ſibi adhærentes, inter ſe obligat' magna potentia armat' ſuper mare in æſtate proxim' futur' ordinaverunt, & intendunt Regnum noſtrum Angliæ invadere*, &c. Commanding them to array men with Arms to defend, *&c*.

4 *H*.8.p.2. 4 *Henr*. 8. *Pars* 2. The King by Proclamation into the County of *Kent* ſheweth, that it is come to his knowledge of certain, that his ancient Enemy the *French* King, hath prepared and put in readineſs a great and ſtrong Navy, furniſhed with Men of War to invade the Kingdom of *England*, the King appointed the Lord of *Alburgeny* and others, to put men in array, and to be ready to defend that County.

Anno 1588. when the great Invaſion was by the Navy termed the Invincible Navy, which was foreſeen long before, this courſe of preparing Ships by every County of the Kingdom, was not taken or appointed; yet in all theſe times, when there appeared ſuch danger of Invaſions, there never went any ſuch Writs into any the Counties of *England* to provide Ships, but the Navy of *England*, and the Army of *England* was always accounted ſufficient for the defence of the Kingdom. So I conclude this point, that I conceive this courſe cannot be taken by any Prerogative or Royal power, nor any allegation of neceſſity or danger.

4. For the fourth point, I conceive that if it were legal to lay ſuch a charge upon Maritine parts, yet to charge any Inland County with making of Ships, and furniſhing them with Maſters, Mariners, and Souldiers at their charge, which are far remote from the Seas, is not legal, nor warranted by any former preſident; for it commandeth an unreaſonable and impoſſible thing: And then the Writ commanding ſuch a thing as is

unreaſonable and not poſſible for the parties commanded of themſelves to perform, without help of other Counties, is always illegal; for it is a Rule, that *Lex non cogit ad impoſſibilia*; therefore if one by Covenant bind himſelf to do a thing impoſſible, the Covenant is void. This appears by the Book-Caſe in 40 *Edw.3. fol.6.* where the Caſe is expreſly, that if a man do covenant to do a thing that is impoſſible, the Covenant is void, and the deed is void in that reſpect. Alſo the Book in 2 *Ed.4. fol.2.* If a Feoffment be made upon Condition to be void if the Feoffee do not a thing which is impoſſible, this Feoffment is good, and the condition void, for it was the fault of the Feoffor to annex ſuch a condition; and this appeareth by the caſe of an Arbitrement. If the Arbitrator award that one ſhall enter into Bond with ſuch a one as his Surety to pay a ſum of Money, or to do any other act, it is void as to the finding of a Surety at the leaſt; for it is not in his power to compel him to be his Surety, therefore the Law accounteth it unreaſonable, and ſo void. And this appeareth by the Book-Caſe, 17 *Edw.4.fol.5.* wherein it is ſo reſolved.

So this Writ commanding the Sheriff and Inhabitants of an Inland County to find a Ship furniſhed with Maſters and Mariners, whereas there is not any Shipwright that hath skill to make Ships, nor any Maſters or Mariners ever there inhabiting to guide a Ship; (for they are ſtill converſant about matters of the Plough, and feeding Cattel, and Husbandry, and are trained up by Muſters for skill of Arms to defend the Countries, and not with Sea affairs; for moſt of the County never ſaw a Ship, nor know what belongeth to Maſters or Mariners of Ships; and the Country is not bound to ſeek out of the County for ſuch men, and perhaps if they ſhould, they cannot know where to hire them:) Therefore when ſuch Writs to Inland Counties have been awarded to find a Ship with Maſters and Mariners, it being conceived by miſ-information that they were Maritine Towns, and had Ships and Mariners dwelling with them, the truth thereof being made appear to the contrary, they have been diſcharged, as appears by a Record in 13 *Edw.3. pars 2.m.14.* where a Writ went to the Admiral of the Fleet, thoſe parts upon complaint to the King, by the men of *Bodmin* in the County of *Cornwal*, that they were unjuſtly charged to find a Ship with Maſters and Mariners, whereas that Town was no Port Town, nor adjoining to the Sea, but far within the Land, nor ever had Ships lying there, nor Mariners, nor Seamen, nor ever uſed to find any ſuch for Sea ſervice; and that their Major and Officers were impriſoned for not finding ſuch a Ship; thereupon the King appointed to have it enquired, whether their allegations were true, and if it were true, ſignified that he would not have them ſo unjuſtly charged, but that they ſhould be diſcharged thereof: which ſheweth that it was then accounted unjuſt to lay ſuch a charge upon a Town, that was an Inland Town, and had no Mariners inhabiting in it; much more when ſuch a charge is upon an Inland County, which is much further remote from the Sea, and cannot perform by themſelves that which the Writ commandeth.

But this Record being objected by the Defendants Counſel, Maſter Solicitor gave Anſwer, that the ſame was becauſe the Admiral of his own Authority had charged them, which was not according to his Commiſſion, for he was onely to charge the Ports and Sea Towns; but that the ſame may not be done by the Kings Writ, the Record doth not prove.

But to this I Anſwer, That I conceive it is all one when ſuch a charge is laid upon a Town by Writ, which is an Inland Town; for ſo it appeareth by another Record of the ſame Year, *viz.* 13 *Edw.*3. *pars* 1. *m.*14. where a Writ was directed to the Admiral of the Fleet, *Ab ore Thameſiæ verſus partes Occidentales,* reciting where the King by his Writ to the Town of *Chicheſter,* had commanded the Major and Communalty there, that they ſhould make *unam Navem, & duos Eſcularios de guerra parari,* with Mariners and Men at Arms to be at *Portſmouth* ſuch a day, to go with the Kings Ships; and that they had complained that they had not, nor ever had any Ships arriving in that Town, nor had any Sea-men or Mariners dwelling there; and that it appeared unto the King by Inquiſition of a Jury returned into his Chancery, this Allegation to be true: Therefore becauſe the King would not have them *indebitè prægravari* (for ſo be the words of the Record) the King commandeth the Admiral that they ſhall not be troubled nor diſtrained for not performance of ſuch ſervice; whereby it appeareth, that if they, being within few miles of the Sea, ſhould not be charged to find ſuch a Ship, much more Inland Counties, which are much further remote from the Seas, are not juſtly to be charged with finding any Ships and Mariners: Therefore I conclude this point, that I conceive this Writ, in that reſpect, is not legal, nor warranted by any former Preſident.

The fifth and great Point hath been (and indeed the chief Argument hath been a multitude of Records and Preſidents which have been cited, that ſhould warrant theſe Writs, and) that the King hath done nothing, but what his former Progenitors have done, and have lawfully done, and that he doth now but *more majorum*, and that which always in ancient times hath been done and allowed; and therefore ought now to be allowed.

I confeſs this Allegation much troubled me, when I heard thoſe Records cited, and ſo learnedly and earneſtly preſſed by Mr. Solicitor, and afterwards by Maſter Attorney, to be ſo clear, that they might not be gainſaid; but that they proved a clear Prerogative, or at leaſt a Royal power, that the King might do ſo, eſpecially when my Brother *Weſton* and my Brother *Berkley,* who had ſeen the Records, preſſed them, and relied upon them for the reaſons of their judgments, I ſay, I was much doubtful thereupon, until I had peruſed all thoſe Records ſent me by the Kings Counſel, and ſatisfied my judgment therein.

But now I anſwer, That if there were any ſuch Preſidents (as I ſhall ſhew that there is not one ſhewed to me to prove this Writ to be uſual) yet it were not material, for now we are not to argue what hath been done *de facto*, for many things have been done which were never allowed; but our Queſtion is, What hath been done, and may be done *de jure:* And then, as it is ſaid in *Coke lib.*4.*fol.*33. in *Mittons* Caſe, *Judicand' eſt legibus, non exemplis:* and *lib.*11. *fol.*75. in *Magdalen* Colledge Caſe it is ſaid, *Multitudo errantium non parit errori patrocinium:* and *l.*4.*f.*94. in *Slades* Caſe. Multitude of Preſidents, unleſs they be confirmed by Judicial proceedings in Courts of Record, are not to be regarded; and none of theſe were ever confirmed by Judicial Record, but complained of.

But to give a more clear anſwer unto them, I ſay, that in my opinion, upon view and ſerious reading of all the Records that have been ſent me on the Kings part (for I have read them all over *verbatim*) and I preſume they ſent all that were conceived to be material; and I having taken notes of every one of them, and diligently conſidered of them, I

cor-conceive there is not any Preſident or Record of any Writ which maintains this Caſe; for there is not any Preſident or Record of any ſuch Writ ſent to any Sheriff of any Inland County, or Maritine County, to command the making of Ships at the charge of the County, but this is the firſt Preſident that ever was ſince the Conqueſt, that is produced in this kind. But it is true, that before 25 *Ed.* 1. there have been ſome Writs to Maritine Towns and Ports, and other Towns, as *London, &c.*

Where they have had Ships, and Mariners to provide and prepare Ships, and to ſend them to places where the King pleaſed to appoint upon any juſt cauſe of fear of any danger, for defence; and great reaſon that they having Ships, and Maſters of Ships, and Mariners, ſhould be at the Kings command to bring all, or as many as he pleaſeth, for defence of the Sea and Kingdom, being thoſe that had the moſt benefit of the Seas, and likely to have the loſs, if the Seas and Coaſts were not duly guarded, and thoſe were moſt commonly appointed to be at the Kings charge; but ſometimes, upon ſome neceſſity, they were appointed to be at the charge of the Towns and Parts adjoining, which I think was the true cauſe of the complaint in Parliament, in 25 *Ed.* 1. and the making of that Statute for ſtaying that courſe; for there is no Record afterwards of any ſuch Writ in King *Edward* the Firſt's time, after that Statute to Maritine Towns, to prepare or ſend Ships at the charge of the Towns. And none after, until the time of *Edw.* 3. And then the Wars being between him and the *French* K. in *An.* 10, 11, 12, 13 of *Ed.* 3. were the moſt Writs awarded to the Maritine Towns, to ſend Ships at their charge ſufficiently furniſhed. And thoſe, I think, were the principal cauſe of the making of the Stat. of 14 *E.* 3. *c.* 1. and after that Stat. no ſuch Writs, nor any Commiſſions for that purpoſe were awarded to make any Ships at the charge of Maritine Towns, until 1 *R.* 2. *m.* 18. when Writs were awarded to many Maritine Towns, and Inland Towns, for the making of Ships, which Record was much preſſed by Maſter Attorney, and afterwards by my Brother *Weſton*, and my Brother *Berkley* to prove that this courſe was, and might be practiſed after the Statute of 14 *E.* 3. for ſending forth ſuch Writs, and allowed. But that Record is fully ſatisfied, for it was grounded upon an Ordinance in Parliament, in 1 *R.* 2. *m.* 52. that all ancient Cities, Boroughs, and Towns that would have their Liberties confirmed, ſhould have them confirmed, without any charge of Fine, ſave onely to make a Ship of War for defence of the Realm; ſo this was not compulſory to any, but voluntary to thoſe that would have their Liberties confirmed. And afterwards in 1 *H.* 4. Commiſſions were awarded for the making of ſuch Veſſels for War; but thoſe iſſuing forth, without any Ordinance of Parliament, were complained of in Parliament, 2 *H.* 4. *m.* 22. as to be againſt the Liberty of the Subject, as appeareth by the Statute before recited, and the Commiſſions expreſſly repealed. And ſince that time of 2 *H.* 4. no ſuch Writs iſſued forth in any Age to any Maritine Town, to cauſe Ships, or prepare Ships at their own charge for the Kings ſervice, until theſe late Writs.

And now I ſhall take a ſhort view of all the Records that have been cited, and ſent unto me; and leave them to the judgment of my Lords and others, if any of them prove theſe Writs to be uſual and legal.

The

The RECORDS in the Time of King JOHN.

THree of theſe are to arreſt and make ſtay of all Ships that they 6 Joh. m.11.
ſhould not go out of the Kingdom, but to be ready for the Kings 9 Joh.m.3.
ſervice; and the other was to bring Ships of particular Towns to the 14 Joh.m.2.
mouth of the Thames for the Kings ſervice. 17 Joh.m.7.

15 Joh.m.4. A Commiſſion to guard the Seas to *John de Marſhal*, and to the Sheriff of the County of *Lincoln*, and all others to attend his Commands.

15 Joh.m.6. Writs to the Barons of the Cinque Ports, and divers other Towns, to have their Ships ready for the Kings ſervice.

In the Time of King Henry III.

14 *H.*3. m.14. A Writ to the Bailiff of *Portſmouth* to prepare one Gally.

14 *H.*3.m.5. A Commiſſion to the Biſhop of *Rocheſter* and others, and to the Sheriff of *Kent*, to cauſe all men at Arms in that County to be ſworn, and to aſſeſs them what Arms they ſhould find.

48 *H.*3.m.4. A Writ to the Sheriff of *Norfolk*, commanding him to cauſe them which were appointed to attend at the Sea-coaſts in that County, and having ſerved forty days, intended to depart, that they ſhould ſtay eight days longer by reaſon of the danger, and longer, if need require.

The like was ſent to the Sheriff of *Suffolk* and *Eſſex*.

48 *H.*3.m.2. A Writ to the Major of *Bedford*, commanding him to provide for the Expences of them that were ſent from thence for the guarding of the Seas, yet it is but for eight days more after the date of the Writ.

48 *H* 3.m.3. A Writ to the men of *Eſſex*, *Norfolk* and *Suffolk* appointed to attend for the guarding of the Sea-coaſts, reciting that the King had appointed *T. de M. Cuſtodem maris, & partium maritinarum* within their Counties, commanding them to aſſiſt him, and to perform therein what he required.

48.*H.*3.m.7. A Writ to the Sheriff of *Cambridge* and *Huntington*, to command all men of thoſe Counties able to bear Arms, to come to the King to *London*.

In the Time of King Edward I.

23 *Ed.*1.m.5. A Writ to thoſe of *Eſſex*, *Norfolk*, and *Suffolk*, reciting that ſuch perſons were appointed *ad cuſtod' Maritin'* in thoſe Counties, commanding them to attend them.

Ibid. Another Writ to the Sheriff of *Norfolk* and *Suffolk*, reciting that certain Conſtables of thoſe Counties were appointed to aſſeſs men at Arms, ſufficient for the guarding of the Sea-coaſts, commanding him to diſtrain, and compel them ſo aſſeſſed for to go.

24 *Ed.*1.m.17. Writs to the Sheriff of *Lincoln*, *York*, and *Northumberland*, reciting that he had commanded *A. de B. ad congregand' & capiend' centum Naves* between *Ley* and *Barwick*, *& ad homines potentes in eiſdem navibus ponend'*, commanding them to aſſiſt him there.

24 Ed.1.Rot. 62. A Writ out of the Exchequer to *Adam de Guerdon*, *& aliis*, Guardians of the Sea-coaſts in the County of *South-hampton* to diſtrain the Abbot of *Reading* for to find nine Horſes, which he was aſſeſſed at for that Service.

24 Ed.1.m.16 Writs to all Archbiſhops, Biſhops, Earls, &c. in the Counties of *Sommerſet*, *Devonſhire*, and *Cornwal*, to attend with their Horſemen and Footmen for defence of the Sea-coaſts in thoſe parts, when they ſhall be required by the Guardian of thoſe Coaſts.

24 Ed.1. Rot. 78. A Writ out of the Exchequer directed to all Archbiſhops, Biſhops, Earls, &c. in the County of *Norfolk*, and to the Sheriff of *Norfolk*, reciting that *Peter de Rutlin* was appointed *ad cuſtodiam partium maritinarum illarum*, commanding them to aſſiſt him.

Ibid. A Writ out of the Exchequer, directed to the Sheriff of *Berks*, reciting that the King was informed by *Adam de Guerdon*, Guardian of the Sea-coaſts in the County of *South-hampton*, that thoſe men of the County of *Berks*, that were come to the defending of the Sea-coaſts in thoſe parts, came not as they were warned, commanded to diſtrain them and compel them, &c.

The like Writs were awarded to the Sheriff of *Wiltſhire*, *South-hampt.* &c.

24 Ed.1.Rot. 81. A Writ to the Bailiffs of *Great Yarmouth*, reciting that the King was informed, that certain of *Flanders* and *French* in a great multitude, apparelled like Fiſhermen, intending to invade their Town, warning them to gather their Ships together, and all their Arms to defend themſelves againſt ſuch Attempt.

24 Ed.1. int. Com. A Writ to all Sheriffs and Bailiffs, *&c.* reciting that he had appointed ſome therein named, *Ad congregand' numerum Navium, & Galliar' major'*, *&c.* commanding the Sheriffs in their ſeveral Counties to be aſſiſting unto them therein.

☞ *Nota.* Note, all theſe Records are for Arrays, and congregating of Ships, but none to make or prepare Ships at the charges of the Counties.

24 Ed.1.m.9. A Writ of *Superſedeas* to the Guardian of the Seas in the County of *South-hampton* to diſtrain *Hugh Pleſſis* to find Arms for his Lands in that County for the guarding of the Seas, becauſe he was in ſervice with the King.

24 Ed.1.m.26. A Writ to the Sheriff of *Eſſex* to diſcharge for the Winter time, thoſe that lay at the Sea-coaſts with their Arms to defend their Coaſts, but commanding them to be in readineſs when they ſhould be again commanded.

The like Writs were then awarded to divers Sheriffs of Maritine Counties to the ſame purpoſe.

25 Ed.1.m.12. A Writ to the Sheriff of *Lancaſter*, reciting, that whereas the King had formerly commanded him to go to all the Ports and Towns where Ships were, commanding the Bailiff of the Ports to have all the Ships of the Burthen of 400 Tuns at *Wincheſter* by ſuch a day, now commandeth the Sheriff to ſee them made ready and ſent.

Ibid. 13. The like Writs directed to the Sheriff of *Lincoln*, *York*, *Northumberland*, and *Cumberland*,

Ibid. 14. The like Writs directed to 19. other Ports and Towns in other Counties.

22 Ed.1.m.20. A Commiſſion to ſend to array men at Arms in the County of *Weſtmoreland*.

23 Ed.1. Rot. 77. In the Exchequer (ſhewed by the Defendants Counſel) Writs were to ſeveral Maritine Towns, and other Towns upon the Sea-coaſts,

where Ships were uſually made, to make Ships and Galleys, and that the King will allow and pay for them when he knoweth the charge thereof.

In the Time of King Edward II.

Pat. [illegible] Ed.2. par. [illegible]

A Writ to all the Men in the Towns upon the Sea-coaſts and Ports of the Sea between *South-hampton* and *Falmouth*, reciting that the King had appointed *John de Norton* to make proviſion of a Navy in the ſaid Towns and Ports at their charges, commanding them to perform what he in that behalf ſhall require.

Clauſ.20.E.2. m.8.

A Writ to the Bailiffs of *Yarmouth*, reciting that where the King had commanded all the Ships of the burden of 50 Tuns, from the Thames mouth towards the Weſt part, to be at *Portſmouth* ſuch a day, *&c.* and they had ſent two Ships, that the Maſters and Mariners complained that they could not ſerve without Wages, and therefore appointed them to pay them Wages.

20 *Ed.*2.m.10.

A Writ to the Bailiffs of *Yarmouth*, commanding them to ſend all their Ships of the burthen of 30 Tuns and above, to *Orewel* in *Suffolk*, with double tackling, Victuals, and other things neceſſary for one Moneth.

The like Writs at the ſame time to other Towns, to the number of Thirty four.

20 *Ed.*2.m.5.

A Writ to the Major of *London* to provide 3 Ships with Men and Munition, to go with 9 Ships of *Kent*, to guard the Sea-coaſts.

15 *Ed.*2.m.29.

A Writ to the Sheriff of *Norfolk*, commanding him to warn all Barons, Bannerets, Knights and Eſquires, which were commanded to attend the King at *Coventry* at ſuch a day, and to go with the King.

15 *Ed.*2.m.15.

A Writ to the Sheriff of *Norfolk* and *Suffolk*, commanding him to arreſt all Barons, Bannerets, Knights, and Eſquires, which were commanded to attend the King at *Coventry*, at ſuch a day therein named, and came not, to be before the King and his Council at *London*, to anſwer.

The Record ſaith, like Writs were then awarded to divers other Sheriffs of other Counties.

16 *Ed.*2.m.13

A Commiſſion to array all perſons between the Ages of Sixteen and Sixty, with Arms convenient, to come to the King when they ſhall be required.

19 *Ed.*2.m.6.

A Writ to the Archbiſhop of *Canterbury*, commanding him to array all his Servants and Family to be ready to defend the Kingdom, if any Invaſion ſhould be. The like Writs at that time to all the Biſhops.

In the Time of Edward III.

2 *Ed.*3.m.92.

A Writ to the Major and Bailiff of *South-hampton*, commanding them to cauſe all their Ships of the burthen of 40 Tuns and above, to be furniſhed with Men at Arms and Victuals, ready to defend the Land, if any Invaſion ſhould happen.

Scot. 9 *Ed.*3. m.19.

A Commiſſion to *Hugh Courtney* to guard the Seas in the Counties of *Devonſhire* and *Cornwal*, and commanding all others to aſſiſt him.

10 *Ed.*3.m.25.

The like Commiſſion to *Hugh Courtney*, for guarding the Seas in the ſame County.

Ibid.

A Writ to *Bartholomew de Inſula*, for cuſtody of the Sea-coaſts in the

County of *South-hampton*, and therein is a command to *John Tichborn* and others for the County of *South-hampton*, and to *William de Perſhiore* and others for the County of *Berks*, and to *John Mandit* and others for the County of *Wilts*, to array men with Arms, and to have them in readineſs to defend the Coaſts of the County of *South-hampton*.

Scot. 10 *Ed.*3. m.2. A Writ to *William Clinton*, Guardian of the Cinque Ports, and others, to ſurvey all the Ships of the Cinque Ports, and other Ports from the mouth of the *Thames* unto *Portſmouth*, and to cauſe them to be furniſhed with Arms and Victuals for 13 Weeks from the time they ſhall go from *Portſmouth*.

Scot. 10. *Ed.*3. m.2. A Writ to the Major of *Wincheſter*, to cauſe the Ships appointed for that Town to be furniſhed with Men at Arms and Victuals, and other neceſſaries, for 13 Weeks.

Scot. 10 *Ed.*3. m.16. A Writ to the Admiral of the Fleet from the mouth of Thames unto the Weſt Parts, to keep upon the Seas the Ships of the Cinque Ports, and other Ships arreſted to defend the Kingdom againſt any attempt of Invaſion.

The like Writ was then to the Admiral of the Fleet from the mouth of the Thames unto the North parts, with like Command to hold the Ships together upon the Sea.

Scot. 10 *Ed.* 3. m.16. A Writ commanding the Ships of the Ports of *Ireland* to be ſent hither to guard the Seas here.

10 *Ed.*3.m. 12 A Writ to the Bailiffs of *Yarmouth*, to cauſe the men of that Town to contribute to the charges of the Ships, and Men, and Victuals ſent from thence for the defence of that Kingdom.

Scot. 10 *Ed.*3. m.21. A Writ to all the Liberties and Men of *South-Wales*, to have one Ship riding upon the Seas for the defence of thoſe parts.

Ibid. The like unto the men of *North-Wales*.

Scot. 10 *Ed.*3. m.21. A Writ to the Arrayers of men for the County of *Berks*, to compel them of that County aſſigned and aſſeſſed for the keeping of the Sea-coaſts in the County of *Southt.* to go to *Portſmouth* by a day therein appointed.

Alm. 12 *Ed.*3. m.12. A Commiſſion, reciting that the King had appointed all the Ships from the mouth of the Thames Northward to be arreſted, and to cauſe them to be furniſhed with Munition, Men, and Victuals, and to be brought to *Yarmouth*; and that the men of *Lin* refuſed to contribute to the expences of the charge of the men ſent in the Ship from that Town, and the furniſhing of that Ship; and therefore commanded the Commiſſioners therein named, to aſſeſs them that refuſe ſo to contribute, and to diſtrain them for it.

Alm. 12 *Ed.*3. m.13. The like to compel the men of *Bardſey*, to contribute for the expences of the Men of that Town.

Clauſ. 12 *Ed.*3. m.16. The like to compel the Men of *Surrey* and *Suſſex*, to contribute to the expences of the Men of thoſe Counties, that attended for the guarding of the Sea-coaſts there.

12 *Ed.*3. m.8. A Writ to all Archbiſhops, Biſhops, &c. and to the Sheriff of *Kent*, and to the Barons of the Cinque Ports, and all others in that County, commanding them to be aſſiſting to *J. de Cobham*, to whom the Cuſtody of the Seas in thoſe parts is committed, and to defend thoſe Coaſts againſt Foreign Invaſion.

Alm. 12 *Ed.*3. m.10. A Writ to the Major of *London*, reciting the danger of Invaſion, &c. commanding to ſhut up the Gates towards the Water, if the Enemies approach.

A Writ to the Bayliffs of *Yarmouth*, reciting by his Writ he had commanded four Ships of War of that Town to be made ready with Men, Munition, and victuals for three months, at the charges of the Town, to be brrought to *Orewell*, and that they failed to come at their day, to the great peril of the Land; therefore commandeth the Bayliffs to compel them at another day therein prefixed to be at the ſame place. There it is ſet down that the like Writs were awarded to the Bayliffs of ſeventeen other Towns, for the ſending their Ships, being charged ſome for one Ship, and ſome for two Ships.

Alm. 13 Ed.3. m.12.

A *Superſedeas* for the Abbot of *Gwaverra* to find a Ship as he was appointed, becauſe he found divers men at Arms in the Iſle of *Wight*.

Clauſ.13 Ed.3. m.35.

A *Superſedeas* for the Abbot of *Ramſey* for being charged with Arms for the guarding of the Coaſts of *Norfolk* for his Lands in *Norfolk*, becauſe he was by command attending with all his forces in the County of *Huntington*, for the ſafety of thoſe parts.

Clauſ.13 Ed.3. m.38.

A Writ of *Superſedeas* to the arrayers of Arms in the County of *Oxon'*, to diſcharge *John Mandit* to ſerve there, becauſe he attended in *Wiltſ.*

Clauſ.13.Ed.3. m.14.

A Writ, *&c.* to the Arrayers of Arms in the County of *Wilt.* which is only concerning the payment of Souldiers Wages, who attended to guard the Sea-coaſts.

Clauſ.13 Ed.3. m.14.

Theſe being all the Records ſhewed, it appeareth that there were no Writs iſſuing out in thoſe times to any Sheriffs of Inland Counties, or Maritine Counties, to make or prepare Ships for any occaſion whatſoever, but only to Maritine Towns, to ſend their Ships, or to prepare Ships at their own charges.

The Records ſince 14 *Ed.*III. ſhewed me, do not ſhew any Writs to be awarded to any Maritine Towns, to prepare Ships at the charge of the Towns.

But thoſe Records of 1 *Rich.* II. and 1 *Hen.* IV, which I have before anſwered, and the Records ſince that time ſhewed unto me (except ſuch as I have formerly mentioned in my Argument) are theſe:

A Commiſſion to *Nicholas de Cartlape*, to array men to reſiſt the Scots.

Scot.20 Ed.3. m.14.

A Writ to the Mayor of *York*, to array all their men to be ready when they ſhall be required.

Ibid.

A Commiſſion concerning arrays of men in the Counties of *Derby* and *Nottingham*, and to puniſh ſuch as came not when they were appointed.

20 Ed.3.m.15.

A Writ to the arrayers of men in the County of *Southampton* to diſcharge the Abbot of *Bettaile* to find Arms for the Sea-coſts there.

Rot. Franc. 21 E.3.m.31.

A Commiſſion to *John de Bodingham* for the cuſtody of the Ports and Maritine parts in *Cornwal*, and to array all the men to be in a readineſs.

Franc. 25 E.3. m.20.

Note, all theſe Records are only for arrays of mens, and none for preparing Ships.

☞ *Nota.*

There it is ſet down, that the like Commiſſions are to others in ſeveral Counties.

A Commiſſion to the Earl of *Huntington*, to have the cuſtody of the Ports in *Kent*, and to array men, and to ſet up Beacons, *&c.* which is the firſt I obſerve in that kind.

Franc.26 Ed.3. m.5.

The like Commiſſions were then to ſeveral other perſons, to array men in ſeveral Counties, as *Warwick*, *Oxon. Berks*, *Bucks*, &c.

Franc.46 E.3. m.31. A Writ to the Archbiſhop of *Canterbury*, reciting the danger of invaſion by the French to hurt the Church and Kingdom, to array all his Clergy in his Dioceſs, *&c.* to be ready to go with the Kings Forces to defend, *&c.*

The like Writs to all other Biſhops in the Kingdom.

Franc.50 E.3. m.47. A Writ to the Arrayers of Men in the County of *Norfolk*, and to the Sheriff of *Norfolk*, commanding them to command all great men and others, that had Manſions upon or near the Sea-coaſts, to reſort with all their Families for defence of thoſe Coaſts.

The like to the Arrayers, and to the Sheriffs of ten other Maritine Counties.

Scot.29.Ed.3. m.13. A Commiſſion to the Biſhop of *Durham* and others, to array men in *Durham*, *Cumberland*, and *Northumberland*, to reſiſt the Scots.

Franc.40. E.3. m. 31. A Writ to *William Hench* and others, to remove with all their Families to their houſes upon the Sea-coaſts.

In the time of Richard *the Second.*

1 R.2.m.7. A Writ to the Bayliff of *Scardeburgh*, becauſe the Town was upon the Coaſts of the Sea, and in danger by invaſion, carefully to look to the cuſtody thereof *&c.*

Eod.Rot.m.12. A Writ to the Mayor and Bayliffs of *Oxon*, to repair the Walls of the Town, and to compel thoſe that had Lands there to contribute to the expences thereof.

This Record hath been much urged by Maſter Sollicitor and Maſter Attorney, that if the King have ſuch a power to command the Walls of a Town to be repaired, much more to command Ships to be made, which are the Walls of the Sea, and conſequently the Walls of the Kingdom. But this is clearly anſwered, for that it is but a private charge of a private Town, and that had been formerly ſo walled, and for defence and ſafety of the Town, and none charged but thoſe that have benefit thereby, and ſo proveth nothing to the Caſe in queſtion.

Eod.Rot.m.42. One Writ to the Sheriff of *Kent*, and another to the Sheriff of *Eſſex*, commanding an Ordinance made, *&c.* by the King and his Council, for ſetting up of Beacons, and keeping watch about them.

Scot.7 R.2. m.8. A Writ to the Archbiſhop of *Canterbury* to command all his Clergy between ſixteen and ſixty to be arrayed and put in Arms, both Horſe and Foot, according to their qualities, to be ready to defend the Kingdom.

Franc.11 R.2. m.13. A Writ to a Serjeant at Arms, to array all Ships of War in the Ports of *Plimouth* and *Dartmouth*, and other parts in the County of *Cornwal*, and to bring them to *Hawks Hook* to go with the Kings Majeſties Ships.

In the ſame Roll are divers other Writs to divers other Serjeants at Arms, to arreſt the Ships in divers other Ports.

Scot.21 R.2. m.3. A Commiſſion to the Duke [illegible] to array men in the Weſt Marches towards [illegible] to reſiſt the Scots.

[illegible] 1 & 4 m. 11. A Writ to the [illegible] and *Nottingham*, reciting that the King [illegible] intended with a great Power to invade the Kingdom, [illegible] to proclaim in all parts of his [illegible] they ſhould put themſelves in [illegible] degrees, to be ready upon two days [illegible]

The like Writs were then directed to the Sheriffs of *Lincoln*, *York*, and *Lancaſter*.

Clauſ. 1. *H.* 41. m. 12.

A Writ to the Archbiſhop of *Canterbury*, reciting *Satis informati eſtis qualit. inimici noſtri Franc. & alii ſibi adhærentes, cum magna claſſe navium, cum magna multitudine armator' ſuper mare congregat', diverſas villas per Coſteram regni noſtri invadere, & nos & regnum noſtrum deſtruere, & Eccleſiam Anglicanam ſubvertere intendunt & proponunt:* Thereupon commandeth, that the Clergy in that Dioceſs be arrayed and armed, and to be ready at the Kings command to go againſt the Enemy.

Note, that although this great danger be mentioned, yet no command to any County to prepare Ships.

The like Writs were then awarded to every Biſhop in *England*.

Pat. 5 *H.* 4. pars 2. m. 28.

A Commiſſion to *Thomas de Morley* and others, and to the Sheriffs of *Norfolk* and *Suffolk*, and to the Bayliffs of great *Yarmouth*, reciting, *Quod cum inimici Franc. Britan. Scot. & alii ſibi adhærentes, inter ſe obligat. magna armat. ſuper mare in æſtate proxim. futur. ordinaverunt & intendunt regnum invadere*, &&c. commandeth to ſurvey that Town of *Yarmouth*, and to fortifie it.

Note here alſo, notwithſtanding ſuch great danger mentioned, and ſuch diſtance of time, yet that no Writs iſſued to any Counties to prepare Ships.

A Commiſſion to array all men at Arms in the Weſt-Riding in *Yorkſhire*, to be ready to defend thoſe parts,

Pat. 3. *H.* 5. pars 2. m. 37.

The like Commiſſions to others in nineteen ſeveral Counties.

Pat. 13 *H.* 6. m. 10.

Commiſſions for arraying men for defence of the Kingdom, if invaſion ſhall be, and for repreſſing of Rebels.

Pat. 39 *H* 6. m.
Pat. 39 *H.* 6. m. 12.

Commiſſions unto *George* Duke of *Clarence* and others, to array men men for defence.

Pat. 39 *H.* 6. m. 1.

A Commiſſion to *John* Lord *Howard*, to be Captain of all the Forces.

Pat. 10 *Ed.* 4. m. 12.

A Commiſſion to Marqueſs *Mountague*, to array and put in Arms all men beyond *Trent*.

Pat. 10 *Ed.* 4. m. 12.
Pat. 49 *H.* 6. m. 22.

A Commiſſion to *Richard Fitz-Hugh*, &c. and to the Sheriff of *Yorkſhire*, to array and cauſe to be armed all able perſons, Abbots, and others, to be ready to defend the Kingdom.

Pat. 1 *H.* 7. pars .
1 *H.* 7. pars 3.

A Writ to the Sheriff of *Norfolk* and *Suffolk* to proclaim in all parts of thoſe Counties, for that there was like to be open Wars between *Charles* of *France*, and the King of *Romans*, and great Navies are prepared of either ſide, commandeth that watch and ward be kept, and Beacons kept, to give warning that every man be ready, if need be, to come and defend the Kingdom.

A Writ to the Sheriff of *Kent*, commanding him to proclaim in his County that the King be certainly informed, that the French King hath prepared and put in readineſs a great and ſtrong Navy, furniſhed with Men of War, to invade this his Kingdom; therefore commandeth all men, between the Age of ſixteen and ſixty to put themſelves in Arms, and to be ready to defend the Kingdom at an hours warning.

4 *H* 8 pars 2.

Commiſſioners went to take view of all the Horſes of *England* for ſervice, and to ſurvey all the Arms, and to have them all put in readineſs, as neceſſity ſhould require.

11 *Eliz.*

Now it appeareth upon view and examination of all theſe Records, moſt of them being cited by Maſter Solicitor and Maſter Attorney in their ſeveral Arguments, that there are none to prove the ſending of any ſuch Writs to Inland or Maritine Counties to prepare ſuch Ships, although there hath been many times great danger; nor yet any Writs to Maritine

Towns after the Statute of 14 *Edw.*III. to charge them to find any Ships at their charges: So then I conclude this point, that I conceive this Writ is not warranted by any former Preſident.

Now I come to examine the points of this Writ, whether the ſame be legal, and warranted by any former Preſidents, and I conceive it is not:

1. Firſt, The motives mentioned in the Writ are, *Quia datum eſt nobis intelligi*, which is no certain information, *quòd quidam prædones & maris graſſatores*, did take the Kings Subjects, Merchants, and others, and carried them into miſerable captivity.

2. *Cumque ipſos conſpicimus navigium indies præparantes ad mercator' noſtros moleſtand', & regnum noſtrum gravand'.* All theſe and thoſe following I conceive are not ſufficient motives, and were never in any Preſident before to have a Royal Navy prepared, for the former Preſidents are, that great Princes in open times of hoſtility had provided great Navies with Munition and Souldiers, with intent to invade the Kingdom, as appeareth by the former Preſidents: And againſt ſuch Proviſion it was neceſſary to provide a Royal Navy, the Kings Ships, and all the Ships of the Kingdom to be gathered to withſtand them; but to make ſuch preparation againſt Pirates, it was never put in any Writ before: For when Pirates infeſted the Seas, they came as it were by ſtealth to rob and to do miſchief, and they never dare appear, but when they may do miſchief, and eſcape away by their lightneſs; but againſt them the uſual courſe hath been, that the Admiral or his Deputy with ſome few Ships have ſcoured the Coaſts, and not to imploy a whole Navy, and this appeareth by the Record of 25 *Edw.* I. *m.*9. where *William Leybourn*, the Admiral, was appointed upon ſuch an occaſion with ten Ships to lie upon the Seas; and the uſual practice hath been, when they hover upon the Seas, by ſending a few Ships of War to ſcatter them, and to make them abſolutely to flee away: And there is no doubt of loſs of the Dominion of the Seas by any Act that Pirates can do, neither convenient that every County of the Kingdom ſhould prepare Ships againſt them.

2. The command of this Writ to provide a Ship of 450 Tuns at the charges of the County, furniſhed with Maſters and Mariners, which is impoſſible for them to do for the reaſons before alleaged; and therefore is illegal, and not warranted by former Preſident.

The command of the Writ to find Wages for the Souldiers for twenty ſix weeks after they come to *Portſmouth*, when they are out of their Counties, and in the Kings ſervice, is illegal, being againſt the courſe of Preſidents in divers times, and againſt divers expreſs Statutes: And this appeareth by divers Records, 15 *Joh.* In the Writs of Summons of the Tenants by Knights Service, it is expreſly mentioned, that after their ſorty days Service (for ſo many days they were to do Service by their Tenures) they ſhould be ſatisfied *ad denarios Regis*.

Paſch. 26 *Edw.* I. amongſt the Writs of the Exchequer it is there ſet down, that the Footmen of *Cheſhire*, being 1000. which were appointed to go to the defence of the Borders upon *Scotland*, would not ſtir out of the County without their Wages; and there is ſet down, that one therein named was ſent down with money to pay the ſaid Footmen.

Mich. 26 *Edw.* I. *Inter Brevia irretornab.* in the Exchequer, by reaſon of the invaſion of the *Scots*, many thouſands of Souldiers were taken from divers parts of the Kingdom, *ad vadia Regis*, and there mentioned, that Clerks were ſent down with money to pay the Souldiers of ſeveral Counties their Wages.

30 Edw. 1. In the Exchequer in accompt the Wages of Land-Souldiers for ſeveral Counties, and the Wages of Mariners, are ſet down what the Wages that was paid came to by day both by Sea and Land.

Trin.31.E.1. *Inter Brevia* in the Exchequer, the Wardens of the Marches of *Scotland* ſignified unto the Barons, that the men of *Cumberland* and *Weſtmerland*, appointed for the defence of the Marches, would not ſtir out of their Counties without Wages. whereupon order was given for Wages for them.

19 Edw. 2. Commiſſions went out to pay the Souldiers, which ſerved out of ſeveral Counties for defence againſt *Scotland*.

Hill. 2. *Ed.*3. *Rot.*16. In the Exchequer it was ordered in Parliament, that where ſome Souldiers had received of ſome of the Kings Officers moneys for their Wages, were fain to give bond for repayment, that thoſe bonds ſhould all be redelivered.

But to clear all doubts, the expreſs Statute of 18 *Ed.* III. *cap.* 7. is, That men of Arms, Hoblers, and Archers, choſen to go in the Kings Service out of *England*, ſhall be at the Kings Wages from the time they go out of their Counties where they were choſen, until the time they come home again.

19 *H.*7.cap.1. 11 *H.*7. cap.1. Thoſe that had any grant of Lands from the King, and thoſe that had any Offices of the grant of the King, are to ſerve the King in his Wars, but in both it is appointed, they ſhall have Wages from the time they come from their houſes, until they ſhall return.

2 & 3 *E.*6.c 2. It is enacted, That no Captain receiving Souldiers ſerving by Sea or by Land, ſhall receive any Wages for more Souldiers, or more time than they ſerve, and ſhall enter the days of their entring into Wages upon pain, *&c.*

All which Records and Statutes do prove, that the Souldiers ſhould be at the Kings Wages; therefore the command for Souldiers Wages for twenty ſix Weeks when they go from *Portſmouth*, is illegal, and expreſly againſt the ſaid Statutes: and ſo the Aſſeſsment being entire, as well for the Wages as the other charges, I hold to be clearly illegal, and not to be demanded.

4. That the command of this Writ to the Sheriff to aſſeſs men at his own diſcretion, is not legal, nor warranted by the Preſidents; for the Preſidents are commonly that aſſeſsments for contribution for making or ſetting out of Ships, have been by Commiſſioners, which by preſumption had knowledge of ſuch matters as commonly Sheriffs have not. Alſo this leaveth to the Sheriff too great a power to value mens eſtates, as to inhaunce whom he will, and to favour whom he will.

5. That the power to the Sheriffs and Mayors of Towns, *&c.* to impriſon, eſpecially as it is uſed for non-pament of money, is illegal, and expreſly againſt divers Statutes; for it is provided by *Magna Charta, c.*29. *Quod nullus capiatur vel impriſonetur, nec ſuper eum ibimus niſi per judicium Parium ſuor' vel per legem terræ.*

Alſo in 5 *Ed.* III. *cap.*9. that none ſhall be attached, or his goods ſeized contrary to the form of the great Charter.

Alſo by the Statute made *Mich.*37. *Edw.*III. *cap.*18. it is recited, that by that great Charter none ſhould be taken or impriſoned but by due Proceſs of Law, yet by colour of this Writ the Sheriff may impriſon any perſon, yea, any Peer of the Realm; for although Peers are not to be arreſted upon ordinary Proceſs between party and party, as it was reſolved in the Counteſs of *Rutlands* Caſe, in *Coke l.* 6. *fol.*32. yet for a contempt, and upon Proceſs of contempt, which is always for the King, any Peer may be impriſoned, as it is reſolved by all the Lords and all the Judges in the *Star-chamber* in the Earl of *Lincolns* Caſe: And ſo the Sheriff by colour of this Writ may arreſt any Peer, as for a contempt in not paying; but by the Book caſe, 2 *Ed.* III. *fol.*2 it is reſolved, that a Writ to impriſon one upon ſuggeſtion before he be indicted, and without due Proceſs of Law, was illegal; ſo for the caſe I hold this Writ to be illegal.

6. The laſt Clauſe of this Writ is, That by colour of this Writ more ſhould not be gathered than will be ſufficient for the neceſſary expences of the premiſſes; and that none that levy any money towards theſe contributions, ſhall detain the ſame with them, or imploy the ſame to other uſes: And that if more than did ſuffice were collected, it ſhould be paid amongſt thoſe that paid, after a rateable proportion. Theſe are reaſonable Clauſes; but as the courſe is taken, it is not to be performed: For no Ship, nor Tackling, nor Munition, nor Men, nor Wages, nor Victuals being provided, it is not to be known whether more be gathered or leſs than would ſuffice; and there being money gathered, it is of neceſſity either detained with the Collector or Sheriff, or imployed to other uſes than are appointed by the Writ, ſo the Writ is not performed; and the money aſſeſſed and collected is not duly made nor collected, and the money aſſeſſed and unpaid, cannot be duly demanded.

7. Admitting that the Writ were legal, and the Commands therein legal, yet the Aſſeſsment, as it is certified, is not ſufficient to charge the Defendant; for it is not certified that any Ship with Munition and Men, and Wages for Men, and Victuals, were prepared, and this is a year after the time that it ſhould have been prepared and ſent to *Portſmouth*; and if it were not prepared, there is no cauſe to charge the Defendant: And that not appearing to be done, it ſhall be 'conceived not to be done; for if a man be charged with money in conſideration of a thing to be done before a certain time, if the thing be not performed according to the time, none can be charged for not being contributory to it after the time is paſt; for it is in nature of a condition precedent, to have a duty or ſum of money to be paid after the condition performed, and there he that will have the duty, muſt ſhew that the condition is performed: This appeareth in the Caſe of 15 *H.VII.*1.& *Coke l.*7. *fol.*9.*Ughtrees* Caſe. And if the Ship be not prepared according to the Writ, nor money imployed for preparing a Ship, for and in the name of the County, then every one that paid any money, either voluntarily, as in obedience to the Writ, or compulſorily upon diſtreſs, may demand their money again of the Sheriff, or of them that received it; for as they paid their money, ſo it muſt be diſpoſed of, and cannot be diſpoſed of otherwiſe by any command whatſoever, although it be under the Great Seal; for the command being under the Great Seal to prepare and furniſh a Ship to ſuch purpoſe as in the Writ is mentioned, and they paying it to that purpoſe, it cannot be otherwiſe diſpoſed, although it be more for their advantage: For private men having intereſt therein, that cannot be taken from them, nor diſpenſed withal; therefore in *Coke, lib.*7. *fol.*27. in the caſe of Penal Laws it is reſolved, That if the Penalty appointed to be forfeited upon a Penal Statute be given to the poor of the Pariſh where the offence is committed, the King cannot diſpence with the Penalty for that offence, becauſe the poor have an intereſt therein; but if the Penalty be given, part to the King, and part to the poor, the King may diſpenſe with his own part, but not with the part of the poor.

Object. And where it is ſaid,that this is by way of accommodation,becauſe the Country cannot well know how to provide to content, and perhaps with more charge. *Solut.* To this is anſwered, they muſt do it at their peril, if the Writ be legal, and then if it be done, they ſhall have the benefit thereof; for as my Brother *Weſton* and my Brother *Berkley* have both agreed, if the Ship were made when the Service is done, the County for which it was made ſhall have the benefit of the Ship and the Munition, and of the ſervice of the Men, being made more expert againſt another time, and the Ship may with ſome eaſie charge ſerve again, and nothing loſt but the expences of the Victuals, and the Kingdom ſhall be ſo much the more ſtrengthened by having ſo many Ships made or prepared; and they may have account of their money how it was beſtowed, and if any ſurpluſage be gathered, to have it reſtored; And that the Law is ſo, that if money be received of the County, and not imployed accordingly, the party ſo receiving it is accountable to pay a Fine for the ſame to the King, and to the County for the Money,appeareth by two Records, the one in *Hill.* 16 *Ed.*III. *rot.*23. in the Kings Bench,where two Souldiers were indicted, for that they 8 *Ed.* III. taking three pounds apiece towards their armour, and to the bringing them to the place where they were appointed to ſerve the King in *England* in Wars, went not, but tarried ſtill in their houſes,and retained the Armour and the Money they had received for that purpoſe: They thereupon being convented,pleaded not guilty; and the one was found to go in ſervice according to the appointment, ſo he was diſcharged: And the other was found that he received the Money, and went not to do the ſervice, nor reſtored the Arms nor Money; thereupon he was committed to the Priſon,and paid to the King a Fine, and found Sureties to pay the Money to the Hundred again, from whom he had received it.

The other was *Hill.*20 *Ed.*III. *rot.* 57. in the Kings Bench, where two High Conſtables were indicted for that they 8 *Ed.* III. had received ſix Marks of the Towns in their Hundreds to ſet forth Souldiers and had not ſet them forth, but retained the Money, which they denying, it was found that they had received the money for that purpoſe,and disburſed 41 *s.*6 *d.* thereof towards the ſetting forth of Souldiers, but had retained 38 *s.* 6 *d.* and not disburſed it; thereupon they were fined and impriſoned,and after inlarged upon Sureties to pay the Money they had retained undisburſed at the next time when the King commanded Souldiers for thoſe parts; By both which Records, being for offences done ſo long before, it appeareth that thoſe that have received Money of the Country to prepare Ships, they are anſwerable unto the King or his Succeſſors to pay a Fine for their imployment of it otherwiſe,and are chargeable to thoſe of the County of whom they received it, for repayment thereof.

8. For the laſt point I conceive, that this *Certiorari* directed to the two that were late Sheriffs at the time of the Aſſeſment, and not to the Sheriff that was at the time of the *Certiorari* awarded; who is the only and immediate Officer to return the Writs, is not legal; for it is the firſt that hath been ſeen of that kind, For all Writs are directed to ſome immediate Sheriff,requiring him to demand of the former Sheriffs what they did upon the former Writ, and they are to return to him what hath been done, and he to return the ſame to the Court,whereunto he is the immediate Officer, and the former are not any Officers.

So the *Scire fac'* thereupon grounded I conceive is not good, alſo the *Scire facias* to warn Mr. *Hampden ad oſtend' ſi quid pro ſe habeat*, &c.

quare de prædict. viginti ſolid. onerare non debet, not ſhewing to whom, is uncertain and inſufficient.

Thereupon I conclude upon the whole matter, That no judgment can be given to charge the Defendant.

Judgment was given againſt M. Hampden *by the greater part of the Judges: And when the Judges had delivered their Opinions, the Barons gave Judgment* Quod oneretur, *&c.*

Afterwards in this preſent Parliament begun at Weſtminſter, 3. Novembris, Anno Dom. 1640. *the Commons took into their conſiderations the extrajudicial Opinions of the Judges, the Ship-writs, and this Judgment againſt Mr.* Hampden; *and being read openly in the Houſe, after long debate,* Die Lunæ, ſeptimo die Decemb. 1640. *theſe four ſeveral Votes paſſed upon them, without ſo much as one Negative Voice to any of them,* (viz.)

1. That the charge impoſed upon the Subjects for the providing and furniſhing of Ships, and the Aſſeſments for raiſing of money for that purpoſe, commonly called *Ship-money*, are againſt the Laws of the Realm, the Subjects right of Property, and contrary to former reſolutions in Parliament, and to the Petition of Right

2. That the extrajudicial Opinions of the Judges, publiſhed in the *Star-chamber*, and inrolled in the Courts at *Weſtminſter, in hac verba.*

The CASE.

Charles Rex.

When the good and ſafety of the Kingdom in general is concerned, and the whole Kingdom in danger, whether may not the King by Writ under the Great Seal of England *command all the Subjects in this Kingdom at their charge to provide and furniſh ſuch number of Ships, with Men, Victual, and Munition, and for ſuch a time as he ſhall think fit, for the defence and ſafeguard of the Kingdom from ſuch danger and peril, and by Law compel the doing thereof, in caſe of refuſal or refractorineſs; And whether in ſuch caſe is not the King the ſole Judg both of the danger, and when and how the ſame is to be prevented and avoided?*

C. R.

Their

Their Opinions.

May it pleaſe your moſt Excellent Majeſty, We have, according to your Majeſties command, ſeverally, and every man by himſelf, and all of us together, taken into ſerious conſideration the Caſe and Queſtions ſigned by your Majeſty, and incloſed in your Letter: And we are of opinion, that when the good and ſafety of the Kingdom in general is concerned, and the whole Kingdom in danger, your Majeſty may by Writ under the Great Seal of England *command all the Subjects of this your Kingdom, at their charge to provide and furniſh ſuch number of Ships, with Men, Victual, and Munition, and for ſuch time as your Majeſty ſhall think fit for the defence and ſafeguard of the Kingdom from ſuch danger and peril; and that by Law your Majeſty may compel the doing thereof in caſe of refuſal or refractorineſs. And we are alſo of opinion, that in ſuch caſe your Majeſty is the ſole Judge both of the danger, and when and how the ſame is to be prevented and avoided.*

In the whole, and in every part of them are againſt the Laws of the Realm, the Right of Property, and the Liberty of the Subjects, and contrary to former Reſolutions in Parliament, and to the Petition of Right.

3. That the Writ following *in hæc verba, viz.*

CHARLES by the Grace of God, King of England, Scotland, France, and Ireland, Defender of the Faith, &c. To our Right Truſty and Well-beloved Counſellor, Thomas Lord Coventry, Keeper of our Great Seal of England, Greeting. Theſe are to will and require you that for the ſafeguard of the Seas, and defence of the Realm you iſſue forth, or cauſe to be iſſued forth of our High Court of Chancery theſe enſuing Writs in the Form following, with Duplicates of them, under our Great Seal of England, unto the Counties, Cities, Towns, and places hereafter enſuing, and for ſo doing this ſhall be your Warrant.

Memorandum quod xxvij. *die* Feb. 1640. *an. reg. Dom. Regis Car.* 16. *iſtud irrot. & omnia & ſing. in eod. contenta & expreſſ. vacant. per judic. Dom. ſpirit. & temp. in Cur. Parl. Per Jo. Brown Cler. Parl.*

Rex, &c. Vic. Com. noſtri Buck. Ballivis & Burgenſibus Burgi & paroch. de Buckingham: Majori, Ballivis, & Burgenſibus Burgi de Chepping Wicombe, alias *Wicombe: Ballivis, Aldermannis, & Burgenſibus Burgi de Aylesbury, ac probis hominibus in eiſdem Burgis & parochiis, & membris eorundem, & in Villis de Agmondiſham, Wendover, & Marlowe magna, ac in omnibus aliis Villis, Burgis, Villat. Hamlet. & aliis locis in dicto Com. Buck. ſalutem. Quia datum eſt nobis intelligi, quod prædones quidam, Piratæ & maris Graſſatores tam nominis Chriſtiani hoſtes, Mahumetani, quam alii congregat. Naves & bona ac mercimonia non ſolum Subditorum noſtrorum, verum etiam Subditorum Amicorum noſtrorum in mari, quod per gentem Anglicanam ab olim defendi conſuevit, nefariè deripientes & ſpoliantes ea, ad libitum ſuum deportavere, hominéſque in eiſdem in captivitatem miſerrimam mancipantes. Cumque ipſos conſpicimus, Navigium indies præparantes ad Mercatores noſtros ulterius moleſtand, & regnum gravand. niſi citius remedium apponatur, eorumque conatui virilius obvietur: conſideratis etiam periculis quæ undique his guerrinis temporibus imminent, ita quod nobis & Subditis noſtris defenſionem maris & regni, omni feſtinatione qua poterimus accelerate*

rare convenit: Nos volentes defenſioni regni, tuitioni maris, ſecuritati Subditorum noſtror' ſalvæ conductioni Navium & Merchandizar' ad regn' noſtr' Angl' venient'. & de eodem regno ad partes exteras tranſeunt'. (auxiliante Deo) providere; maxime cum nos & Progenitores noſtri Reges Angliæ Domini maris prædict. ſemper hactenus extiterint, & plurimum nos tæderet, ſi honor iſte regnis noſtris temporibus depereat, aut in aliquo imminuatur. Cumque onus iſtud defenſionis quod omnes tangit, per omnes debeat ſupportari, prout per legem & conſuetudinem regni noſtri fieri conſueverit. Vobis præfat. Vicecom. Major. Ballivis, Aldermannis, Burgenſibus, probis hominibus, & omnibus aliis quibuſcunque ſupramentionat. Villis, Burgis, Vill. Hamlet. & locis ſuprad. eorumque membris in fide & ligeantia quibus nobis tenemini, & ſicut Nos & honorem noſtr. diligitis, necnon ſub foris factur' omniumque quæ nobis forisfacere poteritis firmiter injungend. Mandamus, quod unam Navem de guerra portagii quadringent. & quinquagint. doliorum cum hominibus tam Magiſtris peritis quam Marinariis valentioribus & expertis, centum & octoginta ad minus, ac etiam tormentis tam majoribus quam minoribus pulvere tormentario ac haſtis & telis, aliiſque armatur. neceſſar, pro guerra ſufficien. & cum duplici eskippamento, necnon cum Victual. uſque ad primum diem Marcii jam proximè ſequentem ad tot. homines competent. & ab inde in viginti ſex ſeptimanas ad cuſtagia veſtra tam in victual. quam hominum ſalariis & aliis ad guerram neceſſariis per tempus illud ſuper defenſionem maris in obſequio noſtro in Comit' cuſtodis maris, cui cuſtodiam maris ante prædict' primum diem Martii committimus, & prout ipſe ex parte noſtra dictaverit morat' præparari; Et ad portum de Portſmouth citra dictum primum diem Martii, duci faciatis. Ita quòd ſint ibidem eodem die ad ultimum ad proficiſcend' exinde cum navibus noſtris, & navibus aliorum fidelium Subditorum noſtrorum pro tuitione maris & defenſione veſtrum & veſtrorum, repulſioneque, debellatione & quorumcunque quæ Mercatores noſtres, & alios Subditos & fideles prædictos in Dominia noſtra ex cauſa Mercatur' ſe divertentes, vel abinde ad propr' declinantes ſuper mare gravare, ſeu moleſtare ſatagent': Aſſignavimus autem vos præfat. Vicecom. com. noſtri Buck. Majores & Ballivos Villarum & Burgorum prædict. aut aliquos ſex vel plures veſtrum, quorum te præfat. Vic. Com. noſtri Buck. unum eſſe volumus, infra triginta dies poſt receptionem hujus Brevis ad aſſidend. quantum de cuſtagiis prædict. ſuper prædict. Burg. & paroch. de Buckingham ac prædict. Burg. de Chepping Wicombe, alias Wicombe, & præd. Burgi de Aylesbury, cum membris eorundem, & Vill. de Agmondiſham, Wendover, & Marlowe magna, cum membr. eorundem, ſeparatim poni aut aſſideri debeat. Et ſi hujuſmodi Aſſeſſamenta infra præd. triginta dies per vos ſex vel plures veſtrum fieri non contigerint, tunc aſſignavimus te præfat. Vic. Com. noſtri Buck. ad aſſidend. hujuſmodi ſuper præd. Vill. & Burgos & membr. eorundem faciend. prout rationabiliter videris faciend. Et volumus quod de toto facto tuo tu præfat. Vic. Buck. ſub ſigillo tuo præd. Major. & Ballivos reddas certiores. Aſſignavimus etiam vos præfat. Ballivos & Burgenſes Burgi & paroch. de Buckingham ad aſſidend. omnes homines in præd. Burgo & paroch. & membris eorundem, & terr' tenen. in eiſdem (Navem vel partem Navis præd. non habentes, vel in eadem non deſervientes) ad contribuend. expenſ. circa proviſionem præmiſſorum neceſſar. & ſuper præd. Burg. & paroch. cum membr. eorundem ſic ut præfertur aſſidend. & ponend. viz. quemlibet eorum juxta ſtatum ſuum & facultates ſuas & portiones ſuper ipſos aſſeſſas per diſtrictiones alioſve modos debit. levand. Et Collectores in hac parte nominand. & conſtituend. & omnes eos quos rebelles & contrarios inveneritis in præmiſſis, carceri mancipand. in eod. moratur. quouſque pro eorum deliberatione ulterius *duxerimus ordinand. Aſſignavimus etiam te præfat. Majorem Villæ & Burgi de Chepping Wicombe ad aſſidend. omnes homines in præd. Vill. & Burg. & membr. ejuſdem, & terr. tenen. in eiſdem Navem vel partem Navis non habentes, vel in eadem non deſervientes ad contribuend. expenſis circa proviſionem præmiſſor. neceſſar. Et ſuper præd. Burgum cum membris ejuſdem ſic ut præfertur aſſidend. & ponend. videl. quemlibet eorum juxta ſtatum ſuum & facultates ſuas & portiones ſuper ipſos aſſeſſas per diſtrictiones alioſve modos debitos levand. Et Collectores in hac parte nominand. & conſtituend. & omnes eos quos rebelles & contrarios inveneris in præmiſſis, carceri mancipand. in eod. moratur. quouſque pro eorum deliberatione ulterius duxerimus ordinand. Aſſignavimus etiam vos præfat. Ballivos, Aldermannos, & Burgenſes, Burgi de Aylesbury præd. ad aſſidend. omnes homines in eodem Burgo & membris ejuſdem & terr. tenen. in eiſdem (Navem vel partem Navis præd. non habentes, vel in eadem non deſervientes) ad contribuend. expenſis circa proviſionem præmiſſorum neceſſar. & ſuper prædict. Burgum & membr. ejuſdem ſicut præfertur aſſidend. & ponend. videl. quemlibet eorum juxta ſtatum ſuum & facultates ſuas & portiones ſuper ipſos aſſeſſas per diſtrictiones alioſve modos debitos levand. Et Collectores in hac parte nominand. & conſtituend. & omnes eos quos rebelles & contrarios inveneritis in præmiſſis, carceri mancipand. in eod. moratur. quouſque pro eorum deliberatione ulterius duxerimus ordinand. Et ulterius aſſignavimus te præfat. Vic. Com. noſtri Buck. ad aſſidend. omnes homines in præd. villis de Agmondiſham, Wendover, & Marlowe magna, & in membris eorundem, ac in omnibus aliis Villis, Burgis, Villat. Hamlet. & aliis locis in dicto Com. Buck. & terr. tenen. in eiſdem (Navem vel partem Navis præd. non habentes, vel in eadem non deſervientes) ad contribuend. expenſis circa proviſionem præmiſſorum neceſſar. Et ſuper præd. Villas, Burg. Vill. Hamlet. & locos, cum membris eorundem, ſic ut præfertur aſſidend. & ponend. videl. quemlibet eorum juxta ſtatum ſuum, & facultates ſuas, & portiones ſuper ipſos aſſeſſas per diſtrictiones alioſve modos debitos levand. Et Collectores in hac parte nominand. & conſtituend. & omnes eos quos rebelles & contrarios inveneris in præmiſſis, carceri mancipand. in eod. moratur. quouſque pro eorum deliberatione ulterius duxerimus ordinand. Et ulterius vobis mandamus quod circa præmiſſa diligent. intendatis, & ea faciatis, & exequamini cum effectu ſub periculo incumb. Nolumus autem quod colore prædicti mandati noſtri plus de eiſdem hominibus levari fac. quam ad præmiſſa ſufficiet expenſas neceſſar. aut quod quiſquam qui pecuniam de contributionibus ad præd. cuſtag. faciend. levaverit, eam vel partem inde aliquam penes ſe detineat, vel ad alios uſus quovis quæſito colore appropriare præſumat, volentes quod ſi plus quam ſufficiat collectum fuerit, hoc inter ſolventes pro rata portionis ipſis contingen. exſolvatur. T. &c.*

Convenit cum Recordo & Exam.

Per me JOH. CASSE.

And the other Writs, commonly called the Ship-writs, are againſt the Laws of the Realm, the Right of Property, and the Liberty of the Subjects, and contrary to former Reſolutions in Parliament, and to the Petition of Right.

4. That the Judgment in the Exchequer in Mr. *Hampdens* Caſe, a Tranſcript whereof followeth *in hæc verba:* (*viz. Quod ſeparalia brevia prædicta & retorna eorundem, ac ſchedul. prædict. eiſdem annexat. ac materia in eiſdem content. ſufficien. in lege exiſt. ad præf. Joh. Hampden de prædictis viginti ſolidis ſuper ipſum in forma & ex cauſa præd. aſſeſſis, onerand. Ideo conſideratum eſt per eoſdem Barones, quod præd. Johannes Hampden de eiſdem viginti ſolidis oneretur, & inde ſatisfaciat.*) In the matter and ſubſtance thereof and in that it was conceived that Mr. *Hampden* was any way chargeable, is againſt the Laws of the Realm, the Right of Property, the Liberty of the Subjects, and contrary to former Reſolutions in Parliament, and to the Petition of Right.

Theſe Votes were afterwards tranſmitted by the Houſe of Commons to the Lords, and delivered by Mr. *Saint-John* now his Majeſties Solicitor General, at a Conference of both Houſes of Parliament, held 16 *Car.* 1640.

Die Mercur. 20. *die* Jan. 1640.

It was Reſolved by the Lords upon the Queſtion,

Nemine contradicente:

I. THat the Ship-Writs, the extrajudicial Opinions of the Judges therein, both firſt and laſt, and the Judgment given in Mr. *Hampdens* Caſe, and the proceedings thereupon in the Exchequer Chamber, are all illegal, and contrary to the Laws and Statutes of this Realm, contrary to the Rights and Proprieties of the Subjects of this Realm, contrary to former Judgments in Parliaments, and contrary to the Petition of Right.

Likewiſe Reſolved upon the Queſtion,

Nemine contradicente:

II. THat the extrajudicial Opinions enrolled in the Exchequer Chamber, and in other Courts concerning Ship-money, and all the proceedings thereupon are illegal in part and in whole, and contrary to the Laws and Statutes of this Realm, and contrary to the Rights and Proprieties of the Subjects of this Realm, and contrary to former Judgments in Parliament, and contrary to the Petition of Right.

Die Veneris, 26. die Februarii, 1640.

UPon the Report of the Right Honourable the Lords Committees appointed to conſider of the way of Vacating of the Judgment in the Exchequer concerning Ship-money, It was Ordered by the Lords Spiritual and Temporal in the High Court of Parliament aſſembled, That the Lord Keeper, or the Maſter of the Rolls, the two Lord Chief Juſtices, and the Lord Chief Baron, and likewiſe the Chief Clerk of the Star-Chamber, ſhall bring into the Upper Houſe of Parliament the Record in the Exchequer of the Judgment in Mr. *Hampdens* Caſe concerning Ship-money; and alſo the ſeveral Rolls in each ſeveral Court of Kings Bench, Common-Pleas, Exchequer, Star-Chamber, and Chancery, wherein the Judges extrajudicial Opinions in the Caſes made touching Ship-money be entered, and that a *Vacat* ſhall be made in the Upper Houſe of Parliament of the ſaid ſeveral Records. And likewiſe the Judgment of Parliament touching the illegality of the ſaid Judgments in the Exchequer, and the proceedings thereupon, and touching the illegality of the extrajudicial Opinions of the Judges in the ſaid ſeveral Courts concerning Ship-money, be annexed and apoſtiled unto the ſame: And that a Copy of the Judgment of the Parliament concerning the illegality of the ſaid Judgment in the Exchequer, and the ſaid extrajudicial Opinions of the ſaid Judges concerning Shipmoney, be delivered to the ſeveral Judges of Aſſize; And that they be required to publiſh the ſame at the Aſſizes in each ſeveral County within their Circuits, and to take care that the ſame be entered and enrolled by the ſeveral Clerks of Aſſizes; And if any Entry be made by any *Cuſtos Rotulorum*, or Clerk of Aſſize, of the ſaid Judgment in the Exchequer, or of the ſaid extrajudicial Opinions of the Judges, that ſeveral *Vacats* be made thereof, *per judicium in Parliamento:* And that an Act of Parliament be prepared againſt the ſaid Judgment and extrajudicial Opinions, and againſt the Proceedings touching Ship-money.

Memorandum quod Viceſimo ſeptimo die Febr. 1640. Annoque regni Regis Domini noſtri Caroli Angliæ decimo ſexto:

VAcatur iſtud Recordum & Judicium inde habitum per conſiderationem & judicium Dominorum Spiritual. & Temporal. in Curia Parliam. & irrotulamentum ejuſdem cancelatur.

Memorand' quod Viceſimo ſeptimo die Feb. præd.

IStud Irrotul. & omnia & ſingula in eodem contenta & expreſſa vacantur per Judicium Dominorum Spiritualium & Temporalium in Curia Parliamentum.

And that all the Rolls be raſed croſs with a Pen, and ſubſcribed with the Clerk of the Parliaments hand. All which was accordingly done in open Court.

After this it was Reſolved upon the Queſtion,

Nemine contradicente :

THat the Reſolutions of the Judges touching the Shipping-money, and the Judgment given againſt Mr. *Hampden* in the Exchequer, and all the Proceedings thereupon, are againſt the Great Charter, and therefore void in Law.

Reſolved upon the Queſtion,

Nemine contradicente :

THat *Vacats* and Cancellations ſhall be made of the Reſolutions of the Judges touching the Shipping-money; and of the Enrolments thereof in the ſeveral Courts, and of the Warrants for Ship-Writs, and proceedings therein; and the Judgment given againſt Mr. *Hampden*, and proceedings thereupon; and that Entries be made of thoſe *Vacats* upon the ſeveral Rolls, according to the Form read in the Houſe.

Eodem Die.

ORdered that theſe Reſolutions be added to the former Judgments of this Houſe concerning Shipping-money, *which the Judges are to publiſh at the Aſſizes in their ſeveral Counties, and to be Entered and Enrolled in the ſeveral Counties by the Clerk of the Aſſizes.*

The

The Certificate of Sir John Denham, *Knight, one of the Barons of the Exchequer, concerning* Ship-money, *26. Maii, Anno Dom.* 1638.

May it pleaſe your Lordſhips, I had provided my ſelf to have made a ſhort Argument, and to have delivered my Opinion, with the Reaſons; but by reaſon of want of reſt this laſt night, (my old Diſeaſe being upon me) my ſickneſs and weakneſs are greatly increaſed, inſomuch that I cannot attend the buſineſs as I deſire. And if my Opinion be required, it is for the Plaintiff.

Jo. DENHAM.

Serjeants Inn in Fleetſtreet
26. Maii, 1638.

His ſecond Certificate, directed to the Lord Chief Juſtice Bramſton, 28. *Maii*, 1638.

My Lord,

Underſtanding that ſome miſconſtruction was taken by ſome in the Declaration of mine Opinion, which I deſired your Lordſhip the laſt Saturday to deliver in my name; for farther ſatisfaction therein, although I was moſt deſirous to have paſſed my Vote in ſilence in this Work of weight, by reaſon I heard not the laſt four Arguments, yet I delivered my Opinion for the Plaintiff, which I took to be *Hampden*, by reaſon it appeared by the Record, that he coming in upon Proceſs, *Quæritur ſe colore præmiſſorum graviter vexari, & hoc minus juſte, &c.* which ſatisfied me that he was Plaintiff. And therefore I now declare my Opinion for Mr. *Hampden*, who did demur.

I ſhall onely deliver theſe two Reaſons for maintaining of my Arguments.

The firſt is, That his Majeſty is, *Sola & Suprema Juſtitia Regni:* And the Rule of the Law is, and hath always been, That his Majeſty can do no wrong. And thereupon ariſeth another Rule in our Law, (which I give for my ſecond Reaſon) That the Kings Majeſty (being of an incorporate capacity) can neither take any Lands or Goods from any of his Subjects, but by and upon a Judgment of Record, which according to our daily experience in the Exchequer, there muſt precede ſome Judgment in that or ſome other Court of Record, whereby his Majeſty may be entituled either to the Lands or Goods of a Subject. As namely, where Seizure of Goods of a Subject is made for his Majeſty, either upon Outlawries, Attainders, or matters of the like nature, as in Caſes of Seiſure in the Court of Exchequer, where Seiſures are given by the Statute: yet without a Judgment in that Court, upon a Trial for the King, the Goods are not to be recovered to the uſe of the King, as forfeited.

Upon conſideration whereof, and comparing the ſame with his Majeſties Royal Writ, I find no Judgment thereupon had or given, which were the chiefeſt Reaſons of my opinion for Mr. *Hampden*.

28. *Maii*, 1638.

Sir John Finch *Knight*, *Lord Chief Juſtice of the Common-Pleas, his Argument touching the Ship-money in the Exchequer Chamber*, June 9. 1638.

A Writ under the Great Seal of *England*, dated *Auguſt* 4. 11 *Car.* went to the Sheriff of *Buckinghamſhire* (*Sir Peter Temple*) commanding that a Ship of 450 Tun and 180 Men, to be furniſhed with all Ammunition and Tackling at *Portſmouth*, for 26 Weeks, to go with other of his Majeſties Ships, and of the Subject, to defend the Dominion of the Sea and Realm, being in danger; and for to aſſeſs all his Majeſties Subjects, and all the Inhabitants within the ſaid County: and all Occupiers, Tennants there, that have no part in a Ship, nor ſerve in the ſame, to contribute for and towards the preparation and ſetting forth of the Ship according to their abilities.

The Record of *Certiorar.* ſaith *Stoak Mandevile* is within the ſaid County, and was aſſeſſed at a reaſonable rate; and that the ſum of 20 *s.* was aſſeſſed upon the Lands of *J. Hampden* Eſq; as by a Schedule of *March* 9. 12 *Car.* annexed unto the *Certiorar.* may appear.

Whereupon a *Mittimus*, *May* 5. 13 *Car.* with the Certiorar. and Schedule was directed unto the Barons of the Exchequer to do there for the ſum unpaid *prout de jure & per legem & conſuetud. Reg. noſtri fuer. faciend.*

A *Scire fac.* upon this went forth of the Exchequer to warn Mr. *Hampden* to ſhew cauſe why he ſhould not pay the 20 *s.* upon the return of which Mr *Hampden* appeared, and demanded *Oyer* of the Writ *Certiorar. Mittimus*, and *Scire fac.* and upon hearing of them read, he demurred, and Mr. Attorney joined, then my Lord Chief Baron, and the Court of Exchequer, andjourned it to the Exchequer Chamber, deſiring the advice of all his Majeſties Judges, and look what advice we, or the greater number of us give, the Court ought and muſt give Judgment upon it accordingly.

In the debating of this Caſe, there have been great variety of Opinions amongſt the Judges; a thing uſual and frequent in all great Caſes and Conſultations, which ſhews commonly the difficulty of the thing, and argueth a candor and clearneſs in the Judges, between whom Combination and Conſpiracy would be moſt odious. All that have gone before me, have in one thing agreed, that it is the greateſt Cauſe that ever came in any of our memories, or memorial of our Predeceſſors.

As the Sun ariſing in the Horizon ſhews not the Figure ſo clear, as when it is beholden in the Meridian, ſo by mixing many impertinencies with the Caſe in Judgment. It hath been apprehended to be of a more tender conſequence then indeed it is; yet tender and weighty it is, if equally weighed in one ballance, we may put the Regal power, or rather the Regality it ſelf in the other, the Priviledges and Liberty of the Subject in his Perſon and Eſtate.

To look upon either of theſe, or both, through the multiplying glaſs of Affection, is to hold neither of them true; neither can they be ſo truly diſcerned, much leſs to multiply by the glaſs of Fanſie, and therefore Juſtice need to hold the Beam ſtrait.

I cannot fear my ſelf, when Vulgar Cenſure hath executed it ſelf upon every one that hath delivered himſelf in this matter, yet I will not ſay, *Domine poſuiſti me in lubrico loco*, for we that do ſit here, do move in a

Sphere, and ſhould be like the *primum mobile*, according to whom all others are to ſteer their courſe, and Judges themſelves muſt move ſteadily upon their right Poles, as I hope this Court will.

What Judge ſoever he be that is elevated by popular applauſe, or animated by the contrary to accumulate honour, is fitter rather to live *fece Romuli quam in policia Angliæ*.

Nor will I loſe time, remembring the ſtrickt Oath of a Judge, who ſhould expell all the reſpects, and ſpeak his conſcience, I hope none of us forget the duty we owe to God and the King, end Commonwealth, and to our ſelves; I ſhall eddeavour to ſatisfie my Conſcience in all that that I ſhall ſay, and they forget their duty to the yrſt, and humanity towards us, thet ſay or think the contrary of any one of us, ſome of us have Fortunes and Poſterities, and therein have given Hoſtages to the Commonwealth, and as much intereſt in this caſe as Mr, *Hampden*.

Thoſe that want thoſe bleſſings want thoſe temptations that make them dream of (or hunt for) Honour, or Riches to perpetuate their Name and Families: To them nothing can be more precious than the balm of integrity, which will preſerve their names and memories; It cannot be preſumed but that we ſhould ſpeak our Conſciences ſince we well know ſhortly (as the Pſalmiſt ſays) *Corruption ſhall ſay, I am thy father, and the Worm, I am thy mother*.

In handling this caſe no man can think I ſhall do other than right herein; I am troubled rather for a method, than matter; rather how to diſpoſe what I find, than find what to diſpoſe; I ſhall endeavour ſhortly and cleraly, (conſidering the time I have to ſpend, and the weightineſs of the matter about which I am to ſpeak) to deliver my opinion with the reaſons of it, and my endeavour ſhall be rather to contract than omit,

I have, with the beſt care I could, taken my notes of all that hath been ſaid for or againſt Mr. *Hampden*, and have, according to the meaſure of my underſtanding, weighed and pondered all that hath been ſpoken both at the Bar, and by my Brothers, and beſtowed many hours in meditation about them, which the time of reſt and repoſe might have challenged.

Before I enter into the Caſe, I ſhall ſpeak of the ſteps and degrees by which this cauſe hath come to judgment, whereby it will clearly appear with what Clemency, Wiſdom, Juſtice, and Goodneſs his Majeſty hath proceeded in this buſineſs.

The firſt Writ went out to the Port Towns and Maritine parts of the Land the twentieth of *October*, 10 R. *Car.* upon advice taken between his Majeſty and his Council, before then of thoſe Writs I can ſay nothing, for I was commanded at that time to attend another ſervice about another employment, the Forreſt of *Deane*, but it is well known the reſolution taken by his Majeſty therein was grounded and relied upon the judgment and learning of Mr. *Noy*, Attorney General, a man of great Learning, and one that had great inſight into Records, by whom the matter was firſt prepared, collected, and digeſted, and afterwards imparted to ſome of his Majeſties learned Council, and afterwards to ſome other eminent perſons of the Commonwealth of no leſs judgment and knowledge of the Laws of this Realm; and upon conſultation with my Lord Chief Baron, and his Majeſties Barons of the Exchequer, his Majeſty commanded thoſe Writs to be ſent forth, againſt the legality of which nothing hath bee truly alleaged; it is true, they are not in

Judgment properly before us, and if method did not preſs it, I ſhould not have mentioned them.

1. *Octob.* 10. of his Majeſties Reign his Majeſty was pleaſed to command me to ſerve in the place that now I do, and thoſe Records, Writs, Commiſſions, and other Preſidents were brought to me, as they had been formerly to my Lord Chief Juſtice, and my Lord Chief Baron, and we there did confer together, and delivered our opinions in writing under our hands.

Upon view and diligent peruſal of a multitude of ancient Records, and Writs, and other Preſidents of *E.* I. *E.* II, and *E.* III. and other Records of other Kings Reigns; we delivered our opinions in theſe words, That the *Dominion of the Sea* belongeth to the King, and that he is ſole Lord and Proprietor of the ſame; in which reſpect his Excellent Majeſty theſe Regalities and Royal Powers is to defend againſt all Hoſtile Actions, Intruſions, and Invaſions, as well the good of his Subjects as ſtrangers, importing and exporting their Commodities; and for the defence of the Kingdom, and for the better performing whereof the Cinque Ports have been required to prepare ſuch a certain number of Ships of divers Burdens, and Men of Arms, and at ſuch times at their own charges from time to time as the ſame Writs and the preſent occaſion required, and for the time and place, and reſidence of their attendance his Majeſty was the ſole Appointer and only Judge, and this was the conſtant uſe in the Reigns of thoſe Kings, and this was agreeable to the Common Law of *England*,

15, *Novemb.* 1634. before the next Summer his Majeſty finding the danger to grow general, and conceiving there was little reaſon that the Maritine parts ſhould bear the whole charge. for that the whole Realm was intereſted therein; afterwards he required our opinions, *viz.* my Lord Chief Juſtice, my Lord Chief Baron, and my ſelf, in *June* 1635. After conference together, we delivered our opinions, and upon conſultation conceiving the reaſon of the Preſidents before, and the rule of the Law and Reaſon requiring that when the whole Kingdom was in danger, the defence that concerned the whole Kingdom ſhould he born by all the Subjects of the Kingdom: This was firſt verbally delivered to his Majeſty, and afterwards we put it in writing under our hands in thoſe words *prout*, &c. whereas the charge of defending the Sea had been impoſed upon the Cinque Ports, ſo where the whole Kingdom is in danger, the whole charge ought to be maintained by all the Subjects of the Realm.

And amongſt other Writs, this to the Sheriff of *Buckingham* went forth at the time aforeſaid, after which his Majeſty finding ſome queſtion made of the legality of it, he called all his Judges, not ſingle, or any one in a Corner, but becauſe he would have every one of them truly informed, required them to adviſe together, and every one of them by themſelves to give his opinion, according to which we ſeverally, and every man by himſelf, and all of us together delivered our opinions under our hands in this manner, *viz.*

That when the good and ſafety of the Kingdom in general is concerned, and the whole Kingdom in danger, of which your Majeſty is the ſole Judge, your Majeſty may by writ under your Great Seal of *England* command all the Subjects of this your Kingdom at their charge to provide and furniſh ſuch a number of Ships with Men, Munition, and Victuals, and for ſuch a time as your Majeſty ſhall think fit, for the defence and ſafety of the Kingdom from ſuch danger and peril, and that by the Law your Majeſty may compel the doing thereof, in caſe of refuſal, which (the Clauſe *his Majeſty was ſole Judge of* was only put in by ten of us) my Brother *Hutton*, having not ſeen nor weighed the Preſidents, took time to adviſe, and gave no opinion at this Conference between us; and my Brother *Crook* had the ſame reaſon, being not acquainted with thoſe Writs, but yet ſubſcribed his opinion ſingly by himſelf, *December* 1635. (*viz.*)

That where the good and ſafety of the Kingdom is in danger, of which his Majeſty is the ſole Judge, his Majeſty may command all his Subjects at their charge to provide and furniſh ſuch Ships at Sea with men and Munition as ſhall be neceſſary for the defence thereof, and this I hold to be agreeable to Law and Reaſon.

Though I received nothing of this his opinion in his Argument, yet he ſtill holdeth it, wherein I obſerve:

1. That the King is the ſole Judge of the danger, and whether it be imminent.

2. Not only that the King may in ſuch danger command his Subjects to defend the Kingdom in caſe of neceſſity, but that the charge of the defence ought to be born by all the Realm in general, which opinion was more independent than the reſt, for that our opinion before it had relation to the Preſident of Maritine parts, but this was that the Subject might be charged abſolutely; and this was delivered by him readily and chearfully without heſitation, he will not deny it; I ſpeak not of this as of a thing whereby he ought to have been concluded, but that all the world ſhould know that his Majeſties Regal and Legal Power go hand in hand together, and that his Princely love and affection to his Subjects is ſuch that he is willing to prevent all miſtakes, and I ſpeak it alſo to this end, that when Judges ſingly deliver their opinions to the King not examining the reaſons that moved them unto it we ought to ſee very good and pregnant reaſon to vary from that opinion, though it be not binding.

This his Majeſty required for his own private ſatisfaction, and this I dare boldly ſay was ſo delivered by us, that no one Judge knew the opinion of the reſt.

When his Majeſty found ſlackneſs in ſome of his Subjects in contributing towards this charge, and thinking that it proceeded rather from miſunderſtanding of the Law than from want of duty, as deſirous of his Princely love to avoid all miſtakes, did upon the ſecond of *February*, 1636. ſend a Letter to all us his Majeſties Judges and Barons of the Exchequer, thereby requiring our ſeveral opinions about which we all conferred, and the particulars, wherein our opinions were required, had been long thought upon, and conſidered of before, or elſe we were much to blame, for we had it time enough to think upon it; and though our anſwer was returned the ſeventh of the ſame Month of *February*, yet we had it in our conſiderations from *June* 1635. fifteen Months before the anſwer before the anſwer returned, there was no ſurprize, I will ſpare to name our opinion then delivered, for it hath been repeated before, when we came to the debate and voting of this, we broke the Writs into ſeveral parts and queſtions, as,

Firſt, When the good and ſafety of the Kingdom in general is concerned, and the whole Kingdom in danger, whether it ought not to be defended at the charge of the whole Kingdom, and agreed it was *una voce nullo contradicente*, that it ought.

Secondly,

2. Whether the Charge of the Defence might not be commanded by the King; which was alſo agreed that it might.

3. Whether the King was not the ſole Judge both of the danger, and when and how it was to be prevented, wherein my Brothers (*Hutton* and *Crook*) did agree it likewiſe, that he was ſole Judge of the danger. What their Opinions are now, and wherein they differ, I ſhall with their good leaves, examine; and their Reaſons and Differences (though indeed of the Kings being the ſole Judge in their Arguments, my Brother *Crook* ſpake nothing of his Opinion therein, nor my Brother *Hutton* nothing againſt it) but we delivered not our Opinions upon the (by,) nor was it ſo required by his Majeſty. It was then alſo declared by all of us, that we delivered not our Opinions as binding Opinions; nor were they ſo required by his Majeſty. Of all which, I dare boldly ſay, his Majeſty was truly informed; and this was alſo ſoon after publiſhed at his command, and recorded by my L. Keeper and L. Privy Seal; the firſt of them uſing many Arguments and ſound Collections, delivered it in charge of his Majeſties Judges to deliver it in their Circuits, which might have ſatisfied any that reſpected not their own private benefit, and Mr. *Hampd.* of all, I think, hath the leaſt reaſon to complain, being aſſeſſed but 20 *s.* a contemptible ſum, in reſpect of his annual Revenue, to bring this Caſe to Judgment. Yet his Majeſties clemency appears to be great herein, in that he would not debar any to queſtion the lawfulneſs of it, though he hath permitted *Arcana Imperii*, nay, *Imperium ipſum*, I would to God I could not ſay, even too licentiouſly debated at this Bar. I ſpeak it not by way of reprehenſion, but admonition to the Counſel who are to be commended in that they have done their duty faithfully for their Clients; yet I may ſay ſuch a Ravel and diving into the Kings Revenue, and ſecret Eſtates of Princes, and what ſucceeding Kings may be or do, it doth not well become theſe preſent Times: it would not have been endured in the beſt preceding Times.

It was not well done to doubt ſucceeding Poſterity, that promiſe as much as any of their Predeceſſors have done before us for the good of the Common-wealth.

It was not well to clog the Cauſe with ſo many Preſidents, impoſſible to be throughly obſerved; but our example (I hope) ſhall be a bar hereafter, and our care ſhall be to prevent it, being a great hindrance to the expedition of Juſtice, and cauſes of great expence to the Subjects long attendance about their Cauſes here, which may prove a greater charge than in providing Ships for defence of the Realm.

I come now to the Caſe as it ſtands in Judgment before us, wherein my Method ſhall be,

1. Firſt to examine what the Caſe is.

2. Secondly, I wil give my Opinion of the Caſe, with the Reaſons thereof.

3. I will anſwer the Objections made againſt it.

4. Fourthly, I will ſpeak of the Form and Quality of the Writ 4. *Aug.* the *Certiorar'*, the *Mittimus*, and the *Scire Fac.* out of the Exchequer, and to all theſe with what brevity I can, I will ſpeak, according to the weight of the Caſe, where variety of Opinions give juſt cauſe to ballance them; the Caſe muſt riſe out of the Record, and muſt ſtand or fall upon that.

1. Firſt for the Caſe it ſelf; and therein firſt I will ſhew what danger there is, that is, the Ground of the Charge.

2. What things there are to maintain it: As for other things they tend unto the deſtruction of the Caſe.

Firſt, I am of Opinion that the danger of the whole Kingdom ought to be expreſſed clearly, for elſe the ground-work faileth; for if no danger, no reaſon for the charge, I am of opinion, that in the Writ 4. *Aug.* it ought to be expreſſed, and not in the *Mittimus*; though as my Brother *Jones* obſerved, the *Mittimus* comes time enough to Mr. *Hampden* to give him notice, yet he was not liable to the Charge, but by the Writ 4. *Aug.*

It is objected that the danger is not clearly expreſſed, for it is not upon words of certainty, but by way of incertainty, *quod datum eſt nobis intelligi.*

Secondly, For the Cauſes of the Writ, that it hath not relation to the danger of the Kingdom, but to defend the Sea-coaſts againſt Pirats, *&c.* they are not worthy of a Royal Navy, as my Brother *Crooke* alſo obſerved.

But I hold firſt, that the danger is ſufficiently expreſſed, *certum eſt ſicut ſe res habet, datum nobis eſt intelligi*, a thing very ordinary with us, and in all former Writs *ex relatione, &c, Quod vulgaris opinio eſt, &c.*

Although my Lord Chief Baron parallel'd this to the Caſe of Pattents, *Ex certa ſcientia* (which is nothing alike) for there before the King paſs away Land, he may be informed he may do it; but I hold as this Caſe is, the danger will not permit to be examined whether there be juſt cauſe of fear, for then it might receive delays, which are dangerous, and the Kingdom be loſt while we are diſputing.

And then for the Phraſe it ſelf, *datum eſt nobis intelligi*, it is ſufficient that the King knows there is danger; and therefore if it had been but onely *intelligimus*, none can deny it, but it had been ſufficient; and what difference is there between *intelligimus, & datum eſt nobis intelligi*, that ſets forth the knowledge of the danger, and this ſhews the means whereby he doth know it, *ut datum eſt nobis intelligi*, this goes farther than *ex auditu rumor eſt, &c.* therefore unleſs the King ſhould go out of the Kingdom to ſee the danger, can it be otherways expreſſed?

Secondly, I hold that the danger it ſelf, with the motives in the Writ, are ſufficient; alſo the motives are great depredations of the Subjects Goods and Life. But it is not upon this I reſt, for this hath relation to Pirats leading divers Chriſtians into Captivity, theſe are good motives, and (as one of my Brothers ſaid well) though theſe have relation to Pirats; yet *Bellum Piraticum* points at us as much terror as *Hannibal ad Portas.*

I ſhall not much rely upon that, that the Enemies of Chriſtendom, and of this Nation, did prepare *ad Mercatores noſtros ulterius moleſtand', nos ad regnum gravand' niſi citius remedium apponatur, &c.* But this, *Conſideratis periculis quæ undique his guerrinis temporibus imminentibus ita quod nobis & ſubditis noſtris defenſionem maris & regni omni feſtinatione qua poterimus convenit, &c.* ſhews otherwiſe than for the Pirats: this Defence was requiſite. Therefore the next Clauſe is, *Nos volentes defenſionem Regni, tuitionem Maris, ſecuritatem Subditorum noſtrorum, &c.* And therefore that *Salva conductione Navium & Merchandizarum quæ ad regnum noſtrum Angliæ venerint & de eodem regno ad partes exteras tranſeunt*, &c. take not away the former words, or limit them. As for the Clauſe in the *Mittimus*, I ſtand not upon it; nor that *Salus Reg. & Pop. noſtri Angl. periclitabitur*, &c. admit there had been no preamble or expreſs mention of danger, I hold the Command it ſelf is ſufficient ſetting forth of the danger; which is, that the Ship be with other his Majeſties Ships, and the Ships of other his Majeſties Subjects at *Portſmouth* the firſt day of *March* next following: the words of the Record be, *Exinde cum Navibus noſtris & Navibus aliorum fidelium Subditorum noſtrorum pro tuitione*

Maris & defenſione noſtrorum & veſtrorum,&c. and particularly to expreſs the danger is not neceſſary; for the King, the ſole Arbiter of Peace and War, beſt knows it. And it was the practice in former times, and ſo no wiſdom for the King, who is the ſole Arbitrator of Peace and War, to expreſs the danger in particular, when Arms uſually go before Heralds; nor is it the uſe of Princes to Complement, to tell the Enemy that they will, or intend to invade their Lands, and therefore I hold, though it might be more clear, yet *ſatis eſt quod ſufficit*, I in my own conſcience am ſatisfied the danger is certain enough expreſſed in the Writ, and ſo I have done with, firſt, the Particular (the Danger) which was the ground of this Writ. As to the ſecond Particular:

What is alledged to be for the preventing of that Danger. My Brother *Hutton* and my Brother *Crook* would have it to be raiſing of Money by reaſon of the Clauſe in the Writ for the diſtribution of the Surpluſage; but the Record is, *ad aſſidend. omnes homines & ad contribuendum Navem vel partem Navis non habentes,&c.* which ſhews that it cannot be for Money; neither is there any colour for Money, for it is to find a Ship: and if they have not of their own, they muſt build or buy one with their Money. But there is a great deal of difference between payment of Money, and finding of a Ship: and if my Brother *Crook* be required to find a Lighthorſe and Arms, he muſt buy one, or hire with his money, if he have none, but yet the Charge is not onely for Money, but to find a Lighthorſe.

But my Brother *Crooks* Objection is, if any Surpluſage remain it ſhall be divided, and ſo the Sheriff is to detain no part of it, but imploy it for the Publick Good, and not convert it to his own private benefit.

To this I anſwer, That this ſhews the equality of the Charge, which is fitteſt to be by payment of money.

Object.

My Brother *Crook* hath further objected, that an Inland County cannot build a Ship, a great trouble for the County of *Buckingham*, ſo far from the Sea, to build a Ship.

To this I anſwer, that thoſe of *Bucks.* may hire a Ship, if they may not build one, and the words are but (*parare*) not for the Building, but Preparing a Ship: and it was not meant that they ſhould build it there, but that they ſhould contribute to the Building of a Ship in the moſt fit and convenient place.

Now in my opinion the King knowing and declaring the whole Kingdom to be in danger, and neceſſarily requiring his Subjects to defend and provide for this danger at Sea, the King may thereupon command all his Subjects to provide Ships to join with his Navy Royal againſt the Enemy of the whole Realm: and it is clear in the Caſe, and was the meaning of us all, that the King muſt join in the Charge, it being far from us to excuſe the King in his rateable part.

My Reaſons that the King may thus charge his Subjects to join with him in the Defence:

1. The Defence of the Kingdom muſt be at the Charge of the whole Kingdom in general.

2. That the Power of laying the Charge is by the Policy and Fundamental Laws of this Kingdom ſolely inveſted in the King.

3. The Law that hath given this Power to the King to do theſe things, hath given him Means to put theſe things in Execution.

In all theſe I ſhall ground my ſelf upon Authorities in Law, and Preſidents in all Ages.

1. Firſt, That the defence of the Kingdom muſt be at the charge of all the Kingdom, I ſhall prove from the Law of Nature, which is, that every thing in nature ought to defend it ſelf.

2. From the Rule of Reaſon, for *quod omnes tangit ab omnibus ſupportari debet.*

3. Thirdly from the true uſe of all that we enjoy, which muſt be abuſed if not imployed to and for the good alſo of thoſe that come after us; and neceſſary it is for our poſterity to have all ſure and ſafe. A good Patient will ſpare ſome bloud to preſerve his own health, and a good Huſband will ſpare ſome piece of his beſt ground for Ditches and Fences to preſerve the reſt; and he is an ill Husband that finds not ſafety in that he doth.

4. From the Law of Property; As every one hath a particular property in his own goods, ſo every one hath a property in general in anothers goods, for the common good. For the Common-wealth hath a property in every Subjects goods, not onely in time of War, but alſo in time of Neceſſity. In Peace therefore if one take away my goods without my conſent, I have my Action and recover Damage. Doctor and Student ſays, both a Treſpaſs of Lands and Goods is puniſhable by Indictment, and Treſpaſs at the Kings Suit, as well as at the Subjects: and this is by reaſon of the publick Intereſt that the King hath in every Subjects Goods for the Common good.

Now the Rule and Maxim before, ſo clearly and fully put and agreed by all, is, that in caſe of neceſſity that is apparent, the Subject ought to defend the Kingdom; and my Brother *Crook* agreed in caſe of danger, ſo it be imminent, all men are bound in their Perſons and Eſtates to defend the Land and the Kingdom. And when he ſays they muſt then *exponere ſe & ſua,* I think he means a man that takes and goes a Journey, may carry his money with him, *ſe & ſua, id eſt, bona & catalla ſua,* or elſe means the King cannot command their money without their conſent, of which I will ſpeak in its proper place.

I come now to the ſecond part of my general Head, which is the Power of laying this Charge.

By the Fundamental Laws and Policy of this Kingdom, the ſole Intereſt and Property of the Sea, &c. is in the King; I will not ſpeak of the Original of this Monarchy, this is fit rather for Civilians, Hiſtorians, or the Pen of a Divine, than a Judge at *Weſtminſter-Hall*; nor will I ſpeak of the Diviſion of Monarchies. The Poets ſay, that *Saturn* was the firſt Founder of Kingdoms; onely this I will ſay, that for the excellency of the Government of this Kingdom, through Gods bleſſings, that none are more happy than we. Look and ſee in other Nations, and tell me if you can find out any place where they can, and do enjoy thoſe Mercies of Peace and Plenty which we do. For as we may juſtly ſay, *O Fortunatos nimium bona ſi ſua noverint Britannos:* Nor will I perplex my ſelf with the Original of this Nation and Monarchy. Some Stories are fabulous, and others doubtful, nor any ſo clear as to ſet it forth certainly, though they ſpeak truly what is ſufficient for us to know: Nor is he the pooreſt man, *Qui non poteſt numerare pecus*; nor be one of the worſt Gentlemen, that cannot ſhew the Original of his Pedegree. The excellency of this Monarchy is ſufficient, that it is a Monarchy; and that is moſt true which *Forteſcue* ſaith of our Laws and their excellency: I agree *Forteſcue* was a Lord Chief Juſtice in *H.6.* time, but not Chancellor of *England*. Sea and Land make our Kingdom, and the King is *Sponſus Regni*. *Magdalen* Colledge Caſe, Sir *John Davies* Report, Stat. 24. *H.8.* 25 *H.8.* 1 *Eliz.* & 1 *Jac.* the Soil of the Sea belongs to the King, who is Lord and ſole Proprietor of them; and good reaſon why it ſhould, as is well maintained by Mr. *Selden*, that worthy and learned Author, and I hope ſhall be by his Majeſty, and maintained with the Soveraign of the Sea, without whoſe Navy this Authority can do little good.

The King holds his Diadem of God onely, all others hold their Lands of him, and he of none but of God onely: But this is but to light a Candle for others. From hence onely I will obſerve that none others can ſhare with him in his abſolute Power.

A Parliament is an Honourable Court, and I confeſs it an excellent means of charging the Subject, and defending the Kingdom, but yet it is not the onely means.

An Honour the laſt Parliament 4 *Car.* 1. was pleaſed to beſtow upon me, which never any ſhall with more reſpect remember than my ſelf, whom they were pleaſed to chuſe for their Speaker.

And, as my Brother *Hutton* ſaid, I conceive it a fit way by Parliament to charge the Subjects; and I wiſh ſome for their private humour had not ſowed the Tares of Diſcontent in that Field of the Commonwealth, then might we have expected and found good Fruit; but now the beſt way to redeem this loſt privilege (for which we may give thoſe thanks onely) is to give all opportune appearance of obedience and dutifulneſs unto his Majeſties command.

The Two Houſes of Parliament, without the King, cannot make a Law, nor without his Royal conſent, declare it: he is not bound to call it but when he pleaſeth; nor to continue it but at his pleaſure. Certainly there was a King before a Parliament, for how could there elſe be an Aſſembly of King, Lords, and Commons, and then what Soveraignty was there in the Kingdom but this? His Power then was limited by the poſitive Law, then it cannot be denied, but originally the King had the Soveraignty of the whole Kingdom.

Thirdly, The Law that hath given this Power, hath given means to the King by his Authority to put it in execution. It is a very true Rule, The Law commands nothing to be done, but it permits the ways and means how it may be done, elſe the Law ſhould be imperfect, lame, and unjuſt, therefore the Law that hath given the Intereſt and Soveraignty of defending and governing the Kingdom doth alſo give the King power to charge his Subjects for the neceſſary defence and good thereof.

And as the King is bound to defend, ſo the Subjects are bound to obey. *Corbets* Caſe. For the defence of the Kingdom, the Subjects are bound to obey, and to come out of their own Counties, if occaſion be, and to provide Horſe and Arms in Foreign Wars, and ſuch as are compellable now to defend, Guns inſtead of Bows and Arrows, ſo Munition, as Powder and Shot, &c. Then if the Sea and Land be but one entire Kingdom, and the King Lord of both, the Subject is bound as well for the defence of the Sea as of the Land; and then as are bound to provide Ships, Men, Victuals, and neceſſaries for that defence. And for us Iſlanders, it is moſt neceſſary for us to defend our ſelves at Sea; therefore it was the great Argument in 88. [illegible] with the Royal and invincible Navy of [illegible] land, and it was reſolved unanimouſly, that it was better to fight with them at Sea, though we loſt the Battle, than our Ships to ſuffer them to land.

But then there was *Hannibal ad portas*. To this I ſhall anſwer afterwards, but here the Maritine Towns ſhall not help the Inland, nor the Inland the Maritine, but each of them bear their own charge, and defend themſelves; but of this I ſhall ſpeak hereafter yet undoubtedly.

Now I ſhall endeavour clearly to prove this by authority in Law, that there is no expreſs authority againſt it, though there have been ſome Books cited by my Brother *Hutton*, and my Brother *Crook*, (which I ſhall anſwer in their due place amongſt other objections) yet there is not one Authority or Opinion, much leſs Reſolution or Judgment, in neceſſary time of danger, that ſays the King may not charge the Subject for the defence of the Kingdom.

Secondly, All theſe Authorities that prove the King is truſted with the defence of the Kingdom, and in divers caſes gives him Aids, Taxes, Subſidies, *&c.* prove that the Subject is bound, in caſe of danger and neceſſity to pay them for defence of the Kingdom.

Thirdly, All the Authorities of Murage, Pontage, Saltpeter, *&c.* ſhew that for the good of the Publick the King is intereſted in the eſtate of the Subjects, and may charge them much more (if for the well-being) than when the being it ſelf of the Common-wealth is at Stake, and in danger.

Fourthly, The Authorities of commanding the perſon of the Subject to come out of their own Counties proves the power of commanding the perſon of the Subject into Foreign parts, as in the King, much more the Eſtates of men ſhould be at his command in caſe of neceſſary defence of the Kingdom.

Fifthly, All the Commiſſions of arraying men in *Ed.* I. time, *Ed.* III. *Ed.* IV. *Hen.* VII. and *Hen.* VIII. time, *&c.* they are all granted upon the ſame reaſon, and went out for the neceſſary defence of the Kingdom; theſe Preſidents are not to command the perſon, but a Ship only *juxta facultates ſuas*, which are anſwerable in reaſon to the ancient Preſidents from Authorities. I come to Preſidents.

Preſidents though they be not Judgments, yet they ſhew the practice of the Law, and what better Book have we in the Law than the Book of Preſidents? Or what is there of more authority than that, for we have not the twelve Tables for our Common Law.

The Common Law is but the common uſage of the Land, and therefore the Preſidents alleaged by the Kings Council are of good authority to prove the Law in this caſe, wherein I ſhall not name the particulars, they have been well remembred by Maſter Attorney and Maſter Solicitor, but I will mention the ſubſtance of them.

The firſt Statute was before the Conqueſt, in the Times of *Edgar*, *Alfred*, *Etheldred*, &c. the uſe was to defend the Kingdom at the charge of the whole Kingdom by the Edict of the King.

A ſtrong inference from the Preſident of the grant to the Clergy and Church of divers Priviledges with theſe exceptions of *pontium*, &c. in the time of *Edgar*, *Alfred*, *Etheldred*, &c.

The Council of *Enoch* in *Edgar's* time, about 606. 621. mentioned by the learned Antiquary Sir *Henry Spelman*, *fol.* 510, and after theſe follow *hæ ſunt conſtitutiones*, &c. *fol.* 523. in which are excellent things good for Church and Commonwealth, *Cap.* 23. *Navales expeditiones*, if it be no Act, yet nothing is more like an Act of Parliament; Take the phraſe of thoſe times, and certainly it was either an Act of Parliament, or a proof of the Kings Power, that without Parliament he might charge the Subject for the defence of the Kingdom in caſe of danger, and the word Expedition is uſed for War, and ſometime for an Army, as *Caſſiodorus*, giving the reaſon of the Navy, ſays; in the third place it ſhews the practice of the Kings of *England* to charge their Subjects for the defence of the Kingdom in caſe of danger.

Now, if this charge of *Dangil* be not taken away by any of the Acts of Parliament, it remains ſtill, ſays my Brother *Hutton*, and ſo I think it doth, or ſomething in lieu of it, for it is not taken away by the Act of Parliament.

1. In theſe Preſidents obſerve firſt, that they are all upon the ſame common Reaſon that this is.

2. Theſe Writs are not limited for their number or time; ſo that they prove the power was in the King to charge his Subjects.

3. In theſe Preſidents ſome were to Inland Counties, as *Huntington*, *Bedford*, *Buckingham*, *Leiceſter*, *Oxford*, *Berks*, &c. and though they went not generally to all Counties at one time, yet they went to them as occaſion was; and if the danger had required, the King, might if he had pleaſed, have ſent to all, as well as to ſome.

But becauſe there was never any time when all the Munition in the Kingdom was drawn at one time to one place, may it not therefore be done? The commanding ſometimes of one, ſometimes of another, is an Argument they may all be commanded, as occaſion requires.

I do not build my opinion upon confuſed Notions, but on Matters digeſted, on Preſidents of weight, the chiefeſt in reſpect of time; and after the making of *Magna Charta*, 9 *Hen.* III. 13 *Hen.* III. m. 48. 18 *Hen.* III. m. 7. and 13 *Edw.* III. m. 77. 23 *Edw.* III. m. 4. 28 *Edw.* I. m. 23. and many other in *Edw.* I. time, there is proving Conribution towards the maintenance of the Sea-coaſts from Inlands, as 25 *Edw.* I. m. 13. Abbot of *Robertſbridge* Caſe is a full Preſident, notwithſtanding all that hath been ſaid; ſo 9 *Edw.* II. *parte*, 1. 20 *Edw.* II. m. 7. 2 *Edw.* III. *Scot. Roll.* 7 *Edw.* III. m. 9. 10 *Edw.* III. m. 16, 17. 11 *Edw.* III. 12. (14, 15, 16. 18 *Edw.* III. 46 *Edw.* III. m. 34.) 25 *Edw.* III. *Rot. Franciæ* m. 9. 29 *Edw.* III. 1 *Rich.* II. 1 *Hen.* IV. and yet *Henry* the Fourth had as much reaſon to pleaſe the People as any King of *England*; ſo in *Hen.* V. though buſied in the glorious Conqueſt, or rather recovery of *France.* God forbid we ſhould ſee thoſe times; ſo in *Edw.* IV. *Hen.* VI. *Hen.* VII. *Hen.* VIII. by way of offenſive War, Writs and Commiſſions to their Subjects to contribute towards it; ſo in Queen *Elizabeths* time Commiſſions towards the maintenance of the Kingdom, 11 *Eliz.* 41 *Eliz.* Commiſſion to the Earl of *Nottingham*, 88. Letters from the Lords of the Council, which Letters had the Queens Writ, but my Brother *Crooke* anſwered all theſe with this Rule of Law, *Judicandum eſt legibus non exemplis*; to this I anſwer him, That Examples and Preſidents are good Law, they are Authorities out of the Law, and declare what the Law is, and what of more certainty, *Edw.* *Digeſt* of Writs. Theſe are *inſtar oracula legis*, Preſidents drawn up by the Clerk ſometimes, though they paſs *ſub ſilentio*, yet are they good Authorities in the Law.

The Abbot of *Robertsbridges* Caſe as a Preſident of great Authorities.

Object. No Preſidents go to Inland Counties.

Solut. I anſwer, in truth the Preſidents are quite otherways, for ordinary defence they go to Maritine Coaſts only: But where the danger is general to Inland Counties, and after another manner, for this I refer you to my Brother *Weſtons* Argument; theſe ſhould not be ſo frequent, for firſt this danger was but ſeldom.

Secondly, Becauſe then we had double hoſtility, one from *France* by Sea, and another by Land from *Scotland*, examine the Preſidents therefore.

The third Objection that my Brother *Crooke* made, is, that we are compellable by our Preſidents to Arms, but not with any Sum of money.

I anſwer with my Brother *Jones*, *Bona corporis* are above *bona fortunæ*, but this power of the liberties of the perſons of his Subjects he agrees is in the King, then I ſay more reaſon that their Eſtates ſhould be in his power in this caſe of neceſſary defence.

Secondly, The Preſidents Warrants the quite contrary and Wages have been paid to Souldiers by the Subjects in this caſe,

The third thing that I ſhall obſerve in this caſe is the anſwering of all theſe Objections which have been made againſt it, which were three.

1. That the Writ was againſt the Common Law.
2. That it was againſt the Statute Law.
3. Many inconveniences grow thereby.

Firſt, It is againſt the Common Law, firſt, becauſe it is without Preſident, this is the firſt of this kind ſince the Conqueſt, and where there is no Preſident the Law will not bear it; *Littleton, fol.* 32. My Lord *Cooks* Commentaries upon it puts divers Caſes to the ſame purpoſe.

I anſwer, There are Preſidents for it, and the Law is ſo that the King may charge his Subjects towards the defence of the Kingdom in this Caſe.

The ſecond Objection is, that it is againſt the freedom of the Subject, that hath a true property in his goods, which cannot be taken away without his actual or implyed conſent, *Lambert, fol.*294. *Forteſcue Magna Charta*, 17 King *John*, *Matthew Paris, fol.* 242. *Forteſcue*, 9. *Chap.*13, &c. 13 *Hen.* IV. *Chamberlain* of *Londons* Caſe, Regiſter, *fol.* 127. *Fitz. N. B.* &c.

I anſwer, That that authority of *Lambert*, rehearſing the Laws of the Conquerour, is *Volumus & concedimus, ut omnes liberi homines totius Monarchiæ Regni noſtri habeant & teneant terras ſuas & poſſeſſiones ſuas bene & in pace liberos ab omni injuſta exactione & ab omni Tallagio, ita quod nihil exigatur aut capiatur niſi per Commune Conſilium*, &c. it cannot be conſtrued that they ſhould not be charged, but that they ſhould be free from all unjuſt Taxes; The King is not concluded by the ſubſequent words, *omne tallagium*, this cannot be ſo general but the King may impoſe juſt charges towards the neceſſary defence of the whole Kingdom, for this is meant plainly by the word Tallage, it appears *Tallagium* is derived from a French word, and is indeed a cutting word, and therefore *injuſta exactio*, which ſhews that for the moſt part it is taken in the worſt ſenſe, and as my Brother *Crooke* ſaid it, and the manner of expounding it muſt be from the Law.

Secondly, My Brother *Crooke* quite left out theſe words following, (that declare and expound the former,) viz. *Statuimus & firmiter præcipimus, ut omnes liberi homines totius Regni prædict. ſint fratres conjurati ad Monarchiam noſtram, & ad regnum noſtrum pro viribus ſuis & facultatibus, contra inimicos pro poſſe ſuo defendendum & viriliter ſervandum*, &c,

whereby it is apparent, firſt, that the Kingdom is to be defended by the whole Kingdom *pro facultatibus*, with their goods, as well as *viribus*, by their perſons.

Secondly, It comes after the Chapter of Tenures, and ſervices, by which they are bound to defend *terras & honores ſuos*, &c. which ſhews that he meant not to free any from the charge of defending of the Kingdom in caſe of neceſſity.

Object. The third Objection is the Charter of King *John*, *Nullum Tallagium imponatur niſi per commune Conſilium.*

Solut. I anſwer, the words are concerning the defence of his own Perſon and Kingdom, and therefore it is excepted, *niſi ad redimendum corpus noſtrum*; and in the original Act theſe words are left out, *Scutage*, *Murage*, and other Aids there mentioned, ſhew that only thoſe were meant that were of private benefit were not to be impoſed by the King upon his Subjects without Parliament, but not to bar himſelf for the publick good.

The fourth Authority was *Forteſcue*, which was moſt inſiſted upon by my Brother *Crooke*.

Before I come to the words themſelves, note firſt, the time when he wrote that Book, It was after all the Acts of Parliament that took away the Regal Power, yet it mentioneth not them, ſo as it muſt needs relate to the Common Law, it was writ when the Civil Wars were between the two Houſes and himſelf in exile, no time was it then to diſpleaſe the People.

Secondly, It ſhews the differences between Kingdoms, when a Monarch rules that challengeth all power over his Subjects, and between a Monarch that governs according to poſitive Laws.

The words that ſeem to be againſt this charge are in *Forteſcue* 9. *cap.*26. *Rex Angliæ Politicæ imperans genti ſuæ, nec legem ipſe ſine ſubditorum aſſenſu mutare poterit, nec ſubjectum populum renitentem onerare impoſitionibus peregrinis*, Cap. 13. fol.32. *Rex caput corporis politici mutare non poteſt leges Corporis illius nec ejuſdem populi ſubſtantias proprias ſubtrahere reclamantibus eis aut invitis*, & Cap. 39. fol.84. which my Brother *Crooke* ſays is the expreſs Authority *in hoc individuo*, the words are, *Neque Rex Regno Angliæ ibidem per ſe aut Miniſtros Tallagia, ſubſidia aut quævis onera alia imponit ligeis ſuis, aut leges eorum mutat vel novas condidit ſine conceſſione vel aſſenſu totius Regni ſui in Parliamento ſuo expreſſo*, &c.

From them all I take the true meaning of him to be, and I hold firſt that the Kingdom ought to be governed by the poſitive Laws of the Land, and that the King cannot change nor make new Laws without a Parliament.

Secondly, The Subject hath an abſolute property in his Goods, Poſſeſſions, and Eſtate, nor to his own uſe the King cannot take them.

Thirdly, Nor for his own uſe the King cannot lay any Burden, Tallage, Tax, or Impoſition without the Subjects conſent in Parliament.

Fourthly, For the benefit of Trades the King may lay fitting Impoſitions, and may command that which is for neceſſary defence of the Kingdom, which is no command of charge, but command of imploying.

Fifthly, I anſwer therefore to the great Objections that liberty of the Subject is loſt, and the property is drowned which they have in their Eſtates.

First, I ſay, all private property muſt give way to the publick, and therefore a treſpaſs to private men is puniſhed by Indictment, becauſe it is an offence of the Publick Weal, and though every man hath a property in his Goods, yet he muſt not uſe them to the detriment of the Common Wealth; a man may give his Graſs or Corn when it grows, or when it is in his Barn, but if he will cut it unuſefully or Burn or deſtroy his Corn, or if he throw his Goods into the Sea that it may periſh, theſe are crimes puniſhable by the Common Law; ſo tranſporting of Commodities againſt the publick good; therefore the direction of thoſe Statutes for reſtraint hereof are from the Common Law, and the reaſon of this is becauſe the publick property muſt take place, and if in petty buſineſs it may be, then much more in time of publick and great neceſſity and danger, and it is rather an averment of the Subjects property, that in caſe of neceſſity only they may be taken away, than contrary to it.

My Brother *Hutton* and my Brother *Crook* agree, that all are bound in caſe of neceſſity *exponere ſe & ſua totis viribus* to defend the Kingdom, and may he not command a part with more reaſon than all?

In the next place I ſhall remove a ſcandal that hath been put upon the King, how that his Majeſty hath meant to make a private, perſonal and annual profit by it.

What he hath done is well known, and I dare confidently ſay, all hath been ſpent without any account to himſelf, and that his Majeſty hath been at great charge beſides towards the ſame purpoſe; and I heard it from his own Royal mouth, he ſpake it to me and my Lord *Bramſton*, that can teſtifie as much, that he ſaid it never entred into his heart to make ſuch uſe of it, and ſaid he was bound in conſcience to convert it to that uſe it was received for, and none other, and that he would ſooner eat the money than convert it to his own private uſe, therefore he that thinks the King makes a Revenue of it, doth highly ſlander his Majeſty, but let Kings be as *David* was, *men after Gods own heart*, yet they will not want a *Shimei* to rail on them.

Object. But though, bleſſed be God, his Majeſty is ſo gracious and loving to his Subjects, and ſo juſt that we need not fear that he will charge them but upon urgent neceſſity, we know not what ſucceeding Ages may do.

Anſw. It is not well to blaſt ſucceeding Ages, and if they ſhould hereafter charge unreaſonably without cauſe, yet this Judgment warrants no ſuch thing; Again, it is no Argument to condemn the true uſe, becauſe it may be abuſed; and again the Law implies as great truſt in the King as this, the King may pardon all offences, but if he ſhould, then none could be ſafe, the King may make Peace and War at his pleaſure, but yet ſhould he make Peace when Peace would ruine us, or War when War would undo us, it would be worſe than this, therefore it cannot be ſuſpected that the King would do any thing againſt Law and the publick good of the Kingdom, therefore the Law ſays, *The King can do no wrong*, for he is *Sponſus Regni*, as in *Magdalen* Colledge caſe.

Object. *Clarks* Caſe, and the Chamberlain of *Londons* Caſe, *&c.*

Anſw. Theſe Caſes are nothing againſt this, but rather for it.

Object. The Record of 14 *Rich.* II. *Rot.* 60. *Leavers* Caſe in the Kings Bench in an Action of Treſpaſs for taking away his Goods without his conſent, had Judgment to recover in *Durham*, but the Caſe was; One *Leaver* of the Town of *Durham* Plaintiff, brought his Action againſt another for entring into his houſe, and taking away his Goods, and ſixty pounds of Money; the Defendant pleaded not guilty, and the Jury found upon a ſpecial Verdict that the Defendant took away his Mony, but upon this occaſion, the *Scots* had invaded the Realm, and were in *Durham*, and would not be gone without a certain Sum of money, whereupon the Inhabitants aſſembled, and amongſt the reſt the Plaintiff was one, and they made an Order to abide the Ordinance of the greater part, which was to give the *Scots* the Money deſired, and becauſe the money was to be paid preſent down, therefore they made another Order to ſearch in all mens houſes, and to take away what Money they found, according to which the Defendant ſearched the Plaintiffs Houſe, and took away ſixty pounds, and becauſe it was without conſent, the Plaintiff had Judgment to recover in *Durham*, but upon ſpecial Verdict it was reverſed in the Kings Bench, becauſe with his conſent. Indeed the reaſons were (1.) becauſe he had ſufficient remedy againſt the Commonalty. (2.) He did it as a Servant.

Solut. But I anſwer firſt, that though the Ordinance was good by conſent, yet it followed not that it was void without conſent, the queſtion is there only, whether good by conſent.

Secondly, It follows not but that all men without conſent are bound to contribute towards general charge for neceſſary defence.

Object. Another Objection made by my Brother *Crooke* was 2 *Rich.* II. *parte prima*, where all the Lords and Sages met together after Parliament, and it was agreed by the Lords, that they could not charge without Parliament, this was a Declaration of the Law in Parliament, and an Act of Parliament, *&c.*

Solut. I anſwer, That it was no Act, but a Declaration in Parliament of the Law, and indeed no Declaration, but a relation by the Chancellour.

Secondly, If it had been a Declaration, yet it had not been binding without the King.

Thirdly, It is no Preſident of a good Book; it was when the King was young, and the Parliament had the Regency, Councellours, Treaſurers, and all his Officers about his Perſon were choſe by Parliament, and therefore no wonder they endeavoured to pleaſe the Parliament.

Fourthly, It is a Preſident that they (*id eſt*) the Lords could not charge the Commons by themſelves.

Again, the Caſe was not for the defence of the Kingdom, but Wars in *France*, *Scotland*, and *Ireland*; theſe were the many Wars.

Though Subjects may be charged for neceſſary defence of the Kingdom, yet if Forein Wars be together with them it is otherways, and therefore in the Parliament before ſuch charge belongs not to them, and therefore they hold they ought not to bear it, and ſo that Rule of *Gaſcoigne* 14 *Hen.* IV. *fol.* 4. and no man ſhall be charged without Parliament, where Bulwarks were built, *&c.* it proves not though it implies, that if it had concerned the Kingdom, it had been otherwiſe.

Object. The next Objection was the great inconvenience that would hereupon enſue, If ſuch a charge may be, then none knows what this charge will be, for the King may command it as often as he pleaſeth, an example hereof they put of *Dover-*[illegible], that in 15 years grew from 12000 *l.* to 48000 *l.* [illegible] provided againſt that incertainty, and limited it [illegible]

Sol. [illegible] this, that if the danger increaſe, ſo muſt the charge; again the King may command all Perſons when, and as often as he pleaſes he may do it; Is not this a great Inconvenience? And yet that abates not the Writ; my Brother *Crooke* ſhewed how Subſidies increaſed, and yet no inconvenience in that he conceived; and indeed this ſhews the proviſion of charge muſt be according to the danger.

Secondly, No abuſe of any thing muſt take away the true uſe thereof.

Thirdly, We cannot ſuſpect that there will be ſuch abuſe, *Ubi confidit Deus & lex & nos etiam confidemus*, God and the Law hath truſted his Majeſty, and we ſhould not diſtruſt him; in time of imminent danger, *tempore belli*, any thing, and by any man may be done, Murder cannot be puniſhed; yet ſays my Brother *Crooke*, the King cannot charge his Subjects in no caſe without a Parliament, no not when the Kingdom is invaded actually by the enemy; but truly, as I think, he was the firſt, ſo I think he will be the laſt of that opinion; eſpecially having delivered that the King is ſole Judge of the danger before, as indeed he is, and the King is ſole Judge of the danger, not any have denied it, and therefore elſe it ſhould be no danger but when every one ſhall ſay you ſhall judge that the Kingdom is in danger.

Secondly, There hath and may be as great danger when the Enemy is not diſcerned as when in Arms, and on the Land.

In time of War, when the courſe of Law is ſtopped, when Judges have no power or place, when the Courts of Juſtice may ſend out no Proceſs, in this caſe the King may charge his Subject, you grant; mark what you grant, when there is ſuch a confuſion as no Law, then the King may do it, *dato uno abſurdo infinita ſequuntur*.

2. There may be time of War in one part of the Kingdom, and the Courts of Juſtice may ſit, as in in the 14 *Hen.*III. *Rich.* II. *Hen.*VII. time, War was in ſome part of the Land, yet the Judges ſate at *Weſtminſter* Hall.

1. Now whether a danger be to all the Kingdom, or to a part, they are alike perilous, and all ought to be charged.

2. The King may charge the Subjects for the defence of the Land, and now the Land and the Sea makes but one entire Kingdom, and there is but one Lord of both, and the King bound to defend both.

3. Expectancy of danger, I hold, is ſufficient ground for the King to charge his Subjects; for if we ſtay till the danger come, it will be then too late, it may be.

4. And his averment of the danger is not traverſable, it muſt be binding, when he perceives and ſays there is a danger, and in 88 the Enemy had been upon us, if it had not been foreſeen, and provided for before it came: but I will not determine the danger now, do we not ſee our Potent Neighbours, and our great enemies heretofore, were they not prepared for War? And was there not another Navy floated upon the Sea, and was not the Dominion of the Sea threatned to be taken away? As long as this danger remains, I ſhall bleſs God for ſuch a King as will provide for the defence of the Kingdom timely, and rejoyce to ſee ſuch a Navy as other Nations muſt vail to, and we are not in caſe without it, and ſhould loſe our glory beſides.

Object. The next Objection of my Brother *Crooke* was, that there is a means provided by Parliament, which will not with-hold Aid for the defence of the Kingdom, and it were a ſin to deny it in caſe of neceſſity.

And in *Ed* I. time *Ed*. II. & 4 *Ed*.III. a Parliament was to be held every year for the defence of the Kingdom, *& propter ardua Regni.* I anſwer, that might well be, but then in the time of *Ed*.I. *Ed*.III. there was Pleas in Parliament, but thoſe are now laid aſide, and that the Subjects ought to give the King Subſidies; I will not ſay, that inferring that they will not do it, nor am I apt to believe it; but I hold Parliaments are the excellent means for the defence of the Kingdom, and yet they are not the only means, for then the Parliament, and not the King, ſhould be the ſole Judge, and have the defence of the Realm, or elſe it ſhould give the King a charge of defence without power and means.

The Objection of the Kings Revenues, Tenures, and Prerogative, they have been unfitly remembred, they have been fully anſwered.

The Statutes of Tonnage and Poundage to the King for and towards the defence of the Seas, and the other Acts of Parliament that reſtrain the Kings Power, ſo that now he cannot charge the Subject without his conſent in Parliament: I ſhall anſwer in the next place, and before I come to the particular Acts I will ſhew you what, in my opinion, they may do.

Acts of Parliament may take away Flowers and Ornaments of the Crown, but not the Crown it ſelf; they cannot bar a ſucceſſion, nor can they be attainted by them; and Acts that bar them of poſſeſſion are void.

Secondly, No Act of Parliament can bar a King of his Regality, as that no Lands ſhould hold of him, or bar him of the Allegiance of his Subjects, or the relative on his part, as truſt and power to defend his people; Therefore Acts of Parliament to take away his Royal Power in the defence of his Kingdoms are void, (as my Lord Chief Baron ſaid) they are void, Acts of Parliament to bind the King not to command the Subjects their Perſons and Goods, I ſay their Money too, for no Act of Parliament makes any difference. Now to the particular Statutes objected.

Firſt, 25 *Ed* I. cap. 5. *confirmatio cartand.* the words are theſe, Aids or Taxes granted to the King ſhall not be taken for a Cuſtom or Preſident, and *Cap.* 6. moreover, we have granted for us and our Heirs, that for no buſineſs from henceforth we ſhall take ſuch manner of Aids, Taxes, nor Prizes due and accuſtomed; and *Cap.* 7. a Releaſe of Toll upon every Sack of Wool, and grant that we will not take ſuch things without their common aſſent and good liking, ſaving to us and our Heirs the Cuſtoms granted by the Commons aforeſaid.

As to the other Statutes *de Tallagio non concedendo,* *Cap.* 1. *nullum Tallagium imponetur niſi per Commune Conſilium Regni noſtri*, Cap. 2, 3, 4, 5, *&c.*

Firſt, Theſe words muſt have relation to the Aids before, and there be divers Aids, as ſome by Tallage, ſome by way of Prize, of goods, and ranſom of his Majeſties Perſon, *&c.* the King thereupon makes this grant, which hath relation to ſuch Aids as were granted voluntarily. Secondly, ancient Aids are there reſerved as redeeming of the Kings body *pur faire fitz Chevalier & pur Marrier ſon filius Eigne*, and to all other ancient Aids which are to be underſtood with an *ad redemendum corpus*, &c.

And to the Statute *De Tallagio non concedendo* in ſome Books it is not in Print, but mentioned in *Magna Charta*, *Raſtal*, and Petition of Right, 3 *Car.* 1628. to be in 24 and 25 *Edw.* I. and therefore I anſwer, firſt, it is not in the Parliament Roll; and there is varience about it, and therefore it is but an Abſtract, and no ſubſtantial Statute.

But ſince it hath paſſed for a Statute, and it is poſſible it may be ſo. I agree with all the reſt of my Brothers that it is a Statute, and then I anſwer, firſt that *Nullum Tallagium imponetur, &c.*

That is, No unlawful Talliage ſhall be impoſed upon the Subject without his conſent, or elſe *Aid pur fair faitz Chivaleir & pur Marrier Eigne fil,* ſhould not have been excepted.

Secondly, No Aid ſhall be impoſed but by the Contribution of the King and People; and here the King is taxed as well as they.

Thirdly, An Act of Parliament can by no means take it away, much leſs by thoſe general words.

Object. In 14 *E.* 3. *c.*1. No man from henceforth ſhall be chargeable, but by common conſent in Parliament.

Reſp. That though it be but temporary in ſome parts, yet it is binding onely *ſecundum Subjectam materiam.* And the words are general, as in the other Statute *De Tallagio*; beſides the Practice in that Kings time and after, beſt interpret it.

Obj. 25 *E.* 3. *c.*8. No finding Men at Arms, unleſs by conſent, much leſs finding of Ships.

Reſp. This takes not away any former Law, and therefore the Preſidents following, 4 *H.*4. ſhew that it reacheth not this Caſe.

Obj. 2 *H.*4. m. 2. which is abſolute in the point, ſaith my Brother *Crook*, where a Commiſſion went forth for the Defence of the Sea, whereof complaint was made in Parliament, with deſire that it might be repealed, and it was ſo.

Reſp. I am of the contrary opinion, for the Petition was that it might be releaſed; and the Anſwer was but this, That it ſhould, but the King would treat with his Council about it; and it was but a Repeal of his Commiſſion then onely.

Obj. 1 *R.*3. *c.*2. where the King grants that he would not hereafter charge them by Benevolence, or any ſuch Charge, but that they ſhould be dampned by the Law, by no ſuch Charge or Impoſition, (*i.e.*) by no ſuch Charge of Money.

Reſp. That Statute is onely againſt Benevolence, and made by a King, that had reaſon, as we all know, to pleaſe the People for his own ends.

Obj. The Statute of Tonnage and Poundage granted for the defence of the Sea; the words are, That no Talliage or Aid ſhall be without Act of Parliament. Secondly, That the King hath means to defend the Realm, with a Proteſtation not to draw it into an Example. 4. 13 *Henr.*4. Parl. Rol. No. 10.

Reſp. I will not argue whether Tonnage and Poundage was before this Act of Parliament, nor that time out of mind, they were granted unto the King; but my Anſwer is, That they are onely for the ordinary defence of the Sea, and the Proteſtation of 4 *H.*4. is a Proteſtation of the Commons, and this Charge is not taken away thereby; and Tonnage and Poundage is for and towards the defence of the Sea. So all the Acts are, and ſo I agree. But for Extraordinaries, and but Solely in caſe of danger of the whole Kingdom that they ſhould not be granted, cannot be collected out of thoſe Grants.

Obj. The ſeventh Objection is, the Petition of Right 3 *Car.* that no Charge ſhall be impoſed upon the Subject but by Parliament.

Reſp. I was then Speaker of the Lower Houſe, and have reaſon to remember what then was made; and I ſay, Firſt, That there is no mention of this Caſe; Secondly, There was no new thing granted, but onely the ancient Liberties confirmed, taking notice of the Proteſtations of the Commons, not to bind the King for his ancient Right.

3. Look upon the Prayer, what is deſired, and the main ſcope was firſt generally againſt Loans, and this could not be included in theſe words; ſecondly Impriſonment without Cauſe: thirdly, Billiting of Souldiers: 4. Mariners lying within the Land.

I have now done with my third general Head. I come to the fourth and laſt, touching the Form and Legality of the Writ.

Firſt for the Legality of the Writ, and the Objections touching the neceſſity, I have anſwered before; the main Objection is to the Body of the Writ.

1. The Command to charge the Sheriff to levy and aſſeſs Money according to his diſcretion, which is not legal, for that the Sheriff ſhould make it *per Sacramentum*, by the Oath of a Jury, as in the Writs of Partition, Diſtribution, *per Rata, &c.*

Object. *Per. Ch. Baron. & Juſ. Crook.* The Aſſeſment of the Shetiff is not warranted by the Preſidents, they do it not upon their Knowledge, but Preſumption of mens Eſtates: and from thence they ſpeak againſt the too vaſt power given to the Sheriff to inhance it as they pleaſe.

Secondly, The inconvenience is great hereby, for there is by this means a great inequality in the Aſſeſment.

Reſp. I anſwer firſt to the Aſſeſment *per Sacram.* no reaſon why it ſhould be here; for it is not done in the Commiſſions to levy Subſidies, much leſs ſhould it be done here for a matter of great haſte. And beſides, the Sheriff is truſted with more, for he hath the truſt of the whole County, and takes an Oath to execute his Office juſtly, whereof this is one part.

As to this they ſay there is no Preſident for it. Firſt I ſay, That there is no Preſident, that it hath been done by Jury, but always by the Sheriff, or ſuch whom the King was pleaſed to truſt; and ſince one muſt be truſted, none more fit than he.

Secondly, By Example we ſee he ſpeeds all, and is moſt ready for it.

Thirdly, I ſay the Writ leads not the Aſſeſment, it commands the Ships to be provided, ſo if that be done, there is no neceſſity of an Aſſeſment. And if the Towns and Counties ſay they will provide a Ship, and do it, then no Aſſeſment requiſite: but if they do it not, then the Sheriff is to levy it, that the Defence may be ſeaſonable, ſo as the Clauſe of Aſſeſment ſhews the manner of it; when a multitude is to join, none more fit than he to do it, and no way better to write to him to do it, according to mens abilities.

Fourthly, The Clauſe of Aſſeſment is not onely to the Sheriff, but to the Head-Officer of the Town and Burrough; and though the diſcretion of the Cauſe be to the Sheriff, yet it appears not that it is limitted to him ſolely.

Obj. And whereas it was ſaid that the Sheriff cannot Aſſeſs himſelf, and the Preſidents warrant not this Aſſeſment by the Sheriff.

Reſp. I anſwer, all the Preſidents are not againſt it, but commonly it is not ſo, and yet there have been a multitude of Preſidents thus.

As to the inequality of it, Mr. *Hampden* had the leaſt cauſe of any man in *England* to complain, conſidering how he was rated. Again, All that the Writ commands is but an Aſſeſment, *juxta facultates ſuas ita quod omnes, &c.* And if the Sheriff do otherwiſe, and wrong the Subjects, he is anſwerable, by divers ancient Preſidents, it appears that where the Sheriffs have been faulty this way they have been puniſhed. And Sir *Walter Nortons* Caſe now depending in the Star-chamber concerns this, for this abuſe in levying this charge, being High-Sheriff of *Lincolnſhire*.

Truly I think as my Lord Chief Baron ſaid, if there had not been an inequality by the abuſe of the Aſſeſſes, the Charge had not been complained of, yet the like inequality is in Subſidies, and this is no juſt cauſe of exception againſt it, but of accuſation againſt the Sheriff, who is to anſwer it.

And I can ſay truly, that his Majeſty hath been very careful to prevent and remedy the abuſes herein, and hath often ſate daily preſent in Council Chamber to give his advice herein himſelf, and upon his Command Reformation hath been in divers places, and it hath been given in charge to all his Judges in their Circuits to endeavour the ſame in all parts; and I my ſelf, by his Command have rectified Rates in this kind unequal, and I doubt not, if neceſſity of danger ſhall ſtill require it, or again it may hereafter be done with all equity.

Object. Second Objection, That the Sheriff cannot Tax himſelf, for then he ſhould be Judge and Party in one Cauſe; nor can he commit himſelf; and if he be omitted out of the Aſſeſment, then it cannot be equal, nor cannot be according to the Writ that commands all ſhould be aſſeſſed according to their abilities rateably.

Reſp. I anſwer, This *prima facie* carries ſome ſhew in it, but examine Cauſes of leſs conſequence, and it is eaſily anſwered: The Juſtices of Peace in levying of Subſidies make rates for themſelves, the Commiſſioners of Sewers tax their own Lands, and ſo if by Jurors it were done, it would be the like; there muſt be either new Aſſeſſors appointed, or they themſelves muſt do it, that would bring delays, and this requires haſt and expedition, and therefore fitteſt for this buſineſs. Authorities in Law there are divers herein, as the Writ for levying Expences for Knights of the Shire, Direction is to the Sheriff to do it, who aſſeſſes himſelf, and yet he is to execute it. So in a Writ of Diſcovery *de bonis Inhabitantium*, the Sheriff is chargeable with his part, yet to execute it; if a Fine be laid upon the whole County, he levies it, yet is chargeable with his part towards it.

Obj. The Writ is directed *probis hominibus*, and theſe cannot be charged in an Inland County.

Reſp. What difference there is *inter probos homines*, between Inland Counties and Maritine Counties I know not. The 24 of *Edward* the Third, a Writ whereby they were charged in caſe of Neceſſity, as to *Yarmouth*, it was *probis hominibus, &c.* true, a Grant by the King *probis hominibus* generally is void, 1 *Henr.* 7. *Dier. Philip. & Mar.* 7 *Eliz.* 4. 14.

But a Commiſſion or Writ to Aſſeſs them good enough *probi homines*, that they know not nor ſee not, it is not material for that would make them ſole Judge of the danger, when as the King onely is, and this is not traverſable neither.

Obj. The Writ commands Inland Counties to find a Ship and Mariners which is impoſſible, and *Lex non cogit ad impoſſibilia*, and for this my Brother *Crook* put the Common Caſes that general return 49 *Edw.* 3. 6. and Impoſſibilities are void, but a Covenant for impoſſible things is void, but a Bond may be good.

Reſp. I anſwer now to the point of Impoſſibility, and poſſibly the Ship may be built in an Inland County, though to carry it to *Portſmouth* is impoſſible, but it is poſſible to provide a Ship and Mariners, as the Writ commands, which may very well be done with Money.

Obj. But we have none but trained Souldiers, no Mariners, our County conſiſts in Tillage, and our Men are brought up to the Plough and Husbandry.

Reſp. I anſwer, We have the like occaſion of Ploughs and Husbandry in *Kent*, and we have many places no Maritine Towns, ſome lie 20 miles from the Sea, and yet we are juſtly charged to find a Ship; Preſidents we have as well as you in *Oxfordſhire* and *Buckinghamſhire*, or elſe none ſhould be charged but Port Towns, and in particular no Law or Statute to exempt them; until *Alfreds* time there was no diſtinction of Maritine or Inland Counties, for then all *England* was but one Maritine County.

Obj. The payment of Souldiers Wages for 26 Weeks to be in the Kings Service, is againſt many Preſidents, as 16 *Edw.2.* 10 *Edw.* 3. and intirely for Wages to be paid by the County, is againſt all the Preſidents, and Tenants by Knights Service after 40 days, are to be paid by the King: and other Preſidents my Brother *Crook* cited, when divers refuſed to go out of their own County till paid, and order taken for their Pay by the King. And whereas the Counties had given Bond for payment of Souldiers Wages, they were cancelled, and Order made in Parliament that Souldiers ſhould be at the Kings pay; 2 *Edw.* 3. 16, 18 *Edw.* 3. *cap.* 7. &c.

Reſp. Theſe are eaſily anſwered, for theſe Preſidents prove no more than payment of Wages *de facto*, and ſo the King may pay it where it is not due; and for their refuſal, I have nothing to do with that now: but 10 *Ed.*3. m. 2. there is mention made of *Berkſhire* Men commanded to carry their Souldiers out of their own County at their own coſts, and when the Souldiers refuſed to go thence, no charge or payment; for Souldiers uſed to be paid by their County as in that caſe, and they were forced to go, and did go, and did ſtay there three years; ſo 13 *Ed.*3.m.8.

Obj. 1 *Edw.*3.m.14. none compelled to go out of their County without Wages paid, 18 *Edw.* 3.m. 6, 7. That none ſhould go out of the Inland Counties, and not onely thoſe that had Offices and Patents to ſerve the King, but all with this *Proviſo*, that the King ſhould pay them their Wages.

Reſp. 1 *Edw.* 3. It is clear, and hath the Exception in caſe of neceſſity, and to be done as in times paſt.

18 *Edw.* 3. It is expreſſed in the Act, when they go to the Kings Wars out of the Kingdom, 18, 19 *Henr.* 7. &c. Theſe are all but declarative to the Common Law, *Corbets* Caſe, the Reaſon is becauſe Legeance of the Subject is not natural but local.

But that the King ſhall give Wages within this Kingdom, there is no Act of Parliament for it now; it was reſolved in the Exchequer, that the Sea and Land made but one entire Kingdom, and ſo no going out of the Kingdom here; and conſequently the payment of the Souldiers Wages within the Kingdom is not againſt Law.

Object. The laſt Objection is, that the Writ is illegal, becauſe contrary to *Magna Charta*; *nullus liber homo impriſonetur.*

Reſp. As touching the Objection of the Nobility, that they are priviledged from impriſonment, it might well have been ſpared, and I know not wherefore it was ſpoken, unleſs to make them think they were more intereſſed than the reſt of his Majeſties Subjects in this caſe.

But yet I ſay, Noblemen may be impriſoned upon contempt, as my Brother *Crook* knows well, and it was reſolved in the Earl of *Lincolns* Caſe in the Star-Chamber.

It is true, that upon ordinary Proceſs they are not to be brought to Trial, or Impriſoned.

Now I anſwer, There is no Impriſonment in Queſtion, but the Aſſeſment onely why he ſhould not pay the Money aſſeſſed, or to ſhew cauſe to the contrary.

Secondly, Were the Form illegal, for Form and Circumſtance, yet this makes not the Command it ſelf illegal for Subſtance.

Certior. Object. Exceptions to the *Certiorar'* are theſe; Firſt, The direction of it to two Sheriffs out of their Office, when as the Sheriff in being, ought onely to return it.

Reſp. Of this there is little doubt, nothing more frequent for the *Certiorar'* to iſſue out of the Chancery to two Parties, as to the Executors or the Judge that took the Fine and is removed, and ſo upon Commiſſion to take a Fine by *Dedimus poteſtatem*, in this Caſe the Writ is *inter brevia retornabilia*, and this muſt remain with the old Sheriff, and are never delivered over by the Jury to the new Sheriff. In *Hubbarts* Caſe in the Kings Bench, being convict of Hereſie before Sir *Julius Cæſar* Judge of the Admiralty certificate to him, after Maſter of the Rolls, and directed to him; ſo in caſe of my Lord *Paget*.

Obj. The Writ is without Return (ſaith my Lord Chief Baron) and the *Certiorar'* which is a year and a half after, cannot renew it.

Reſp. That ſhall not be the determining of it, onely for the time limited expiring, ſhall not deprive one of his juſt debt.

It is not ſufficient, becauſe it appears not that Mr. *Hampden* was Tenant or Tertenant, or that *Stoke Mandevil* was within the County of *Buckingham.*

Obj. Secondly, It appeareth not that there was any Munition or Ship appearing.

Reſp. I anſwer, It doth ſufficiently appear that Mr. *Hampden* was Tertenant, for that the *Certiorar'* is to the Sheriff, who certifieth that he was Tenant, for it is in purſuance of the Writ; the words are, *Virtute brevis Domini Regis huic Schedul' annex' certifico quòd Virtue & ſecundum epigentiam, &c. Aſſeſſani Anglicè* have aſſeſſed *ſuper ſeperales homines & terræ tenentes Comitat' Bucks. prædict. quorum nomina ſubſcribuntur, &c.* it relates to the place there, Tenants in the County of *Bucks.* and makes Mr. *Hampden* one, and this in buſineſs of Knighthood was done and in no other manner.

Obj. Secondly, it appears not that the Ship was prepared.

Reſp. To this I anſwer, Firſt, that the Ship was done according to the Command of the Writ.

Secondly, It was prepared.

Thirdly, If none had been prepared, the fault was for that they paid not their money.

For the Exceptions to the *Mittimus*, I ſay nothing, becauſe I told you the Caſe reſts not upon theſe words, *ut ſalus regni periclitabitur*, and which is onely but to bring it to iſſue.

Scir. Fac. Object. Exceptions to the *Scire fac'*; as, Firſt, that the King is not entituled to bring the *Scire fac'*: ſo there is no *cui oneretur*, to whom he ſhould pay the money, for whoſe good or benefit Mr. *Hampden* ſhould ſatisfie the money aſſeſſed.

Reſp. I anſwer, The King is intereſſed in all actions of publick good, and ſhall recover accordingly, as in Caſes of High-way, Pontage, Murage, &c. much more when it is for the general defence of the Realm; firſt, in *quare impedit*, between two Common Perſons, though the King be neither Plaintiff nor Defendant, yet the King ſhall recover therein. Many times in Caſe of a Common Informer, the King recovers the one Moiety, though not Party. So it was in the Caſe of Knighthood, though no Suite was depending. Again, all Writs in the Kingdom are the Kings Writs: though no Fine, much more here for the defence of the Realm; and it is uſual for the Kings Attorney to compel men to perform charitable uſes, and the King may queſtion any one for them in the Caſe of *Aurum Reginæ*, by Proceſs out of the Exchequer. Again, Where it is ſaid *Quare ipſe de prædicta ſumma ſuper ipſum Aſſeſſ. & non ſolut' in Schedula præd' Spec' onerari, & inde ſatisfac' debeat prout ulterius ſibi præceptum, &c.* For though the Writ be in the Kings name, yet it is but for the performance of the work and charge; and though it appears not who were Collectors or Aſſeſſors, yet it appears it was done.

Upon publick Service Proceſs goes forth in the Kings name, but it is not then ſo fit it ſhould be expreſſed in particular for the King, when as it is for the general good onely. Was not the Record made by my Brother *Denham*, though none more conſtantly or cheerfully did ſubſcribe to his Majeſties Letter; neither was the *Scire fac'* without his advice, being the apteſt courſe, and better than Treſpaſs.

Obj. But the objection that he made was, That the King cannot do any wrong, nor take without Record; as in Seiſure upon Outlawry, Attainder, or the like: and in this Caſe there is no Record upon the Writ 4. *Aug.* no Judgment, &c.

Reſp. I anſwer, This *Scire fac'* is not annexed to the Writ, &c. as a new Action that Mr. *Hampden*, *Oneretur & inde ſatisfaciet*, and after that Judgment upon the Writ, and upon his ſaying nothing why *revocetur*, there ſhall be a good Record upon which he ſhall be charged, 3 Q. *Eliz.* L. *Dier*, 156. *Ignoramus* is ſufficient title for the King, and ground for a *melius inquirend'*.

Obj. No *Scire fac'* lies upon the tenor of a Writ 39 *Henr.* 6. *fol.* 34. 21 *Eliz.* L. *Dier*, *fol.* 205.

Reſp. I anſwer, a *Scire fac'* upon a Recognizance will lie in Chancery, but upon the Record there, yet in a Debt, often an Action of Debt lies upon the tenor of a Record, 39 *Henr.* 6. the doubt was becauſe the Party might be ſubject to a double Execution, elſe one upon the Record there, and another upon the tenor of the Record in another Court 33 *Edw.* 3. title tenure by tranſcript 8 *Henr.* 5. *F. H.* Error' *Scire facias* Regiſter *fol.* 51. Record was before the Juſtices of the Kings Bench, the tenure was out of the Treaſury to the Barons of the Exchequer, and it is the uſual Order, if Recognizance be forfeited, to certifie the tenor of the Recognizance; ſo of a Fine of Amerciament, &c. to certifie the Tranſcript: ſo the Tranſcript was ſent from *Ireland* upon an Act of Parliament, a *Scire fac'* thereupon went againſt *Hebron Baron* in *England*; ſo in Debt upon the Tranſcript of a Record from *Ireland* a *Scire fac'* here went forth.

Obj. Objected it was in the laſt place by my Lord Chief Baron, that Judgment in this Caſe would be fruitleſs, and none ſhould take benefit by it upon this Record, and he puts divers Caſes wherein Judgment in ſuch Caſe ought not to paſs.

Reſp. I anſwer, My Lord Chief Baron, with a Judgment of his own Caſe of Knighthood, reſolved here in this Court; the Caſe was this, The King by Writ 5 *Januarii*, in the firſt of the Kings Majeſties Reign, commanded the Sheriff of *Barkſhire*, that all that had 40*l.* a Year, ſhould be in the Chancery 31 *Januarii* following, to take upon them the Order of Knighthood, Sir *Jo. Darrel* Sheriff of *Barkſhire*, made his return (as the Sheriff of *Buckingham* here) all that are not Knights under the name of *Illorum*, and ſets down their names; *Mittimus* thereupon went out of the Chancery, reciting the ſubſtance of the former Writ, *Vobis mittimus præſentibus, &c.* with a Clauſe to enquire after ſuch as were not returned, and to Fine them; and upon this Writ of *Diſtringas* to the Sheriff, my Lord Chief Baron and my Brother *Denham* know what Judgment was given; wherein I obſerve,

1. Not the Record but the Tenor of the Record was ſent into the Exchequer, yet returnable in the Chancery.
2. For returning the names of the Defaulters, done there as here.
3. Upon the *Diſtringuas* thereupon, was had Execution, much more then here upon the *Scire fac'*.
4. There was no more Judgment of Record to warrant it than here in this.

Now I come to conclude, I have been ſomewhat too bold in taking more time than is uſual, but I did it to ſatisfie my own heart, according to which I muſt give my Judgment. What I have omitted, I refer to the reſt of my Brothers that went before me, and to my Lord Chief Juſtice that comes after me. The Reaſons I ſhewed you whereupon I conceive by the Common Law and Fundamental Policies of this Kingdom, that the King, may charge his Subjects for the defence of this Kingdom; and that the King may charge his Subjects to contribute towards the defence thereof when it is in danger; and I hold that the King is ſole Judge of the danger, and ought to direct the means of defence: and therefore this Writ of *Scire fac.* and all the Proceedings in this Caſe are well grounded according to Law. My Opinion therefore is, that Mr. *Hampden* ſhall be charged with the 20*s.* aſſeſſed; and that my Lord Chief Baron ought to give Judgment accordingly.

Edward Hide *Eſq*; *afterwards Lord Chancellor of* England, *his Speech in Parliament at the carrying up to the Lords the Opinion of the Houſe of Commons in the Caſe of Ship-money.*

My Lords,

THere cannot be a greater Inſtance of a ſick and languiſhing Commonwealth, than the buſineſs of this day. Good God! how have the Guilty theſe late years been puniſhed, when the Judges themſelves have been ſuch Delinquents. 'Tis no marvel that an irregular, extravagant Arbitrary Power, like a Torrent, hath broke in upon us, when our Banks, and our Bulwarks, the Laws, were in the Cuſtody of ſuch Perſons. Men who had loſt their Innocence could not preſerve their Courage, nor could we look that they who had ſo viſibly undone us, themſelves ſhould have the virtue or credit to reſcue us from the Oppreſſion of other Men. It was ſaid by one who always ſpoke excellently, That the twelve Judges were like the twelve Lions under the Throne of *Solomon, Under the Throne in Obedience, but yet Lions:* Your Lordſhips ſhall this day hear of ſix who (be they what they will be elſe) were no Lions, who upon vulgar fears delivered up the pretious Forts they were truſted with, almoſt without aſſault; and in a tame eaſie Trance of Flattery and Servitude, loſt and forfeited (ſhamefully forfeited) that Reputation, Awe, and Reverence, which the Wiſdom, Courage, and Gravity of their Venerable Predeceſſors had contracted and faſtned to the places they now hold, and even rendred that Study and Profeſſion, which in all Ages hath been, and I hope now ſhall be of an Honourable Eſtimation, ſo contemptible and vile, that had not this bleſſed day come, all men would have had that quarrel to the Law it ſelf, which *Marcius* had to the *Greek* Tongue, who thought it a Mockery to learn that Language, the Maſters whereof lived in Bondage under others. And I appeal to theſe Unhappy Gentlemen themſelves, with what a ſtrange Negligence, Scorn, and Indignation, the faces of all men, even of the meaneſt, have been directed towards them, ſince (to call it no worſe) that fatal Declenſion of their Underſtandings in thoſe Judgments of which they ſtand here charged before your Lordſhips.

But (My Lords) the Work of this Day, is the greateſt Inſtance of a Growing, and Thriving Commonwealth too, and is as the Drawing of a fair and laſting Day of Happineſs to this Kingdom.

It is in your Lordſhips Power (and I am ſure it is in your Lordſhips will) to reſtore the dejected broken People of this Iſland to their former Joy and Security, the Succeſſors of theſe Men to their own Priviledge and Veneration: *Et ſepultas prope leges revocare.*

So theſe Judges enter themſelves and harden their Hearts by more particular Treſpaſſes upon the Law: by Impoſitions and Taxes upon the Merchants in Trade: by Burdens and Preſſures upon the Gentry in Knighthood before they could arrive at that univerſal Deſtruction of the Kingdom by *Shipmoney*, which promiſed reward and ſecurity for all their former Services, by doing the Work of a Parliam. to his Maj. in Supplies, and ſeemed to delude Juſtice, in leaving none to judge them, by making the whole Kingdom party to their oppreſſion.

My Lords, the Commons aſſembled in Parliament hope that your Lordſhips will call theſe Judges ſpeedily before you to anſwer theſe Articles laid to their charge, that the Nation may be ſatisfied in your Lordſhips Juſtice upon them, as their Crimes demerit.

A Letter of the Tenor following was written to the Lord Major and Sheriffs of the City of London.

AFter, *&c.* Whereas his Majeſty hath ſent you his *Writ to provide two Ships* 560 *Tuns* apiece, beſide Tonnage, to be furniſhed with Men, Tackle, Munition, Victual, and other neceſſaries, to ſet forth for the ſafeguard of the Seas, and defence of the Realm, at the charges of the City of *London* and the Liberty thereof. And by the ſaid Writ hath commanded that you ſhall without delay make an Aſſeſment, and after proceed on in the further execution of that Service, as by the ſaid Writ appeareth. We are by his Majeſties Direction and expreſs Commandment to let you know, that he hath upon important and weighty Reaſons, concerning not onely his Majeſties own Honour, and the ancient Renown of this Nation, but the ſafety of your ſelves, and all his Subjects, in theſe troubleſom and Warlike times, ſent out the aforeſaid Writ to you, and the like unto all other Counties, Cities, and Towns throughout the whole Kingdom, that as all are concerned in the mutual defence one of another, ſo all might put to their helping hand for the making of ſuch preparations as (by the bleſſing of God) may ſecure this Realm againſt thoſe Dangers and Extremities which have diſtreſſed other Nations, and are the common Effects of War, whenſoever it taketh a People unprepared. And therefore as his Majeſty doubteth not of the readineſs of all his Subjects, to contribute thereunto with chearfulneſs and alacrity, (wherein the City of *London*, as being the moſt eminent place, ought to give example to all the reſt) ſo he doth eſpecially require your care and diligence in the ordering of this buſineſs ſo much concerning his Majeſty and all his People, that no inequality or other miſcarriage may either retard or diſgrace the Service, which in it ſelf is ſo juſt, honourable, and neceſſary. For which cauſe we have, by his Majeſties directions ſent you, together with the ſaid Writ, theſe enſuing Advices and Inſtructions, for your better proceedings.

I. *Therefore, becauſe perhaps you are not throughly acquainted with the Charge of ſuch Maritine Preparations, and the miſtaking thereof might hinder the Service: We have thought good to let you know, that upon a due and juſt calculation, we find that the charge of two Ships of that burthen ſo manned and furniſhed, will be* 14000 l. *which you are to levy according to his Majeſties deſire, and the intention of this Board, with as much equality and indifferency as poſſibly you may, uſing the Power given you by the ſaid Writ, with ſuch moderation as may occaſion the greater readineſs in all to contribute, and may give no cauſe to any to grudge or repine for any partiality or inequality in the Aſſeſments.*

II. *When you have ſetled the General Aſſeſſment, we think fit that you ſhould ſubdivide the ſame, and make the particular Aſſeſments in ſuch ſort as other common payments upon that City and the Liberties thereof are moſt uſually ſubdivided and aſſeſſed.*

III. *And to the end this may be effected with more equality and expedition, you may give direction to the Aldermen in their ſeveral Wards, and their Deputies, and ſend forth your Warrants to the Conſtables of the ſeveral Precincts, requiring them to call unto them ſome of the moſt diſcreet and ſufficient men of every Precinct, to conſider with them how the Sum charged upon each Precinct may be diſtributed and divided with moſt equality and indifferency, and to return the ſame to you in Writing under their Hands, with all poſſible expedition. Which being done, you are to ſign the Aſſeſſment ſet on the ſeveral perſons of every particular Pariſh, if you approve thereof. And if for inequality you find cauſe to alter the ſame in any part, yet after it is ſo altered, you are to ſign the ſame, and keeping a true Copy thereof, you may thereupon give order for the ſpeedy Collecting and Levying of ſuch Sums accordingly, by ſuch as are uſually imploied for Collections of other common Charges and Payments. And when any ſhall be by them returned to you, either to have refuſed or neglected to make payment, you are without delay to execute the Writ upon them, cauſing Diſtreſſes to be taken of them, and to be ſold for payment of their Aſſeſſments and the juſt Charges thereupon ariſing, and the Overplus of the Diſtreſſes to be rendered back. In the ſaid ſeveral Aſſeſſments of each Pariſh, you are to cauſe to be particularly expreſſed how much every Clergy man is rated, &c. As in the Fourth Inſtruction of the Letter entered at large.*

IV. *As in the Fifth Inſtruction of the Letter aforeſaid.*

V. *If any Conſtables or other Officers refuſe or neglect to do their Duties, &c. as in the Sixth Inſtruction of the ſaid Letter at large.*

VI. *If you find or underſtand of any perſons that are refractory, or that do unneceſſarily delay the payment of what ſhall be aſſeſſed upon them for the ſaid Service, whereof you muſt frequently and often call for an Accompt from the Conſtables, Officers, and others intruſted under you, you are preſently without any delay, partiality, or reſpect of perſons, to proceed roundly with them (of what Quality or Condition ſoever they are) according to his Majeſties Writ, and not to defer medling with them to the laſt, or until others have paid, as was done by ſome Sheriffs of Counties in former Years, whereby all the trouble and burthen was caſt upon the end of the Year: and thoſe that were refractory gained time above thoſe that were well-affected to the ſaid Service.*

VII. *Laſtly, and for all other matters not particularly mentioned in theſe Inſtructions, you muſt upon all occurrences govern your ſelves according to the Writ to you directed, and as may beſt accompliſh the Service committed to your truſt, wherein you are to uſe all poſſible diligence to effect the ſame with ſpeed, that the money for this Service may be timely collected and paid, as that proviſions may be ſeaſonably bought and provided, to furniſh and ſet forth the Fleet at the day expreſſed in his Majeſties Writ. And as you ſhall herein perform your duties with diligence, you may be aſſured to recover both favour and thanks from his Majeſty. And ſo we bid, &c.*

Dated and ſigned at *ante.*

Alſo a Letter to the ſame effect ſent with his Majeſties Writs to the Sheriffs of the ſeveral Counties of *England* and *Wales*.

The Subſtance of the Lord Falklands *Speech in Parliament, concerning* Ship-money.

Mr. Speaker,

The Conſtitution of this Common-wealth hath eſtabliſhed, or rather endeavoured to eſtabliſh to us *the Security of our Goods*, and the *Security of thoſe Laws* which would ſecure us and our Goods, by appointing for us *Judges*, ſo ſetled, ſo ſworn, that there can be no oppreſſion, but they of neceſſity muſt be acceſſary; ſince if they neither deny nor delay us Juſtice, which neither for the great nor little Seal, they ought to do; the greateſt Perſon in this Kingdom cannot continue the leaſt violence upon the meaneſt. But this Security hath been almoſt our ruine; for it hath been turned, or rather turned it ſelf into a Battery againſt us: and thoſe perſons who ſhould have been as Dogs to defend the Sheep, have been as Wolves to worry them.

Theſe Judges, to inſtance not them onely, but their greateſt crime, have delivered an Opinion, and Judgment in an extrajudicial manner, that is, ſuch as came not within their cognizance, they being Judges, and neither Philoſophers, nor Politicians. In which when that is ſo abſolute and evident; the Law of the Land ceaſes; and of general Reaſon and Equity, by which particular Laws at firſt were framed, returns to his Throne and Government, where *Salus Populi* becomes not onely *ſuprema*, but *ſola lex*; at which, and to which end, whatſoever ſhould diſpenſe with the King, to make uſe of any money, diſpenſes with us to make uſe of his,and one anothers. In this Judgment they contradicted both many and learned Acts and Declarations of Parliaments; and thoſe in this very Caſe, in this very Reign, ſo that for them they needed to have conſulted with no other Record, but with their Memories.

2. They have contradicted apparent Evidences, by ſuppoſing mighty and eminent dangers, in the moſt ſerene, quiet, and halcion days that could poſſibly be imagined, a few contemptible Pirats, being our moſt formidable Enemies, and there being neither Prince nor State, with whom we had not either Alliance, or Amity, or both.

3. They contradict the Writ it ſelf, by ſuppoſing that ſuppoſed danger to be ſo ſudden, that it would not ſtay for a Parliament, which required but forty days ſtay, and the Writ being in no ſuch haſt, but being content to ſtay ſeven times over.

It ſeemed generally ſtrange, that they ſaw not the Law which all men elſe ſaw, but themſelves. Yet though this begot the more general wonder, three other particulars begot the more general indignation.

When they had allowed to the King, the *Sole Power in Neceſſity*, the *Sole Judgment of Neceſſity*, and by that enabled him to take both from us, what he would, when he would, and how he would, they yet continued to perſuade us,that they had left us our Liberties and our Properties.

And, which I confeſs moved moſt, that by the tranſformation of us from the ſtate of Free-Subjects (a good Phraſe, under Doctor *Heylins* favour) unto that of Villains, they diſable us by legal and voluntary Supplies to expreſs our affections to his Majeſty, and by that to cheriſh his to us, that is, by Parliaments.

The Cauſe of all the miſeries, we have ſuffered, and the Cauſe of all the Jealouſies we have had, that we ſhould yet ſuffer; is, That a moſt excellent Prince hath been moſt infinitely abuſed by his Judges, telling him that *By Policy he might do what he pleaſed.*

We muſt now be forced to think of aboliſhing of our grievances, and of taking away this Judgment and theſe *Judges* together, and of regulating their *Succeſſors* by *their exemplary puniſhment.*

Mr. St. Johns *Speech to the Lords in the Upper Houſe of Parliament*, January 7. 1640. *Concerning* Ship-Money.

My Lords,

THe Knights, Citizens, and Burgeſſes of the Commons Houſe, have intruſted me with a Meſſage to your Lordſhips, of a general and a very high Concernment; ſo general, that the whole Body of the Kingdom, both Peers and People, are intereſſed in it; of ſo high a conſequence, as that there is nothing that can concern us nearer.

It is one of the *Grandia Regni*, ſo great, as that I ſhall not need to preſent it to your Lordſhips in a Multiplying-Glaſs, it will appear too big in its own dimenſions.

2. It is not that Shipmoney hath been levied upon us, but it is that Right whereby Shipmoney is claimed; which if it be true, is ſuch as that it makes the payment of Shipmoney the gift and earneſt penny of all we have.

It is not that our perſons have been impriſoned for payment of Shipmoney, but that our perſons and (as it is conceived) our lives too, are upon the ſame ground of Law, delivered up to bare Will and Pleaſure.

It is that our Birth-right, our Anceſtral-right, our condition of continuing Free-Subjects is loſt; that of late there hath been an endeavour to reduce us to the ſtate of Villainage, nay to a lower.

It is true, the Lord might tax his Villain *De haute & de baſſe*, might take all his Lands and Goods, the Villain had no Property againſt the Lord, the Villain he could not *Ire quo voluit*, he had no liberty of perſon, the Lord might impriſon him at his pleaſure; but the Villains Life was his own, and not his Lords, the Law ſecured him that. But, My Lords, as the Law ſtands now declared, it is diſputable, whether it doth ſo much for us.

My Lords, The ſubject of this Meſſage is, to preſent the ſenſe of the Commons to your Lordſhips; That the Laws of the Realm inſtituted at firſt, and freely aſſented unto, and choſen by their Anceſtors for the preſervation of themſelves and Us their Deſcendants, in our Perſons, Lives, and Eſtates, have been of late intruſted unto ſuch hands, as have endeavoured to force upon them a contrary end to that for which they were ordained, from Defenſive to turn them to Offenſive; and in ſtead of Protecting us, to make the Laws the Inſtrument of taking from us all we have. Thoſe carriages which have produced this Senſe of the Commons, I am commanded at this preſent to declare to your Lordſhips.

They are certain Extrajudicial Opinions delivered by the Judges at ſeveral times, the one in *November* 1635. the other a year after in *February* 1636.

The Shipwrits that have iſſued to all the Counties of *England*, for theſe many years laſt paſt without intermiſſion: The principal thing in theſe Writs which I am to preſent to your Lordſhips, is not the Charge and Burthen which hath been thereby impoſed upon the Subjects, though that be great, but the declarations in them of the Law, and of the Right whereby this burthen may be impoſed.

The laſt is, that Judgment in Maſter *Hampdens* Caſe in the Exchequer upon theſe Shipwrits.

My Lords, The two laſt, that is, the Shipwrit, and the Judgment, becauſe they are very long, I am onely to open them without reading, and to deliver them to your Lordſhips; the other two I am to read them, and then to deliver them to your Lordſhips.

Ship-money.

The firſt Opinion in *November* 1635. was read, as followeth.

I Am of opinion, that as where the benefit doth more particularly redound to the good of the Ports or Maritine parts, as in caſe of Piracy or Depredations upon the Seas, there the charge hath been, and may be lawfully impoſed upon them according to preſidents of former times; ſo where the good and ſafety of the Kingdom in general is concerned, and the whole Kingdom in danger, (of which his Majeſty is the onely Judge) there the charge of the Defence ought to be born by all the Realm in general. This I hold agreeable both to Law and Reaſon.

My Lords, theſe opinions were delivered by the Judges ſeverally and apart, they were procured by the ſolicitation of my L. Finch; *The Judges, as he ſeverally procured their hands, were by him enjoined Secreſie accordingly; theſe Opinions walked in the dark for a Year and upwards: afterwards the procurer of them, my Lord* Finch, *liked them ſo well, as that he preſumed to deliver them to his Majeſty. By his procurement a Letter was directed from his Majeſty to the Judges for the delivery of their opinions in theſe, and ſome other additionals. The former that hath been read is more modeſt, it is onely that his Majeſty is the ſole Judge of the danger, and that the Iſland as well as the Maritine Towns are chargeable to the defence of the Kingdom.*

It is not declared in theſe, that this charge may be impoſed by his Majeſty alone, for the expreſſion is onely, that the charge may lawfully be impoſed, ſay not by whom.

In the other Opinions they proceed *à malo ad pejus*, and ſpeak plain Engliſh, which follow *in hæc verba.*

The CASE.

CHARLES REX,

WHen the Good, and the Caſe and Safety of the Kingdom in general is concerned, and the whole Kingdom in danger, whether may not the King by Writ under the Great Seal of England, *Command all the Subjects in this Kingdom at their charge, to provide and furniſh ſuch number of Ships with Men, Victuals, and Munition, and for ſuch time as he ſhall think fit, for the defence and ſafeguard of the Kingdom from ſuch danger and peril, and by Law compel the doing thereof, in caſe of refuſal or refractorineſs; and whether in ſuch caſe, is not the King the ſole Judge both of the danger, and when, and how the ſame is to be prevented and avoided?*

C. R.

Judges Anſwer.

MAy it pleaſe your moſt excellent Majeſty, we have according to your Majeſties Command, ſeverally, and every man by himſelf, and all of us together, taken into ſerious conſideration the Caſe and Queſtions ſigned by your Majeſty, and encloſed in your Royal Letter; and we are of opinion, that when the Good and Safety of the Kingdom in general is concerned, and the whole Kingdom is in danger, your Majeſty may by Writ under the Great Seal of *England*, command all the Subjects of this your Kingdom, at their charge to provide and furniſh ſuch number of Ships, with Men, Victual, and Munition, and for ſuch time as your Majeſty ſhall think fit, for the Defence and Safeguard of the Kingdom, from ſuch danger and peril: And that by Law your Majeſty may compel the doing thereof, in caſe of refuſal or refractorineſs; And we are alſo of opinion, that in ſuch caſe your Majeſty is the ſole Judge both of the danger, and when, and how the ſame is to be prevented and avoided.

Theſe Opinions were ſubſcribed by all the Judges in Serjeants-Inn-Hall; they were afterwards publiſhed in the Star-Chamber, that the Subjects might take notice of them; and that they might never be forgotten, they are enrolled in all the Courts of *Weſtminſter-Hall*, in *perpetuam Rei memoriam:* Your Lordſhips will be pleaſed to give me leave to repeat them in their plain and legal ſenſe; which I conceive to be thus:

That his Majeſty, as often as himſelf pleaſeth, may declare that the Kingdom is in danger; That ſo often, for prevention of ſuch danger, his Majeſty by his Writ under the Great Seal of *England*, may alter the property of the Subjects Goods, without their Conſent in Parliament, and that in ſuch proportions as his Majeſty ſhall think fit; and beſides the altering of the Property of their Goods, for the prevention of ſuch danger, may deprive them of the liberty of their Perſons, and of their Lives, and that in ſuch manner as himſelf ſhall pleaſe.

1. The firſt of theſe (*viz.*) that his Majeſty may declare the danger, as often as he pleaſeth, is made good in theſe words, *That the King is the ſole Judge of the danger, and when the ſame is to be prevented and avoided.*

2. The ſecond, That ſo often he may alter the property of the Subjects Goods, without conſent in Parliament, in theſe words; *That his Majeſty may, by Writ under the Seal of* England, *command and compel all the Subjects of the Realm, at their charge, to provide and furniſh Ships.*

3. That this may be in what proportion his Majeſty ſhall pleaſe, in theſe words; *That his Majeſty may command them to provide and furniſh ſuch number of Ships, with Men, Victuals, and Munition, and for ſuch time as his Majeſty ſhall think fit.*

4. The laſt (*viz.*) that which concerns our Perſons, in theſe two Clauſes.

1. *That his Majeſty, in caſe of refractorineſs, may compel the doing of it*; This compulſion in caſe of refractorineſs, includes the Perſon, as well as the Eſtate: Nay, it ſounds more in the Perſonality than otherwiſe. For the other, *viz.* Whether this Perſonal Compulſion may extend ſo far as to Life, I humbly leave it to your Lordſhips condſiderations, upon the other Clauſe; that is, *That his Majeſty is the ſole Judge of ſuch danger, and when, and how the ſame is to be prevented:* whether the words, *how it is to be prevented*, in this caſe of Perſonal Compulſion, doth not leave the manner of it wholly in his Majeſties breſt.

My Lords, If theſe Opinions extend onely to Ship-money, it is enough; his Majeſty takes what he will, and when he will; if all be taken to day, and afterwards by diſſent or my own labour, I get a new Stock or livelyhood, that is no more mine than the former; ſo that there is no Property left unto the Subject, though the opinions go no further. But, my Lords, Ship-money is not the whole extent of them, Ship-money, by theſe opinions, is not due by any peculiarity in Ship-money: but Ship-money is therefore due, becauſe his Majeſty is the ſole Judge of the danger of the Kingdom, and when, and how the ſame is to be prevented, becauſe his Majeſty for the defence of the Kingdom, may at his will and pleaſure charge the People; this is the ground: and upon the ſame reaſon the Compulſion may be as well for the making and maintaining of Caſtles, Forts, and Bulwarks, making of Bridges, for tranſporting his Armies, for proviſion of Wages and Victuals, for Souldiers, for Horſes and Carriages, it may be multiplied in *infinitum.*

It may be done when the good and ſafety of the Kingdom is concerned, this extends to all things, and at all times, *Qui jacet in terra, non habet unde cadat.*

If theſe opinions be Law, I humbly leave it to your Lordſhips conſiderations, whether the Government be not *Imperium legibus ſolutum.* The next thing I ſhall offer to your Lordſhips, is the Ship-writs; a Tranſcript of one of them directed to the Sheriff of *Dorſetſhire*, I ſhall deliver; all the reſt being of the ſame Form. Becauſe that Writ is long, I ſhall open it briefly; it is to this effect.

There is a Declaration in it, that *Salus Regni periclitabatur*, that the ſafety of the Kingdom was in danger.

Therefore the Inhabitants of the ſeveral Counties are commanded for the Defence of the Kingdom, for the Cuſtody of the Seas, for the Safeguard of the Merchants from Piracy, inward and outward, that they ſhould provide a Ship of War, furniſhed with Guns, Gun-Powder, double Tackle, and all other neceſſaries; and this Ship thus furniſhed at a day ſet, to be brought to *Portſmouth*, to be provided for 26 Weeks of Mariners Wages, Victuals and other neceſſaries, and for the doing of this, Authority is given to the Sheriffs of the ſeveral Counties, to aſſeſs every of the Inhabitants *ſecundum ſtatum & facultates ſuas*, according to their Eſtates and Means; and further power given him by Diſtraining and ſelling of the Diſtreſs to levy theſe Moneys, *Si contrarios invenerit*, then to impriſon their Perſons. And further declares, That all this may be done, *ſecundum Legem & conſuetudinem Regni*. The ſenſe I conceive is briefly thus: That by the Laws of the Kingdom, when his Majeſty ſhall declare that the Kingdom is in danger, he may alter the Property of the Subjects Goods, and impriſon their Perſons; nay, that not onely his Majeſty, but the Sheriffs may impriſon their Perſons. By the Law the Lord might impriſon his Villain, but could not transfer that Power to his Bailiff, or to any other, it was Perſonal. That the execution of this Power over the Perſons of the Subjects hath gone no further than their Impriſonment, whether therein we be not wholly beholden to his Majeſties Grace and Goodneſs, and nothing at all to the Opinions of the Judges, I leave it to your Lordſhips conſiderations.

The laſt thing is, the Judgment in the Exchequer, in the thirteenth year of his now Majeſties Reign, againſt Maſter *Hampden*, the Record is very long, I ſhall briefly open it to your Lordſhips, *Quarto Auguſti* 11 *Caroli*, there iſſued Ship-writs to the ſeveral Counties, amongſt the reſt to the County of *Bucks.* the Sheriff aſſeſſed the Inhabitants; ſome of them made default, and did not pay; upon a *Certiorari* out of the Chancery, directed to the Sheriff, he certifies the Perſons that made default, together with the Summons aſſeſſed upon them. From the Chancery by *Mittimus*, theſe Certificates were ſent into the Exchequer, to the intent Proceſs might iſſue againſt the defaulters. A *Scire Facias* iſſued to the Sheriff of *Bucks.* who thereupon amongſt other, returns, that Maſter *Hampden* hath been aſſeſſed Twenty ſhillings, for ſome Lands in *Stoke-Mandevil* in that County, which he had not paid, Maſter *Hampden* appeared, and upon his appearance demands *Oyer* of the Ship-writs, and the other Proceedings, after his hearing thereof and underſtanding the Contents, he demurs in Law, that is, demands the Judgment and Opinion of the Judges, whether this Writ was ſufficient in Law, and to force him to pay the ſaid Twenty ſhillings.

This being a great and general caſe, the Barons of the Exchequer deſired the aſſiſtance of the reſt of the Judges, who did join accordingly. The Caſe came to be argued, there were four Arguments, two on Maſter *Hampdens* ſide, and two on the other ſide, the firſt was in *Michaelmas* Term, after Alhallontide, and all the four Arguments were ſpeeded before Chriſtmas day, two of them in the Term, and no longer time would be procured for the reſt, but the ſhort Vacation between *Michaelmas* Term and *Chriſtmas*, it was a Caſe of ſo little concernment, that whereas in *Weſtminſter-Hall*, Term after Term is uſually given to argue any demurrer, this muſt be argued betwixt *Alhallontide* and *Chriſtmas*, throughout after the Arguments, the Council on both ſides were commanded to bring before the Judges the Records and Authorities cited, they were brought, and for the eaſe of the Judges, many of them on Mr. *Hampdens* part were abbreviated on the backſides, thoſe abbreviations were commanded to be expounded; afterwards the Caſe came to Argument at the Bench, there the Caſe was judged, and by the greater part of the Judges judgment was given againſt Mr. *Hampden*; when the Judges had delivered their Opinions, it was the Barons part to give judgment; the Judgment was, *Quod ſeparalia brevia prædict. & return. eorundem ac Schedulum prædict. eiſdem annex. ac materia in eiſdem content. ſuffecerit in lege exiſten. ad præfatum Ioannem Hampden de prædict. viginti ſolidis ſuper ipſum in forma & ex cauſa prædict. aſſeſſis onerand. Ideo conſideratum eſt per eoſdem Baron. quod prædictus Johannes Hampden de eiſdem viginti ſolidis oneratum exinde ſatisfaciat.*

My Lords, this Judgment is a full and plenary execution of the former Opinions of the Judges, and of the Ship-writs, for ſo much as it concerns our propriety; It was given in Mr. *Hampdens* Caſe only; but binds all the Subjects for ſo binding; it is as that an Honourable perſon, now in my eye, in a Caſe depending in the Kings Bench, was denied any argument or debate, concerning the right of Ship-money, for no other reaſon, but that it had been by the former Judgment adjudged already in the Chequer,

My Lords, theſe extra-judicial opinions of the Judges, theſe Ship-writs, and this Judgment, are thoſe carriages which have introduced this ſence of the Commons, that the fundamental Laws of the Realm concerning our property and our perſons are ſhaken.

My Lords, The Commons have taken the extrajudicial opinions publiſhed and inrolled, and the reſt ſeverally into conſideration, they have been read openly in the Houſe, and after long debate, and long rather in conſideration of the greatneſs of the matter, than of the difficulty of it, they came to vote, four ſeveral Votes paſſed upon them, the Votes paſſed without ſo much as one Negative voice to any of them.

The Votes were in ſubſtance, that they were againſt the Laws of the Realm, the Right of the Property, the Liberties of the Subject, contrary to the former reſolutions in Parliament, and to the Petition of Right.

The extrajudicial Opinions inrolled, they Voted in the whole, and every part of them to be contrary to all theſe, for they did conceive that in theſe Opinions, there was not any one Clauſe that was agreeable to the Law, but that throughout they were contrary to the Laws.

My Lords, The things which the Commons took into their conſideration, before they proceeded to their Votes, were the proceedings in the Parliament held 3 *Car.* when the Petition of Right was framed.

The Commons went no higher, the Reaſon inducing them thereto, was, becauſe in that Parliament all thoſe three had been debated, Propriety of Goods, Liberty of Perſons, and Security of our Lives.

Two of them, that is, Propriety of Goods, and Liberty of Perſons, by the occaſions of the Commiſſions for the Loan, and the Inſtructions wherewith theſe Commiſſions were accompanied, that concerning our lives, by occaſion of the Commiſſions that had iſſued, for the executing of Martial Law.

They conceive, that if any thing concerning theſe had paſſed *both Houſes* and his *Majeſty*, or the *judgment* of *both Houſes* without his *Majeſty*, it would be in vain to look further, that it would be *actum agere*; Nay, my Lords, they had a farther conſideration, that if thoſe were already ſetled in that *Parliament*, it would not only be derogatory to the *Juriſdiction* of *Parliament*, but dangerous to look higher as that they would infer a defect in thoſe Proceedings, and caſt an aſperſion upon that *Parliament*; I am commanded now to preſent to your *Lordſhips conſiderations*, thoſe things which ſatisfie the *Commons*, which are theſe three:

1. The Commiſſions for the *Loans*, with the Inſtructions.
2. A Commiſſion called the Commiſſion of *Exciſe*.
3. An *Addition* of *Saving*, which was deſired by your *Lordſhips* to have been added to the Petition of Right, at the time of the framing of it.

The Caſe upon the Commiſſion for the *Loan*, ſtandeth thus:

13. *Octob.* 2 *Caroli*, divers Commiſſions were directed to ſundry Commiſſioners, to the number of ſixty or ſeventy Lords and Gentlemen, in the ſeveral Counties iſſued, whereby a compulſary Aid by way of *Loan* was required of the Subject, ; the cauſes and grounds of this Demand are in the Commiſſions expreſſed to be theſe:

The King found the Crown ingaged in a War, by advice of *both Houſes* of *Parliament*; that not only the King and the Subject; but alſo his Allies beyond-Sea, were in danger.

The parts beyond-Sea where our Cloth is vented, and from whence we have moſt of our Proviſion for Shipping, were indangered; His Majeſties Treaſures were exhauſted, and his Coffers empty. A *Parliament* had been ſummoned, but no Supply.

Unavoidable neceſſity both at home and abroad, multiplied the enemies: Great and mighty preparations, both at Sea and Land, threatned the Kingdom daily.

Not only the Kings honour, but the ſafety and very ſubſiſtance of the *King* and *People*, and of the true *Religion* abroad, are in apparent danger of ſuffering irreparably, unleſs not only a ſpeedy, but alſo a preſent ſtop be made; which cannot admit ſo long delay as the calling of a *Parliament*: The *People* aſſured on the Royal Word of a *King*, that not one penny ſhould be beſtowed, but upon thoſe publick ſervices only, wherein every of them, and the whole body of the Kingdom, their Wives, Children, and Poſterity, have their perſonal and common Intereſts.

The Commiſſioners diligence commanded as they tendred the Kings honour, and ſafety of the *Realm*; Here *Salus Regni periclitabatur*, the whole Kingdom was in danger, as in the *Judges* Opinions, and as in the Ship-writs and judgment in the Exchequer. Nay, my Lords, further; the ſafety and very ſubſiſtance of the *King*, *People*, and true *Religion* were in danger of ſuffering irreparably, the dangerous inſtance, not a ſpeedy, but a preſent ſtop muſt be made, the ſupply could not ſtay for a *Parliament*; at this time his *Majeſties* Coffers were exhauſted, the King found the Crown engaged in this War, before the Acceſs of it to himſelf, and that by advice in *Parliament*; all this expreſſed, only lending of Monies for prevention required; but it was a compulſary thing, and became compulſary, by the inſtructions to bind over to the board, and impriſonment for refuſal. Theſe Commiſſions were in the *Parliament*, 3 *Car.* Firſt reſolved in the *Commons Houſe* to be againſt Law, afterwards by your Lordſhips, and conſented unto by his *Majeſty*, and are declared to be ſo in the Petition of Right, and the impriſonment of the Subjects for refuſal, declared in the Petition of Right to be againſt Law.

My Lords,

The next is the Commiſſion called the Commiſſion *of Exciſe*, this was dated *ultimo Febr.* it was dated after the Summons to that Parliament: This Commiſſion iſſued to thirty three Lords, and others of his Majeſties Privy Council; the Commiſſioners are thereby commanded to raiſe Moneys by Impoſitions, or otherwiſe; as in their judgments they ſhall find to be moſt convenient.

The cauſes wherefore theſe Moneys are to be raiſed are expreſſed to be theſe:

The defence and ſafety of the King and People, which without extreameſt hazard of the King, Kingdom, and People, and of the Kings Friends and Allies beyond Seas, cannot admit no longer delay: inevitable neceſſity, wherein form and circumſtance muſt rather be diſpenced withal, than the ſubſtance loſt.

The Commiſſioners not to fail therein, as they tendred his Majeſties Honour, and the ſafety of the Kingdom and People.

Here *Salus Regni periclitabatur*, the whole Kingdom declared to be in danger, in greater and nearer, than in the opinions of the Ship-writs or Judgments in the Chequer.

In the Parliament, 3 *Caroli*, this Commiſſion was adjudged by the *Commons* to be againſt the Laws of this Realm, and contrary to the Judgment given in the Petition of Right, and after a conference with your Lordſhips, deſired his Majeſty that it might be cancelled: The then Lord-Keeper ſhortly after brought it cancelled to your Lordſhips in the Houſe, and there ſaid it was cancelled in his Majeſties preſence: You ſent it cancelled to the *Commons* to be viewed, who afterwards ſent it back to your Lordſhips.

My Lords, The laſt is the addition of ſaving, deſired to be added to the Petition of Right, which was in theſe words:

We humbly preſent this Petition unto your Majeſty, not only with a care of preſerving our own Liberties, but with due regard to leave entire the Sovereign power, wherewith your Majeſty is truſted, for the Protection, Safety, and Happineſs of Your People: Your Lordſhips Deſire of this addition to the Petition of Right, was taken into conſideration by the Commons; and after debate, it was thought fit by them to be rejected. A Conference was had with your Lordſhips, and Mr. *Noy* appointed by the Commons to declare the reaſons of their reſolution. Your Lordſhips not receiving ſatisfaction at that Conference, whether this Addition ſhould he rejected or not: It was again debated in the Commons Houſe, they ventured upon the ſame bottom again; It was thereupon reſolved to be rejected, the reaſons of their rejections were theſe in Summe.

Firſt, They confeſs, that if theſe words were taken as a bare propoſition only, without any further reference to the Petition of Right; that it was a true propoſition.

That is, that the Law hath truſted the King with Sovereign power for the protection, ſafety, and happineſs of the People.

But if it ſhould be added to the Petition of Right, as was deſired; then was it not true, but would make the Petition of Right *ſelo de ſe*, and wholly deſtructive to it ſelf in all the parts of it; that it would proceed *à bene diviſis, ad mala conjuncta:* For then the Petition of Right, as they reſolved, would have this ſenſe.

Whereas in the Petition of Right, it is ſaid, that no Aid Tax, Tallage, or other Charge whatſoever, may be impoſed upon the People, without their free Conſent in Parliament; it would have this conſtruction. It is true, it cannot be done by the Kings ordinary power, but it may be done by that Sovereign power wherewith the Law hath entruſted his Majeſty for the protection, ſafety, and happineſs of the People.

So likewiſe for impriſonment, that they ought not to be impriſoned without due Proceſs of Law. It is true ordinarily, that the King may impriſon by his Sovereign power, wherewith the Law hath entruſted him for the protection, ſafety, and happineſs of the People.

So that, for that Martial Law, That the Subjects Lives ought not to be taken away, unleſs by due Proceſs of Laws: It is true ordinarily, but the King may do it by his Sovereign power, wherewith the Law hath intruſted him for the protection, ſafety, and happineſs of the People: Whereby they conceived that it would not only make the Petition of Right to be wholly deſtructive of it ſelf, but likewiſe this Petition of Right would leave the Subjects in a far worſe condition than it found them; for it would neceſſarily infer, that which is againſt the Law: *viz.* that the King by his Sovereign power, when he pleaſed to declare that it was for the Good of the People, might do all this.

Your Lordſhips at a Conference of both Houſes, engaged on the part of the Commons by Serjeant *Glanvile*, and Sir *Henry Martin*, received ſatisfaction from theſe reaſons; and conſented to the Leaving out of this Addition; and accordingly, the Petition of Right paſſed, and is printed without it.

My Lords, Theſe were the things I was commanded to preſent unto your Lordſhips: Other things there were, as the Sentence againſt Biſhop *Manwaring*; but theſe weighed ſo much with the Commons, as that they conceived they needed no more.

My Lords, Theſe Preſidents of that Parliament, and theſe Opinions of the Judges, the Ship-writs, and the Judgments in the Exchequer; they are like the two Buckets of a Well, if one go up, the other muſt go down: *Non bene conveniunt.*

My Lords, We have not cited theſe Preſidents out of diffidence that your Lordſhips had forgotten them; but becauſe others have; or that we diſtruſt your Lordſhips Juſtice, if you had forgot them. For before theſe were, your Lordſhips concurred in opinion with your worthy Anceſtors, that firſt gave them. Their Noble bloud runs in your veins. It is now to confirm your own Judgments as well as theirs: In your Lordſhips breaſts, there are the ſame Magazines and Fountains of Honour and Juſtice, as were then; theſe Judgments and proceedings were the Actions of both Houſes, the danger by the violation is equal.

The Commons ſee nothing in the Judges opinions or judgment, why they ſhould recede from their former judgments, they hope the ſame from your Lordſhips.

Beſides, *my Lords*, that the Caſe is now much varied from what it was then; not only in the matter, but as it concerns the Honour and Juriſdiction of this great Judicatory, the Parliament.

The breach of Priviledges in the members is tenderly reſented, becauſe that without this freedom, they cannot advice and conſult concerning the *Ardua Regni.*

But when they have done all, to have their Judgments and their Acts of Parliament overthrown by the Judges afterwards, this makes Parliaments to be nothing, this ſets up the Judges above the Parliament, this puts us out of hope of redreſs; if they may overthrow the Proceedings of that Parliament of 3 *Caroli*, they may by the ſame reaſon overthrow the Actions of this, and of all future Parliaments.

My Lords, This was not the practice of their Predeceſſors; though but in private cauſes, if difficulty of Law aroſe, they always conſulted this Oracle, and thence received their Anſwer how to give Judgment. Judgments in the *Higheſt Court of Weſtminſter Hall*, I mean, in the *Kings Bench*; where the proceedings are (*coram Rege*) are here reverſable by Writ of Error. In cauſes of great and general concernment, they ever adjourned them hither, as things too high for them.

Qui conſulta patrum, qui leges juraque ſervat, doth well; they have taken that in their hands they had not to do withal; and how they have handled the matter, your Lordſhips have heard.

The Judges, as is declared in the Parliament, they have here made themſelves the Executioners of them; they have endeavoured the deſtruction of the Fundamentals of our Laws and Liberties. *Holland* in the *Low-countries* lies under the Sea, the Superficies of the Land is lower than the Superficies of the Sea: It's Capital therefore for any man to cut the Banks, becauſe they defend the Country.

Roll of 11 *Rich.*2. are the Executors of the Statutes and of the Judgments and Ordinances of Parliament, they have here made.

Beſides our own, even foreign Authors, as *Comenius* obſerves, that the Statute *de Tallagio*, and other old Laws, are the Sea-walls, and banks, which keep the Commons from the inundation of the Prerogative.

Theſe Pioneers, they have not only undermined theſe Banks, but they have levelled them even with the ground.

If one that was known to be *hoſtis Patriæ*, had done this, though the damage be the ſame, yet the guilt is leſs.

But the *Conſervatores Riparum*, the Overſeers intruſted with the defence of theſe banks, for them to deſtroy them, the breach of truſt aggravates, nay, alters the nature of the offence.

Breach of truſt, though in a private perſon, and in the leaſt things, is odious amongſt all men; much more in a publick perſon, and in things of great and publick concernment, becauſe great truſt binds the party truſted to greateſt care and fidelity.

It is Treaſon in the Conſtable of *Dover* Caſtle to deliver the Keys to the known Enemies of the Kingdom; becauſe that Caſtle is the Key of the Kingdom: Whereas if the Houſe-keeper of a private perſon deliver poſſeſſion to his Adverſary; it is a Crime ſcarce puniſhable by Law.

The Judges under his Majeſty, are the perſons truſted with the Laws; and in them, with the Lives, Liberties, and Eſtates of the whole Kingdom: This truſt of all we have, is primarily in his Majeſty; and from him delegated to his Judges.

His Majeſty, at his Coronation, is bound by his Oath to execute Juſtice to his People, according to the Laws; thereby to aſſure the People of the faithful performance of this great truſt. His Majeſty again, as he truſts the Judges with the performance of this part of the Oath: So doth he likewiſe exact another Oath of them for their due execution of Juſtice to the People, according to the Laws; hereby the Judges ſtand intruſted with this part of his Majeſties Oath.

If therefore the Judges ſhall do wittingly againſt Law, they do not only break their Oaths, and therein the common faith and truſt of the whole Kingdom, but do, as much as in them lies, ſmeer and blemiſh the Sacred Perſon of his Majeſty with the odious and hateful ſin of Perjury.

My Lords, The hainouſneſs of this offence is moſt legible in the ſevere puniſhments which former Ages have inflicted upon thoſe Judges, who have broken any part of their Oaths wittingly, though in things not ſo dangerous to the Subject, as in this Caſe in queſtion.

Sir *Thomas Wayland*, Chief-Juſtice of the *Common Pleas*, *Edw.* I. was attainted of Felony for taking Bribes, and his Lands and Goods forfeited; as appears in the Pleas of Parliament, 18 *Edw.* I. and he was baniſhed the Kingdom as unworthy to live in that State, againſt which he had ſo much offended.

Sir *William Thorpe*, Chief Juſtice of the *Kings Bench*, in *Edw.* III. time, having of five perſons received five ſeveral Bribes, which in all amounted to 100 pounds; was for this alone adjudged to be hanged, and all his Lands and Goods forfeited, the reaſon of this Judgment is entred in the Roll in theſe words:

Quia prædict. Willielmus Thorpe, qui Sacramentum Domini Regis erga Populum ſuum habuit ad cuſtodiendum, fregit malicioſe, falſe, & rebelliter quantum in ipſo fuit; becauſe that he, as much as in him lay, had broken the Kings Oath made unto the People, which the King had intruſted him withal.

There is this notable Declaration in that Judgment; that is, that this Judgment was not to be drawn into example, againſt any other Officers who ſhould break their Oaths, but only againſt thoſe *Qui prædictum ſacrum fecerunt, & fregerunt, & habent leges Angliæ ad cuſtodiendum*; that is, only to the Judges Oaths, who have the Laws intruſted to them.

This Judgment was given 24 *Edw.* III. the next year in the Parliament 25 *Edw.* III. it was debated in Parliament, whether this Judgment was legal; *& nullo contradicente*, it was declared to be juſt, and according to the Law: And that the ſame Judgment may be given in time to come upon the like occaſion. This caſe is in point, that it is death for any Judge wittingly to break his Oath, or any part of it.

This Oath of *Thorpe* is entred in the Roll, and is the ſame *verbatim* with the Judges Oath, in 18 *Edw.* III. and the ſame which the Judges now take.

Your Lordſhips will give me leave to obſerve the differences between that and the Caſe in queſtion.

Firſt, That of *Thorpe* was only a Selling of the Law by retail to thoſe five perſons, for he had only five ſeveral Bribes of thoſe five perſons; the paſſage of the Law to the reſt of the Subjects, for ought appears, was free and open.

But theſe Opinions are a conveyance of the Law by whole-ſale, and that not to, but from the Subject.

In that of *Thorpe*, as to thoſe five perſons, it was not an abſolute denial of Juſtice, it was not a damming up, but a ſtreightning only of the Channel.

For whereas the Judge ought *Judicium reddere*, that is, the Law being the Birth-right and Inheritance of the Subject, the Judge when the parties in ſuit demand judgment ſhould *redare*, freely reſtore this right unto them; now he doth not *dare* but *vendere* with the hazard only of perverting Juſtice; for the party that buys the judgment may have a good and honeſt cauſe.

But theſe Opinions, beſides that they have coſt the Subjects very dear, dearer than any; nay, I think I may truly ſay, than all the unjuſt judgments that ever yet have been given.

Witneſs the many hundred thouſand pounds which under colour of them have been levied upon the Subject, amounting to ſeven hundred thouſand pounds and upwards in money paid unto the Treaſurer of the Navy; beſides what the Subjects have been forced to pay to Sheriffs, Bayliffs, and others, which altogether, as is conceived, amounts not to much leſs than a Million; Beſides the infinite vexation of the Subjects by Suits in Law, binding them over to attendance at the Council-board, taking of them from their neceſſary Employments in making of Aſſeſſes, and Collections, and Impriſonments of their Perſons.

I ſay, *my Lords*, beſides what is paſt, to make our miſeries compleat, they have, as much as in them lies, made them endleſs; for by theſe Opinions they have put upon themſelves and their Succeſſors an impoſſibility of ever doing us Right again, and an incapacity upon us of demanding it ſo long as they continue.

My Lords, in that ſore Famine in the Land of *Ægypt*, when the Inhabitants were reduced to the next door to death; for there they ſay, *Why ſhould we die for bread?* Firſt, they gave their Money; next, their Flocks and Cattel; and laſt of all, their Perſons, and their Lands for Bread, and all became *Pharaoh's*; but by this *Lex Regia*, there is a tranſaction made, not only of our Perſons, but of our Bread likewiſe, wherewith our Perſons ſhould be ſuſtained. That was *for* Bread, this is *of* our bread. For, *my Lords*, ſince theſe Opinions (if we have any thing at all) we are not at all beholding to the Law for it, but are wholly caſt upon the mercy and goodneſs of the King.

Again, There the *Ægyptians* themſelves ſold themſelves, and all they had to the King; if ours had been ſo done, if it had been done by our own free conſent in Parliament, we had the leſs cauſe to complain; but it was done againſt our wills, and by thoſe who were truſted, and that upon Oath, with the preſervation of thoſe things for us.

My Lords, The Laws are our Forts and Bulwarks of defence: if the Captain of a Caſtle, only through fear and cowardiſe, and not from any compliance with the Enemy, ſurrender it; this is Treaſon; as was adjudged in the Parliament, 1 *Rich.* II. in the two Caſes of *Grymes* and *Weſton*, and in the Caſe of the Lord *Gray* for ſurrendring of *Barwick*-Caſtle to the *Scots* in *Edw.* III. time, though good defence hath been made by him, and that he loſt his eldeſt Son in maintenance of the Siege; and yet the loſs of a Caſtle loſeth not a Kingdom only, but the place and adjacent parts, without trouble to the Whole.

But by theſe opinions there is a Surrender made of all Legal defence of propriety, that which hath been preached, is now judged, that there is no *meum & tuum* between the King and the People, beſides that which concerns our perſons.

My Lords, The Law, it is the Temple, the Sanctuary, whither the Subject is to run for ſhelter and Refuge: Hereby it is become *Templum ſine numine*, as was the Temple built by the *Roman Emperour*, who after he had built it, put no gods into it.

We have the Letter of the Law ſtill, but not the ſenſe.

We have the Fabrick of the Temple ſtill, but the Goddeſs, the *Dii-Tutelares* are gone.

But, *My Lords*, this is not all the Caſe (that is) that the Law now ceaſeth to aid and defend us in our Rights, for then poſſeſſion alone were a good title, if there were no Law to take it away, *occupanti concederetur & melior eſſet poſſidentis conditio*. But this, (though too bad) is not the worſt; for beſides that which is privative in theſe Opinions, there is ſomewhat poſitive For now the Law doth not only not defend us, but the Law it ſelf is made the inſtrument of taking all away.

For whenſoever his Majeſty or his Succeſſors ſhall be pleaſed to ſay that the Good and ſafety of the Kingdom is concerned, and that the whole Kingdom is in danger: Then when and how the ſame is to be prevented, makes our perſons and all we have liable to bare Will and pleaſure.

By this means, the Sanctuary is turned into a Shambles, the Forts are not ſlighted, that ſo they might neither do us good or hurt: But they are held againſt us by thoſe who ought to have held them for us, and the mouth of our own Cannon is turned upon our ſelves.

My Lords, in theſe expreſſions, there is no reflexion upon his Majeſty. It is only that thoſe Judges would have forced upon the Law an unnatural and contrary motion, his Majeſties carriage in the buſineſs cleers his Juſtice.

The firſt Opinion of the Judges under their hands, was procured by my Lord *Finches* ſollicitation only, and by him brought to his Majeſty. Theſe Opinions procured the Letter from his Majeſty for the Opinions inrolled, wherein, as likewiſe in the Caſe in the Chequer, the Judges were left free, as was acknowledged by two of the Judges in the Chequer-Chamber, who argued againſt thoſe Opinions, with this Proteſtation, That if there were any miſcarriages in that buſineſs, it muſt fall wholly upon themſelves; that the King was blameleſs.

My Lords, We know his Majeſties Juſtice is the faireſt, the richeſt Diamond in his Crown, the duſt which theſe men would have blown, and forced upon it, is faln ſhort, and with your Lordſhips helping hands, it will, we hope, be caſt upon their own faces, a fitter place for it than the other.

My Lords, The Oaths of the Judges as they bind them to the due adminiſtration of Juſtice to the Subjects, according to the Laws; ſo, as they be of the Kings Council, by their Oaths they are bound lawfully to counſel him; that is, when their Opinions are demanded, they are to deliver them according to the Law.

I ſhall therefore put your Lordſhips in mind of the memorable Proceedings againſt theſe Judges who have broken this part of their Oath, in that notable Parliament held the eleventh of *Richard* the ſecond.

In this Parliament, judgment of High Treaſon was given againſt eighteen ſeveral perſons, and all (ſave one of them) of eminent rank, three Privy Counſellours, the Archbiſhop of *York*, the Duke of *Ireland*, and Earl of *Suffolk*, the Biſhop of *Exeter*, the Kings Confeſſor, five Knights, ſome whereof had been Servants to *Edward* the Third, and all ſave one, Servants to the then King, and ſome of them of noble Diſcent, ſix Judges, *Lockton*, the Kings Serjeant at Law, *Blake* of the Kings Council at Law, and *Uske* the Under-Sheriff of *Middleſex*: Of theſe eighteen, eight were executed (that is) Sir *Robert Treſilian* the Chief Juſtice, five Knights, *Blake* of the Kings Counſel at Law, and *Uske* the Under-Sheriff; three, that is, the Archbiſhop of *York*, Duke of *Ireland*, and Earl of *Suffolk*, fled.

The reſt had their lives pardoned, but were baniſhed; their Lands and Goods forfeited, and little Penſions allowed them during their Lives: It was made Felony for any one to procure their Pardons, and they to be dealt withal as Traitors, if they returned from their baniſhment. And of thoſe Eighteen Perſons, all ſave three were impeached by the Commons.

The Offences which procured theſe Exemplary Puniſhments, although their Proceedings be long, and comprehended all that was done in this Parliament, I will briefly open them to your Lordſhips. During the Minority of that King, by ill Counſel of ſome near his Perſon, there were miſcarriages in Government. In the tenth Year of his Reign, and the twentieth of his Age, a Parliament was holden; in that Parliament in aid of good Government, and of due execution of the Laws, a Commiſſion was awarded to twelve ſeveral Peers, and others of greateſt wiſdom and fidelity: the Commiſſioners had Power in all things concerning the Houſhold, Courts of Juſtice, and the Revenues; in a word in all things concerning the good of the Realm, with full power finally to determine and put in execution for the Honour of the King, the better Governance of the Peace and Laws of the Realm, and Relief of the People.

This Commiſſion was to endure one Year, at the Years end the King would be of full Age.

My Lords, The endeavouring to overthrow this Commiſſion iſſued by Authority of Parliament for the welfare of the Realm, upon pretence that it trenched upon the Royal Power, tended to the diſheriſon of the King, and derogation of the Crown, together with the deſtruction of the Commiſſioners who procured it, and put the ſame in execution, upon pretence that they and ſome others had in Parliament forced the Royal Aſſents.

My Lords, The Conſpiring to overthrow this Commiſſion, and the Procurers of it, is the Caſe in brief; for although there be divers other Articles againſt many of them, yet this was the ground-work of all; and this ſingly and alone is declared in all the Proceedings in that Parliament to be Treaſon. Of theſe Eighteen Perſons condemned, five of them were Plotters (*viz.*) the Archbiſhop, Duke of *Ireland*, Earl of *Suffolk*, *Triſilian* the Chief Juſtice, and Sir *Nicholas Bramber*; theſe inſinuated into the King, that this Commiſſion was in diminution of his Kingly Power, that the Procurers of it had extorted his Royal Aſſent, and that this was Treaſon: thereupon *Blake*, one of the Kings Counſel at Law was adviſed withal; who declared his Opinion that it was Treaſon: he was commanded to prepare an Indictment of Treaſon againſt the Commiſſioners, and ſome of the Procurers of it, who had been Active therein.

The Indictment was drawn by him, which is entered in the Roll, and is to this effect:

That they had traiterouſly conſpired amongſt themſelves in the Parliament, to make this Commiſſion by Authority of Parliament againſt the Regality of the King, to his Diſheriſon, and Derogation of the Crown; That they compelled the Kings conſent, and that they confederated and bound themſelves to maintain one another in ſo doing.

It was intended that they ſhould be tried upon this Indictment in *Middle-*

Middleſex or in *London*; *Uske* the Under-Sheriff of *Middleſex* was acquainted with the buſineſs, who was to prepare things for the effecting of this Deſign, ſome of the Parties to be indicted not being Peers; which he performing accordingly, was therefore executed.

The five Plotters, that the King might the more confide in their Counſels, (for ſo are the words of the Record) and that under the colour of Law, they might cover their malice from the King and the Kingdom, before the Trial was to be had, they adviſe the King to demand the opinion of ſome of the Judges, that is, of the two Chief Juſtices, and Chief Baron, the Judges of the Common-Pleas, ſix in number, and of *Lockton* the Kings Serjeant; *Blake* of the Kings Counſel at Law, was commanded to draw up theſe Queſtions for the Judges Opinions, who did it accordingly.

For the drawing up of theſe Queſtions, and the Indictment, *Blake* was condemned and executed.

The Queſtion being drawn into Writing, the Judges were ſent for to *Nottingham* Caſtle, where, in the Kings preſence they were commanded upon their Allegiance to deliver their opinions.

1. The firſt Queſtion was, Whether the Commiſſion was in derogation of the Crown? They anſwered, that it was.

2. The ſecond Queſtion was, Whether the perſuading and urging the Kings conſent in Parliament thereto, was Treaſon? They anſwered, that it was. Though there were ſome other Queſtions asked, all concerning Parliamentary Proceedings, yet theſe were the main, and thoſe for which they were condemned, as appears by the Replication of the Commons to the Judges Anſwer; and by the words of the Judgment, (*viz.*) *That they knew that this Commiſſion was awarded in Parliament, that it was for the Publick Good, that they knew of the Traiterous Intents to deſtroy the Procurors of this Commiſſion, that they knew the Law, and that it was not Treaſon, and had delivered their Opinions thereby under colour of Law, to cover their Treaſonable intent:* and therefore Judgment of Treaſon was given againſt them, and againſt *Locton* the Kings Serjeant at Law, who had ſubſcribed the Opinions with the Judges.

Sir *Simon Burley*, one of the five Knights that were executed, was condemned onely for conſpiring the death of the Procurors of this Commiſſion; and although there be other Articles againſt the reſt, yet this alone is adjudged Treaſon in the ſeveral Judgments againſt every one of the Eighteen.

1. My Lords, It is obſervable in all theſe Judgments, that they are adjudged Traitors, as well againſt the Perſon of the King, as againſt the Common-wealth.

2. Secondly, It is there declared upon great advice taken, that in Treaſons which concern the King and Kingdom, they are not bound to proceed according to the Rules of the Common Law, and inferiour Courts, but according to the Courſe of Parliaments, ſo as may be for the common Good.

3. Thirdly, Judgment was given in Parliament, and Execution awarded, and afterwards a Bill of Confirmation paſſed, in reſpect of their Lands, to give them from a day paſt; and for Declaration, that this ſhould be no Precedent to Inferiour Courts to adjudge the ſame Caſes Treaſon, ſave onely in Parliament.

Theſe Judgments were not hudled up in haſte, but they were given upon long and mature deliberation. Theſe Judgments were the whole work of that Parliament, and the Proceedings againſt the five Plotters were begun the fourteenth of *November*, and the Judgments were not given till the thirteenth of *February* following, which was a quarter of a Year. And is declared in the Roll, that they ſpent a long time, and took great pains to examine the Evidences, the better thereby to ſatisfie their own Conſciences and the World.

I inſiſt the more upon this to take away all blemiſh from theſe proceedings. It is true, my Lords, theſe Judgments were afterwards, in the Parliament of 21 *R.*2. revoked and made void.

But, my Lords, that *Parliament* of 21 *R.* 2. of Revocation, was held by force; as it is declared in the Parliament Rolls of 1 *H.*4. *Nov.*21,22. that it was held *viris armatis, & ſagittariis immenſis.*

The Knights of Parliament were not elected by the Commons, *per meos exigit, ſed per regiam voluntatem:* and ſo the Lords, *ſummoniri fecit Rex Dominos ſibi adherentes.*

My Lords, By theſe Proceedings it doth appear that this Parliament of Revocation was no free Parliament, if at all it deſerve the name of a Parliament. But to put all out of doubt, the Parliament of 1 *H.*4. *No.*48. theſe Judgments of Revocation are declared to be *erronea, iniqua, & omni juri & rationi repugnantia*, erronious, wicked and contrary to all Right and reaſon; and in the Parliament of 1 *H.*4. in Print theſe Attainders are confirmed: ſo that theſe Judgments of Attainder have the Authority of two Acts of Parliament, both of them of force at this day.

Your Lordſhips will give me leave to obſerve the differences and agreements, between the offences of thoſe, and of the preſent Judges, and as well in the way and manner of Procurement, as in the matter of them: for the manner of Procurement, thoſe Judges in *R.* the Second's time, were in the Kings preſence, and as it is in the Parliament Roll of 1 *H.*4. *Nov.*18. they were *violenter attracti*, violently drawn to deliver their opinious, and that *metu mortis & cruciatus corporis*, for the fear of death and tortures of the bodies; and at their Trials ſeverally, they ſay, that in part violence had been offered to their perſons; becauſe they had differed in the delivery of their Opinions. My Lords, This was ſuch a miſcarriage in the Judges, theſe Circumſtances conſidered, as might *cadere in virum fortem & conſtantem:* But, my Lords, Fear or Cowardize, is no Plea for delivering up of the Forts and Bulwarks of the Kingdom.

But in the preſent buſineſs, there is none of all this; it came from within, there is no outward force. In thoſe of *R.* 2. it was *Actus unicus*, once done at *Nottingham* Caſtle; if the Judges had been put to it the ſecond time, perhaps the reſt, as well as ſome of them, had repented, and would not have done it over again: For *Belknape*, the Chief Juſtice of the Common-Pleas, the ſame day declared his ſorrow, and ſaid, That now there remained nothing but a Horſe, a Hurdle, and a Halter; and *Fulthorp*, another of them, the next day declared his grief, for what he had done, But here after the Opinion in *November* 1635. a Year after, *viz.* 1636. they proceed *à peſſimo ad pejus peſſimo*, for that was with additions; moſt of them declared their opinions in their Circuits, and a year after confirmed it again by the Indictment in the Exchequer, here it was done year after year in cold bloud: one murderous blow whereupon death follows, is Felony, but to multiply wounds upon the dead body and to come again in cool bloud to do it, it ſhews the height of malice. In theſe two things they agree:

1. That which the Judges did in *Richard* the ſeconds time, they did it

againſt their own knowledge; they knew the Commiſſion was done by Act of Parliament; ſo here they knew the Petition of Right damned the Commiſſions of Loans, a ſtronger Caſe than that, they ſubſcribed; many of them knew that the Commiſſion of Exciſe was damned in Parliament; they knew the other proceedings in Parliaments, and if they had forgotten them, they were afterwards put in mind of them; they needed not to have conſulted with Books and Journals of Parliaments, ſaving onely with their own memories.

2. They agree in this, That their Opinions tended to the ſubverſion of the Laws and Statutes of the Kingdom; for in that of *R.*2. the offence was, the endeavouring to overthrow Parliaments and Parliamentary proceedings, the Conſpiracy of the death of the Procurers was onely an aggravation. It was not Treaſon to conſpire the death of a Privy Counſellour, or to kill a Judge, unleſs he be upon the Bench, and in that Caſe it is Treaſon, becauſe of the malice, not of the Perſon, but to the Law; ſo that there the Treaſon lay in this, not that they conſpired barely againſt their Perſons: but with reference to their proceedings in Parliament, and thereby to overthrow the Acts of Parliament, wherein theſe perſons had been principal Actors. But in this again they diſagree; for in that Caſe there was onely a Conſpiracy, no death followed to the Procurers of the Commiſſion, nor was the Commiſſion overthrown; all that was done, was onely this, That a Warrant was directed to the Lord Major of *London*, for apprehending their perſons to bring them to Trial, which yet was not done. But here (after the Opinions delivered) Judgment was afterwards given by them in the Exchequer, and Execution awarded thereupon; for ſo much as concerns our property.

And likewiſe in the Kings Bench, where the Judges after the Judgments in the Exchequer, refuſed to hear any more debate of the matter; and ſo for the liberty of our perſons, by keeping divers of the Subjects in Priſon Term after Term for not paying Shipmoney, and other things depending upon thoſe Opinions, when they had been brought before them upon their *Habeas Corpus*.

4. In that of *R.*2. it was for overthrowing but of one Act of Parliament, which was likewiſe introductive of a new Law; for the Commiſſion had no riſe from the Common Law, for in truth it was derogatory to the Crown: It had onely the ſtrength of the Parliament to ſupport it, which was ſufficient, it was for the common Good.

But here the endeavour was at once not to blow up one Act of Parliament, but all; and theſe not introductive, but declaratory of the Common Law, as was the Petition of Right, the Statutes there mentioned, and the Reſolutions.

That of *R.*2. was but the blowing up of the Upper Deck; this, of the Common Law, and the Statutes too, and the old Foundations and the Structures built upon them, all together.

In that of *R.*2. it was onely to overthrow a Temporary Act of Parliament, that was to continue no longer than one year; but this to make an eternal devaſtation (for *toties quoties*) to the Worlds end; as his Majeſty or his Succeſſors ſhall ſay that the Kingdom is in danger, may theſe Opinions be put in execution; and likewiſe they are enrolled in all the Courts of *Weſtminſter-Hall* in *Perpetuam rei memoriam*.

The Sin againſt the Holy Ghoſt is therefore unpardonable, becauſe it takes from the party Repentance, the means of Pardon. To put us therefore into a caſe of deſperation, ſome of them have publickly, and upon the Bench declared, that this Prerogative is ſo inherent in the Crown, as that it cannot be taken away by Act of Parliament.

As they have put an impoſſibility upon themſelves, ſo would they put an impoſſibility upon his Majeſty, your Lordſhips and the whole Parliament, for ever righting us again.

My Lords, *Contraria juxta ſe poſita magis eluceſcunt*, I have preſented your Lordſhips with the obliquity of the ill Judges in *R.*2. time; give me leave to preſent your Lordſhips with one example of a contrary nature. And that was in Queen *Elizabeths* time, in the 29 Year of her Majeſties Reign: She erects a new Office in the Common Pleas, for the making of *Superſedeas* on *Exigents* that iſſued there, ſhe grants it to *Richard Cavendiſh*, her Servant, ſends to have him admitted, but the Judges delay the doing of it for this reaſon, becauſe the Prothonotaries and Phillizers claimed the making of thoſe Writs. The Queen ſends a ſharp Letter, and commands them forthwith to admit him; yet the Judges forbear: The Queen ſends a ſharper Letter, commanding them to ſhew the Reaſons of their Contempt and Diſobedience to the then Lord Keeper, and the Earl of *Leiceſter*, no mean men in thoſe days; the Judges deliver their Reaſons why they had refuſed, and it was becauſe others claimed the making of thoſe Writs.

The Queen ſends a fourth peremptory meſſage for their admitting him, with this Reaſon, That if the others were put out, they were rich and able men, and that her Courts of Juſtice were open, where they might demand their Rights,

This was not to take away the Right, but to put them to their Action.

The Judges humbly returned this Anſwer, That the Queen had taken her Oath for the due execution of Juſtice, according to the Law; that they did not doubt, but that when her Majeſty was informed, that it was againſt Law, ſhe would do what befitted her; for their parts they had taken an Oath to God, to Her and the Common-wealth, and if they ſhould do it without Proceſs of Law, before them, and onely upon her command, put the other out of poſſeſſion, though the Right remained to them, it were a breach of their Oaths; and therefore if the fear of God were not ſufficient, they told her the puniſhment that was inflicted upon their Predeceſſors for breach of their Oaths: (citing thoſe of *Thorpe* of *R.*2. time) that they might be ſufficient warning to them. The Queen hearing of theſe Reaſons was ſatisfied, and the Judges heard no more of the buſineſs.

This remains under the hands of *Anderſon* the Lord Chief Juſtice in a Book of his Reports.

Theſe Judges have had examples of both kinds before them, they might have choſen the good, and refuſed the bad.

My Lords, Beſides theſe Judgments and Opinions, the Commons will in due time bring up theſe Judges with their other Judgments, *Corpora cum cauſis*, for your Lordſhips will eaſily conceive that they who have done this, have done more; the principal of them, I mean my Lord Keeper, ſtands accuſed before your Lordſhips of High Treaſon. He is not here, Juſtice goes *pede lento, ſed certo*, it will overtake him at the laſt.

The next ſtep that is making after him, are the Articles of his Impeachment, which with your Lordſhips patience, are now ready to be opened and delivered to your Lordſhips.

Mr. HOLLIS his Speech in the CASE of Sir RANDAL CREW.

Sir *Randal Crew* Chief Juſtice diſplaced for his Integrity.

MY LORDS,

THeſe Gentlemen have preſented unto your Lordſhips the ſad Object of Juſtice perverted, Liberty oppreſſed, of Judgment turned into Wormwood, the Laws, which ſhould be the Bars of our Grates to protect us, keep us, and all that is ours in ſafety, made weak and impotent, to betray us unto the hands of Violence; in ſtead of Props to ſupport us, become broken Reeds to deceive us, and run into our ſides when we lean upon them; even ſo many Snares to entrap and entangle us.

And all this by the perfidiouſneſs of thoſe who are intruſted with our Laws, who call themſelves the Guardians, and the Interpreters of the Law; but by their accurſed Gloſſes have confounded the Text, and made it ſpeak another Language, and another Senſe, than ever our Anceſtors, the Law-makers intended.

Our Anceſtors made Laws to keep themſelves, their Poſterity after them, in the poſſeſſion of their Eſtates: theſe Judges could make the Law it ſelf rob us, and deſpoil us of our Eſtates. Were we invaded or perſecuted at any time for pretended Crimes, or rather becauſe they were free from Crimes? And did we put our ſelves upon a Legal Defence, and ſhelter our ſelves under the Buckler of the Law, uſe thoſe lawful Weapons which Juſtice, and Truth, and the Common Right of the Subject did put into our hands, would this avail us? No: Theſe Judges would make the Law wreſt our Weapons from us, diſarm us, take away all our Defence, expunge our Anſwers, even bind us hand and foot, and ſo expoſe us naked and bound to the mercileſneſs of our Oppreſſors. Were our Perſons forced, and impriſoned by an Act of Power, would the Law relieve us when we appealed unto it? No: It would join hands with Violence, and add Bitterneſs to our Sorrow. Theſe Judges would not hear us when we did cry; no Importunity could get a *Habeas Corpus*: Nay, our Cries would diſpleaſe them, and they would beat us for crying; and overdo the Unjuſt Judge in the Goſpel, with whom yet importunity could prevail.

My Lords, The Commons of *England* finding themſelves in this lamentable Condition, by the wickedneſs of theſe Judges; it is no wonder that we complain of them. It is no wonder if the Knights, Citizens, and Burgeſſes, aſſembled in Parliament, have ſent up ſome of their Members to ſtand upon Mount *Ebal* to curſe theſe Judges; to denounce a Curſe upon them who have removed our Land-marks, have taken away the Bound-Stones of the Propriety of the Subject, have left us no *Meum & Tuum*; but he that had moſt Might, had moſt Right, and the Law was ſure to be of his ſide.

It hath been the part of theſe Gentlemen who have ſpoken before me, to pray for Juſtice upon thoſe men, who would not do Juſtice to others. My Lords, I come upon another Errand, and yet for Juſtice too; for there is Juſtice upon Mount *Gerizim*, as well as upon Mount *Ebal*. It is as great a point of Juſtice to give a Bleſſing, a Reward where it is due, as Puniſhment where Puniſhment is due: for Reward and Puniſhment, *Præmium & Pœna* be the two Legs that Juſtice walks on, and Reward is her Right Leg, the more noble and the more glorious Supporture of that Sacred and Divine Body, that which God himſelf, the Foundation of Juſtice doth more delight in.

Tardior ad Pœnas Deus eſt, ad Præmia velox;

Puniſhment is good as Phyſick in the Conſequence, Reward as wholeſom and nouriſhing Food in the Eſſence; the one we do, becauſe we muſt do it as Neceſſary; the other, becauſe we love to do it, as being Pleaſing and Delightful.

Your Lordſhips then, I doubt not, will as willingly join with the Commons in doing good to a good Judge, as in puniſhing of the bad.

My Lords, We honour them, and reckon them Martyrs for the Commonwealth, who ſuffer any thing by defending the Common Right of the Subject, when they will not part with their own Goods contrary to Law; when indeed their private Intereſt goes along with it, or rather before it; and the Publick Concernment ſeems to come but in a ſecond place. Such were thoſe many whom theſe Judges have oppreſſed; yet theſe men we magnifie, and judge worthy of Praiſe and Reward.

But what Honour then is he worthy of, who meerly for the Publick, hath ſuffered himſelf to be diveſted and deprived of his Particular; ſuch a Judge as would loſe his Place, rather than to do that which his Conſcience told him was prejudicial to the Commonwealth? is not he worthy of double Honour?

And this did that worthy Reverend Judge, the Chief Judge of *England* at that time, Sir *Randal Crew*, becauſe he would not, by ſubſcribing, countenance the Loan in the firſt Year of the King, contrary to his Oath and Conſcience, he drew upon himſelf the Diſpleaſure of ſome great Perſons about his Majeſty, who put on that Project, which was afterwards Condemned by the Petition of Right, in the Parliament of *Tertio*, as unjuſt and unlawful; and by that means he loſt his Place of Chief Juſtice of the Kings Bench; and hath theſe 14 Years, by keeping his Innocency, loſt the Profit of that Office, which upon a juſt Calculation, in ſo long a Revolution of time, amounts to 26000 *l.* or thereabout. He kept his Innocency when others let theirs go; when himſelf and the Commonwealth were alike deſerted: which raiſes his Merit to a Higher Pitch. For to be honeſt when every body elſe is honeſt, when Honeſty is in Faſhion, and is Trump, as I may ſay, is nothing ſo meritorious; but to ſtand alone in the Breach, to own Honeſty when others dare not do it, cannot be ſufficiently applauded, not ſufficiently rewarded. And that did this good old man do in a time of general Deſertion, he preſerved himſelf pure and untainted.

Temporibuſque malis auſus is eſſe bonus.

My Lords, The Houſe of Commons are therefore Suitors unto your Lordſhips, to join with them in the Repreſentation of this good mans Caſe unto his Majeſty, and humbly to beſeech his Majeſty to be ſo good and gracious unto him, as to give him ſuch Honour (the quality of this Caſe conſidered) as may be a noble Mark of Sovereign Grace and Favour, to remain to him and his Poſterity; and may be in ſome meaſure, a proportionable Compenſation for the great loſs he hath with ſo much Patience and Reſolution ſuſtained.

Indict' Thomæ Harriſon Cleric. 4. Junii Termino Trinitat' 14 *Caroli* Regis. Annoq; Domini 1638. inter Placita Regis iſto eodem Term. Coram Dom. Rege apud Weſtmonaſt. &c.

Midd. ſſ.

Before this time (that is to ſay) upon Thurſday next after the Holy Trinity, before our Sovereign Lord the King in this Court, by the Oaths of Twelve Men of this County, it is preſented, That whereas our Court of Common Pleas hath been an ancient Court of Record for the Adminiſtration of Juſtice between his Majeſties Subjects in Common Pleas, ariſing throughout the Realm of England. *Whereas it is againſt the Crown and Dignity of his Majeſty, and againſt the Laws and Cuſtoms of this Kingdom for any perſon to diſturb any Juſtice of the ſaid Court, the Court of Juſtice, the Court being open, and the Judges Judicially ſitting; Whereas Juſtice* Hutton *for divers years is, and hath been one of the Juſtices of the ſaid Court of Common Pleas, notwithſtanding* Thomas Harriſon *of* Creek *in the County of* Northampton *Clerk, not having the fear of God before his eyes, but by the inſtigation of the Devil being moved, maliciouſly imagining with himſelf, and compaſſing in his mind by what means he may greatly and malitiouſly ſcandalize and defame the ſaid* Richard Hutton, *one of his Majeſties Juſtices of the ſaid Court of Common Pleas; and maliciouſly imagining and intending, as much as in him is, to ſcandalize, and vilifie, and bring into Contempt the ſaid* Richard Hutton, *of his Life, Goods, Lands, and Tenements, and to incite and provoke the diſpleaſure of our King againſt the ſaid* Richard Hutton, *and him the ſaid* Richard Hutton *to be eſteemed a Traitor to the Kings Majeſty, and to the Peers of this Realm, and withal, the Loyal Subjects of the King, and alſo for to diſturb the ſaid Court of our King, and the Juſtices of the ſaid Court being preſent in the ſaid Court, and there judicially ſitting, and to hinder the Adminiſtration of Juſtice,* 4. Maii, 14 *of his Majeſties Reign, at the City of* Weſtminſter *in the County of* Middleſex, *that is to ſay, in the Great Hall of Pleas there, that is to ſay, the Court before himſelf, the Court of Chancery, and the Court of Kings Bench in the Great Hall of Pleas, being open, and the Juſtices of the ſaid Courts there being preſent, and there Judicially ſitting, and there diligently hearing the Matters and Cauſes of his Majeſties People of this Realm of* England, *and in miniſtring the Laws of this Kingdom to his Subjects. The ſaid* Thomas Harriſon, *then and there, of his own malice, evil mind, and evil intention, in the preſence and hearing of the Juſtices of the ſaid Court of Common Pleas, and divers of the Serjeants at Law, and many Honourable, and others of his Majeſties faithful Subjects, falſly and maliciouſly did accuſe the ſaid* Richard Hutton *of High Treaſon, and then and there, maliciouſly, openly, and with a high voice, did ſpeak and pronounce thoſe ſcandalous, venemous, and malicious words with a loud voice; I (the ſaid* Thomas Harriſon *meaning) do accuſe Mr. Juſtice* Hutton, *(the ſaid* Richard Hutton) *one of the Juſtices of his Majeſty, (of the ſaid Common Pleas, meaning) of High Treaſon, to the great hurt and derogation of our Sovereign, his Crown, and Dignity, and the great Contempt of the ſaid Court of Common Pleas, and to the diſturbance of the Juſtice, and Laws of the King, and this his Realm, and of the Juſtices of the King, and the Adminiſtration of Juſtice* *in the ſaid Court of* Common Pleas, *to the evil example of other Offenders, and to the infamy, diſgrace, and deſtruction of* Richard Hutton, *and againſt the peace of his Majeſty.*

To this the ſaid *Thomas Harriſon* hath pleaded *Not guilty*, and hath put himſelf upon the Country and the Kings Attorney of this Court. Likewiſe you are now to enquire whether the ſaid *Thomas Harriſon* be guilty of this crime yea or no.

Mr. Serjeant *Heath.*

May it pleaſe your Lordſhip, and you Gentlemen of the Jury, you do hear, by the reading of the Record that here is an Indictment preferred in the behalf of the King againſt *Thomas Harriſon*, who is now at the Bar, and it is for a notable and inſolent Contempt done in this Hall againſt Juſtice *Hutton*, and the Laws of this Kingdom: The Indictment ſets it forth thus, that the Court of *Common Pleas* is an ancient Court, and that it is againſt the Crown and Dignity of the King, and the Courts of Juſtice, that when the ſaid Courts were ſitting, they, nor any of the Miniſters of the ſaid Courts, ſhould not be diſturbed. It is further ſaid, that Mr. Juſtice *Hutton* is, and, for many years paſt, hath been one of the Judges of the Court of *Common Pleas*, and the Defendant, who is now at the Bar, Mr. *Harriſon*, a Clerk, being moved with malice againſt the Perſon of Mr. Juſtice *Hutton*, and intending to bring Mr. Juſtice *Hutton* into the Kings high diſpleaſure, and to hazard the loſing of his Life and his Eſtate, and the forfeiture of his Goods, and to diſturb the Peace of the King and the Courts of Juſtice ſitting, did falſely and maliciouſly the fourth of *May* laſt, in *Weſtminſter* Hall, in the City of *Weſtminſter* (the Courts ſitting) this Court, and the Court of *Chancery*, and the Court of *Common Pleas*, this Defendant boldly, and audaciouſly, and maliciouſly did ruſh to the Bar of the Court of *Common Pleas*, Mr. Juſtice *Hutton*, and Mr. Juſtice *Crawley* then and there ſitting, they attending to the Service of the ſaid Court; There, with a loud voice, ſpake to Mr. Juſtice *Hutton*, ſitting as a Judge. *I do accuſe Mr. Juſtice* Hutton *of High Treaſon*; This offence being committed in this manner, and in this place, and with ſuch a boldneſs, is ſaid to be of a high nature, and to the contempt of the Crown and Dignity of all the Courts of Juſtice, where the King is wholly intereſſed: whether this offence my be puniſhed, that is the force and intent of this Indictment.

My Lords, To this the Defendant hath pleaded *Not guilty*, we that be of the Kings Counſel ſhall make it apparent that this Defendant did do this, and in this manner as is ſet forth.

Mr. Attorn.

I deſire that this Examination may be read; but let him ſee whether it be his Hand, yea, or no.

Mr. *Harriſon.*

It is my Hand.

The Examination of *Thomas Harriſon*, of *Creeke*, in the County of *Northampton*, Clerk, being examined before my Lord Chief-Juſtice *Brampſton*. That it is true, that whereas Mr. Juſtice *Hatton*, and Mr. Juſtice *Crawly*, ſitting in the Court of *Common Pleas*, he came to the Bar, and there publickly did charge the ſaid Juſtice *Hutton* with High Treaſon; And being demanded, What was the point of High Treaſon? He charged him:

1. In denying the Kings Supremacy.
2. Next, Moving of the People to Sedition.

He charged him with High Treaſon as aforeſaid. Further, he was asked, Why he charged him with the firſt; and how he doth deny the Kings Supremacy?

He anſwers, That by Common fame upon *Saturday* laſt, in the Exchequer Chamber, he did deliver his Opinion, That the King had no lawful power to levy the Ship-money. Being asked, Whether he heard the Argument? He anſwered, He heard it not, but received it from the Common report of others.

Being further asked, Why he charged him with the ſtirring up the People to Sedition? He anſwered, That was becauſe, by the report of divers near to the place where this Examinant dwells, the People go on more and more in their ſtubbornneſs, refuſing the paying of Ship-Money, the which is contrary to the opinion of all the Orthodox Divines of this Kingdom; and in that Mr. Juſtice *Hutton*, riding that Circuit, hath given the People ſuch an encouragement to their diſobedience. Being further asked, Whether any other Perſon did know of this his intent? He anſwered, That there were two others with him, but they did not know any thing of his intention till they heard it ſpoken at Bar. Being asked, Why he made choice of this publick way? The reaſon, ſaith he, was, becauſe that he did deliver his opinion publickly, therefore he thought that to be the beſt way; and if it had been done in a private Treaſon, he thought it fit to acquaint it in a private way.

Thomas Harriſon.

Mr. Attorn.

May it pleaſe your Lordſhip, and you of the Jury, the Priſoner at the Bar, Mr. *Harriſon*, ſtands indicted of a very foul and horrible offence, of a forged and falſe accuſation, framed and contrived out of his own brain, it ſhould ſeem it was out of ſome rooted and inveterate malice; a thing for which there is no colour nor evidence for truth; and himſelf confeſſeth, that it was upon the ground of Common Fame, he charged this Reverend Judge with High Treaſon, and that he denied the King's Supremacy; and the reaſon was, becauſe that he heard of a Common Fame that the Judge had delivered his opinion, that the King had no power to levy Ship-money.

2. Becauſe that he ſtirred up the Kings Subjects to Sedition; and he giveth that for a reaſon, in that the People of *Northampton* do go on in a ſtubborn refuſal of the payment of the Ship-money in regard of the Judges opinion.

My Lord, This is a heavy thing for to accuſe any man of Treaſon, whereby he ſhall forfeit his Lands and Goods, and loſe his life; and ſurely by the old Law this falſe Accuſer ſhould undergo the ſame puniſhment as he ſhould that was accuſed, if he had been found guilty.

My Lords, The Office of a Judge is a place of great honour and truſt.

2 K. 2. 1, 5, &c.

Of Honour, for the Judges of the *Kings Bench* and *Common Pleas* are reckoned *inter magnates Regni*, and the diviſors and publiſhers of falſe lies and tales againſt them are branded for Authors of debates and diſcords between the King and his People, and ſubverters of the Realm.

Of truſt, for he is truſted with the adminiſtration of equal Juſtice between the King and his Subjects, and the Lives, Fortunes, and Eſtates of men; Therefore being a place of ſo great honour and truſt the ſcandal is the greater; and offences and crimes againſt them have been puniſhed not with ordinary puniſhment.

25 *Edw.* III. 1. pr. It is declared to be Treaſon to kill a Judge in execution of his Office.

Our Books ſay, That if one draw a Weapon upon a Judge ſitting in Judicature, though he ſtrike him not, he ſhall be impriſoned during life, and forfeit his Goods and Lands, and loſe his Right Hand.

Though the offence be not done to the Judge, yet being in the Judges preſence (the Courts ſitting) as if one ſtrike a Juror, or any other perſon in *Weſtminſter* Hall, ſitting in the Courts, it hath been puniſhed with the loſs of Hand, Goods, and Lands during Life; this appeareth, 19 *E.* 3. Judgment, 174. 22 *E.* 3. 13. *Mich.* 6 *Ed.* 3. *Coram Rege, Rot.* 55. *Stamfords* Pleas of Crown, 38.

The offence of Mr. *Harriſon* is not for accuſing Judge *Hutton*, or any other of Treaſon, for God forbid but that ſhould be lawful where there is juſt cauſe; But to do it without any colour of ground, and to forge a falſe Accuſation out of his own brain, and to act in ſuch an inſolent and mad way againſt a reverend Judge, ſitting in the Seat of Judgment, this is the offence.

37 *Hen.* 6. 3. If one call another Traitor, an Appeal lieth before the Conſtable and Marſhal, and if the Appellant be killed in Battel, it is Juſtifiable.

30 *lib. Aſſ.* one called Juſtice *Seaton* Traitor; and anſwered well in Damages, as appeareth more at large in the Record than in the Printed Book.

Mich. 5 *Car. in Banco Regis, Nich. Jeoffes* was indicted and fined in the King's Bench, for writing a Petition, wherein he ſaid the Lord Chief-Juſtice *Crook* was a Traitor.

Treaſons are declared by the Statute 25 *E.* 3. and this Gentleman may expound a Text, he cannot expound Statutes, for this is proper for the Judges of the Realm.

He is not to judge what is Treaſon, and what not, *Tractent fabrilia fabri*, let him keep himſelf within the compaſs of his own profeſſion.

This offence is *Contra coronan & dignitatem*, and the Scandals againſt the King's Judges and Miniſters, trench upon the King himſelf, and and therefore his Royal Majeſty, deteſting this odious and foul fact in the Priſoner at the Bar, hath commanded us his Counſel to give evidence.

The Perſon of the Party accuſed is beſt known to your Lordſhips to be a moſt grave, honeſt, learned, and reverend Judge, and, I preſume, free from any thought of Treaſon.

Mich. 33. 34. *Ed.* 1. *coram Rege* in this Court, *Rot.* 75. *Roger de Higham*, Juſtice of *Oyer* and *Terminer*, gave Judgment for *Mary*, late the Wife of *William Bruce* Plaintiff, againſt *William Bruce* in the Chequer-Chamber.

This *William de Bruce* was of a Noble Family; he asked this *Roger*, Whether he would avow the Judgment? And he told him, yes, Now ſays *de Bruce, Roger, Roger*, thou haſt thy will, which of long time thou haſt ſought. The Judge asked him, What was that? He ſaid, My ſhame and loſs, and this I will think on; for this offence in a kind of implicite way, taxing the Judge of injuſtice. He was indicted, and confeſſed the Indictment, as Mr. *Harriſon*, the Record ſaith, *Et quia ſicut honor, & reverentia qui Miniſtris Domini Regis ratione officii ſui faciuntur, ipſi Regi attribuntur, ſic dedecus & contemptus miniſtris ſuis fact. eidem Domino Regi inferuntur, conſideratum eſt quod prædictus Willielmus de Bruce diſtrictus in corpore, capite nudo, tena depoſita eat è Banco Domini Regis ubi* *placita tenentur in Aula Weſtmonaſterii per medium Aulæ prædictæ cum curia plena fuerit, uſque ad Scac. ubi deliquit & ibidem veniam petat à præfato Rogero, &c. Et poſtea committitur Turri London ibidem moratur. ad voluntatem Regis.*

My Lords, I doubt not but you will maintain the honour of a Judge, and puniſh this Delinquent according to his demerits, his offence contained in the Indictment is confeſſed in his Examination, and by himſelf *oretenus.*

Therefore you of the Jury ſhall not need to depart from the Bar, but find him guilty.

The PROTESTATION of the Noblemen, Barons, Gentlemen, Burroughs, Miniſters, and Commons, &c. in Anſwer to the King's Declaration of the ninth of September.

The Proteſtation.

WE Noblemen, Barons, Gentlemen, Burgeſſes, Miniſters, and Commons, his Majeſties true and *Loyal Subjects*; That whereas our continual Supplications, Complaints, Articles, and Informations, preſented, firſt, to the Lords of his Majeſties Privy Council, next to his Sacred Majeſty; and laſt from time to time to his Majeſties Commiſſioners; our long attendance, and great patience this Twelve-Month by-gone, in waiting for ſatisfaction of *our moſt juſt deſires*, our Zeal to remove all Rubs out of the way, which were either mentioned unto us, or could be conceived by us as hinderances of our pious intentions, aiming at nothing but the good of the Kingdom, and preſervation of the Kirk, which by Conſumption or Combuſtion is likely to expire, delighting to uſe no other means but ſuch as are legal, and have been ordinary in this Kirk ſince the Reformation, and labouring, according to our power and intereſt, that all things might be carried in a peaceable manner, worthy of our Profeſſion and Covenant, our Proteſtation containing a hearty thankſgiving for what his Majeſty, in his Proclamation from his Juſtice had granted of our juſt deſires, and our Proteſts and hopes for ſo much *as was not as yet granted*. All theſe made us confidently *to expect* from his Majeſties Royal and Compaſſioned diſpoſition towards this his Native Kingdom, that *a free general Aſſembly* and *Parliament* ſhould have been indicted, as the *ordinary and moſt proper remedies of our grievances*, and did conſtrain us to renew our Petition, earneſtly entreating, that his Majeſties Commiſſioner would be pleaſed to repreſent unto his Majeſty the condition of this Kirk, and Kingdom, crying in an extreme exigence for preſent help, with the lawfulneſs of the remedies preſcribed by his Majeſties Laws, required by us, and preſented to him in ſome particular Articles, which his Grace promiſed to recommend to his Majeſty, and to do his beſt endeavours for obtaining the ſame; eſpecially the firſt Article, that there might be indicted a full and free general Aſſembly, without prelimitation either in the conſtitution and members thereof, in the order and manner of proceeding, or in the matters to be treated: And if there ſhould be any queſtion or doubt about one of theſe, or ſuch like particulars, that the determination thereof might be remitted to the Aſſembly it ſelf, as the only proper and competent Judge.

And now, after ſo many Supplications, Complaints, Articles, and Informations; after *our neceſſary Proteſtation*, expreſſing the humble thankfulneſs and continued deſires of our hearts after ſo long expectation, and ſo much dealing, *having with open Ears*, and *attentive minds heard his Majeſties Proclamation*, it is our deſire, purpoſe, and endeavour ſo to proceed that we may upon the one part ſtill be thankful to God and the King, for the *leaſt blink* of his Majeſties Countenance, and the ſmalleſt Crums of Comfort that fall unto us from his Majeſties Royal hands; Beſeeching the Lord yet further to enlarge his Majeſties heart, for our full ſatisfaction and rejoycing, to the honour of God, the good of this Kirk and Kingdom, and his Majeſties never dying fame and glory; that his wiſe government and Zeal to the Service of God, may be a meaſure and pattern of deſires to all Generations hereafter, when they ſhall be wiſhing for a religious and righteous King: And on the other part, that Chriſt our Lord, the King of Kings, through our neglect or lukewarmneſs may want no part of his Sovereignty and Dominion; and that in our Religion, which is more dear unto us than our lives, we deceive not our ſelves, with that which cannot ſatisfie, and make up the breach of this Kirk and Kingdom, or remove our fears, doubts, and ſuſpicions of the innovations of Religion.

This hath made us to obſerve, and perceive that his Majeſties *Proclamation doth aſcribe* all the *late diſtractions* of this Kirk and Commonwealth, to *our conceived fears* of the *Innovation* of Religion and Law, as the Cauſe and occaſion thereof, and *not to the Innovations* themſelves, with which we have been for a long time, and eſpecially of late, *heavily preſſed* and *grieved*, as if *the Cauſe* were rather in *apprehenſion* and *fancy* than in reality and ſubſtance, *That the Service Book, and Book of Cannons are not ſo far diſcharged* by this Proclamation, as they have been urged by Preceding Proclamations; for this *Proclamation only diſchargeth the practice of them*, and reſcinds the Acts made for eſtabliſhing their practice, but *doth not reſcind the former Proclamations*; namely, that of the 19 of *February* at *Sterling*, and that of the *fourth* of *July* at *Edinburgh*, which gives an *high Approbation to theſe Books*, as fit means to maintain Religion, and to *beat down all Superſtition*, and withal declares his Majeſties purpoſe, to bring them into this Kirk in a fair and legal way; And thus both *our fears* that they *may be introduced hereafter*, muſt ſtill remain, and the *liberty of the General Aſſembly* by ſuch a Declaration of his Majeſties Judgment, is not a little *prejudged* in the minds of ſo many as wiſely conſider, and compare the *preceding Proclamations* with this which we now hear; although others who *looking upon one ſtep, and not upon the whole Progreſs, run on raſhly*, and neither conſidering what they are doing, nor with whom they are dealing, may be eaſily deceived. *Qui pauca videt cito Judicat*, a ſhort ſight maketh a ſudden Judgment.

That it is declared in this Proclamation, that his Majeſty neither intendeth to innovate any thing in Religion or Laws, or to admit of any change or alteration in the true Religion already eſtabliſhed and profeſſed in this Kingdom: And withal, this is interpoſed, that the Articles of *Pearth* are eſtabliſhed by the Acts of Parliament, and general Aſſembly, and diſpenſation of the practice only granted, and diſcharge given, that no Perſon be urged with the practice thereof; and conſequently, his Majeſties intention for the ſtanding of the Acts of the Aſſembly and Parliament, appointing the Articles of *Perth*, is manifeſt, which is no ſmall prejudice to the freedom of the general Aſſembly, That while the Proclamation ordaineth all his Majeſties Subjects to be liable to the tryal and cenſure of the Judicatories competent, and that none of them ſhall uſe any unlimitted and unwarranted power; likewiſe that no other Oath be adminiſtred to Miniſters at their entry, than that which is contained in the Act of Parliament: In both theſe Articles the Biſhops are meaned, who are only thereby for the preſent curbed, againſt their exorbitancy and enormities in exercizing their Office; but the Office of Biſhops is thereby not only preſuppoſed as unqueſtionable, but alſo ſo ſtrongly eſtabliſhed, that his Majeſty declareth for the preſent, his intention to admit no innovation therein: Which is more evident by the indiction of the Parliament; warning all Prelates to be preſent, as having voice and place in Parliament; and by the indiction of the Aſſembly, warning all Archbiſhops and Biſhops (for ſo are their divers Degrees and Offices Eccleſiaſtical here deſigned and ſuppoſed) to be preſent, as having place and voice in the Aſſembly, contrary to the Caveats, Acts of the Kirk, and our Declinator: And thus a third and great limitation is put upon the general Aſſembly. The Proclamation, by reaſon of theſe many limitations, and prejudices of the liberty of the Aſſembly in the very points which have wrought ſo much woe and diſturbance in this Kirk and Kingdom, and wherein the liberty of the Aſſembly is moſt uſeful and neceſſary at this time, can neither ſatisfie our grievances and complaints, nor remove our fears and doubts, nor cannot (without Proteſtation) be admitted by us his Majeſties Subjects, who earneſtly deſire that truth and peace may be eſtabliſhed; and that for the reaſons following:

1. To keep ſilence in any thing that may ſerve for the good of the Kirk, whether it be in Preaching, Prayer, or in propoſing and voycing in a Lawful Aſſembly of the Kirk, is againſt the Word of God, *Iſa.* 62. 6. *Ye that are the Lords remembrancers, keep not ſilence, and give him no reſt till he eſtabliſh, and till he make* Jeruſalem *a praiſe in the earth:* 1 *Kings* 18. 21. like the halting of the people between two opinions, and their not anſwering a word when the Lord called them to give a teſtimony, *Acts* 20. 20. *I have kept back nothing that was profitable unto you*: And again, 1 *Cor.*12. 7. *Mat.*15.18. *Rom.*1. 18. *Rev.*2.14, 20. and 3.15. and therefore to keep ſilence, or not to meddle with corruptions, whether in Doctrine, Sacraments, Worſhip, or Diſcipline, in a general Aſſembly of the Kirk, convened for that end, were the ready way to move the Lord to deny his Spirit unto us, and to provoke him to wrath againſt our proceedings, and might be imputed to us for prejudice, for colluſion, and for betraying our ſelves and the Poſterity.

2. This *Predetermination* is againſt our Supplications and Proteſtations, wherein we have ſhewn our ſelves ſo earneſt for a *Free General Aſſembly*, contrary to every limitation of this kind; ſo far prejudging the liberty thereof, is againſt *the Confeſſion of Faith* regiſtrated in the Parliament, 1567. declaring, that one Cauſe of the Councils of the Kirk is for good policy and order to be obſerved in the Kirk, and for to change ſuch things as men have deviſed, when they rather foſter Superſtition than edifie the Kirk uſing the ſame, and *is againſt our late Confeſſion*, wherein *we have promiſed to forbear all Novations*, till they be tried; which obligeth us to forbear now, and *to try them in an Aſſembly*, and by all *lawful means to labour to recover the former purity*, and liberty of the Goſpel,

to which *this limitation is directly repugnant*, *our liberty in a general Aſſembly*, being the principal of all lawful means ſerving to that end.

3. This were directly contrary to the nature and ends of a general Aſſembly, which having authority from God, being convened, according to the Laws of the Kingdom, and receiving power from the whole collective body of the Kirk, for the good of Religion, and ſafety of the Kirk, whatſoever may conduce to theſe good ends in Wiſdom and Modeſty ſhould be proponed, examined, and determined without prelimitation, either of the matters to be treated, or of the liberty of the members thereof; it being manifeſt, that as far as the Aſſembly is limited in the matters to be treated, and in the members to be uſed, the neceſſary ends of the Aſſembly, and the Supreme Law, which is the ſafety of the Kirk, are as far hindred and prejudged.

4. This limitation is againſt the Diſcipline of the Kirk, which *Book*.2. *Chap*.7. declareth this to be one of her liberties, that the Aſſembly hath power to abrogate and aboliſh all Statutes and Ordinances concerning Eccleſiaſtical matters that are found noyſom, and unprofitable, and agree not with the time, or are abuſed by the People, and againſt the Acts of the general Aſſembly, like as the pretended Aſſembly 1610. declareth, for the common affairs of the Kirk (without exception or limitation) it is neceſſary that there be yearly general Aſſemblies: And what order can be hoped for hereafter, if this Aſſembly indicted after ſo long intermiſſion, and ſo many groſs corruptions, be limited, and that more than ever any lawful Aſſembly of the Kirk was, when it was obſerved?

5. It is ordained in Parliament, 11. Act 40 King *James* 6. anent the neceſſary and lawful form of all Parliaments, that nothing ſhall be done, or commanded to be done, which directly or indirectly prejudge the liberty of free voicing or reaſoning of the Eſtates, or any of them in time coming. It is alſo appointed in Parl. 6. Act 92. King *James* 6. that the Lords of Council and Seſſion proceed in all Civil Cauſes intended or or depending before them, or to be intended, to cauſe or execute their Decrees, notwithſtanding any private writing, charge, or command in the contrary, and generally by the Acts of Parliament, appointing every matter for its own Judicatory, and to all Judicatories their own freedom. And therefore much more doth this liberty belong to the Supreme Judicatory Eccleſiaſtick in matters ſo important as concerneth Gods Hononr and Worſhip immediately, the ſalvation of the peoples Souls, and right conſtitution of the Kirk, whoſe Liberties and Priviledges are confirmed, Parl. 12. King *James* 6. Parl. 1. King *Charles*, for if it be carefully provided by divers Acts of Parliament, eſpecially Parl. 12. Act 148. King *James* 6. That there be no foreſtalling or regrating of things pertaining to this natural life: What ſhall be thought of this ſpiritual foreſtalling and regrating, which tendeth to the famiſhing or poyſoning of the Souls of the People both now and in the generations afterward?

6. It were contrary to our Proteſtations, Proceedings, and Complaints againſt the late Innovations. And it might be accounted an Innovation and uſurpation as groſs and dangerous to us, and the Poſterity, and as prejudicial to Religion as any complained upon by us, to admit limitations, and ſecret or open determinations, which belongeth to no Perſon or Judicatory, but to an Aſſembly, or to conſent to, and approve by our ſilence the ſame Predeterminations, it were to be guilty of that our ſelves, which we condemn in others, we may eaſily judge how

the Apoſtles before the Counceil of *Jeruſalem*, the Fathers before the *Nicene* Council, and our Predeceſſors before the Aſſembly holden at the Reformation, and afterwards would have taken ſuch dealing.

Which ſaid Reaſons are expreſſed before in the latter end of the year 1638. *to ſhorten this Proteſtation, which if all had been put together would have been very tedious.*

For theſe and the like Conſiderations in our name, and in the name of all who will adhere to the late Covenant, ſubſcribed by us, and ſealed from Heaven, we (from our Duty to God, our Native Country, our ſelves, and the Poſterity, leſt our ſilence import a ſatisfaction of our deſires, and a ſtopping of our Mouths from neceſſary ſupplication for things yet to be obtained from his Majeſties juſt and gracious diſpoſition) are conſtrained *to declare and proteſt:*

Firſt, That the Cauſe and occaſion of the diſtractions of the Kirk and Commonwealth are no ways to be imputed unto us, or our needleſs fears, but to the Innovations and Corruptions of Religion, which againſt the Acts and Orders of this Kirk, and the Laws of this Kingdom, have been preſſed upon us the People of God, and his Majeſties Loyal Subjects, who, although under great thraldom, were living in peace and quietneſs, labouring in all godlineſs and honeſty to do our duty to God and man.

Secondly, We proteſt that all queſtions and doubts that ariſe, concerning the freedom of the Aſſemblies, whether in the conſtitution and members thereof, or in the matters to be treated, or in the manner and order of proceeding, be remitted to the determination of the Aſſembly it ſelf, as the only proper and competent Judge.

And that it ſhall be lawful for us being authorized with lawful Commiſſions, as at other times, when the urgent neceſſity of the Kirk ſhall require, ſo in this exegence to aſſemble our ſelves at the Diet appointed, notwithſtanding any impediment or Prorogation to the contrary; And being Aſſembled againſt all Qualifications and Predeterminations, or preſuppoſals to propone, treat, reaſon, vote, and conclude, according to the Word of God, Confeſſion of Faith, and Acts of Lawful Aſſemblies, in all Eccleſiaſtical matters, pertaining to the Aſſembly, and tending to the advancement of the Kingdom of Chriſt, and good of Religion.

Thirdly, And ſince Archbiſhops and Biſhops have no Warrant for their Office in thi Kirk, ſince it is contrary both to Reaſon, and to the Acts of the Kirk, that if any have Place or Voice in the Aſſembly, who are not Authorized with lawful Commiſſions, and ſeeing both in common equity and tenour of this Proclamation, they are made liable to the Trial and Cenſure of the Aſſembly: We proteſt that they be not preſent, as having Place or Voice in the Aſſembly, but as *rei* to Compeer for underlying Trial and Cenſure upon the general Complaints already made, and the particular Accuſations to be given in againſt them: And that the warning given by his Majeſties Proclamation, and this our Proteſtation be a ſufficient Citation to them to compeer before the Aſſembly, for their Trial and Cenſure in Life, Office, and Benefice.

Fourthly, We ſolemnly proteſt, that we do conſtantly adhere to our Oath, and ſubſcription of the Confeſſion of Faith, and Covenant lately renewed and approved with rare and undeniable evidences from Heaven of the wonderful workings of his Spirit in the hearts both of, Paſtors and People through all the parts of the Kingdom. And that we ſtand to all Parts and Clauſes thereof, and particularly to the Explanation and Application, containing both our Abjuration of, and our Union againſt the particular Evils and Corruptions of the Time; a Duty which the Lord Time eſpecially craveth at our hands.

5. We alſo proteſt, That none of us who have ſubſcribed, and do adhere to our ſubſcription of the late Covenant, be charged, or urged, either to procure the Subſcriptions of others, or to ſubſcribe our ſelves unto any other Confeſſion or Covenant, containing any derogation thereunto, eſpecially that mentioned in the Proclamation, without the neceſſary Explanation and the Application thereof, already ſworn by us, for the Reaſons above expreſſed: and becauſe, as we did in our former Proteſtation appeal from the Lords of his Majeſties Council, ſo do we now by theſe renew our ſolemn Appeal, with all Solemnities requiſite, unto the next free General Aſſembly and Parliament, as the onely Supreme National Judicatories competent, to judge of National Cauſes and Proceedings.

6. We proteſt, That no Subſcription, whether by the Lords of the Council or others of the Confeſſion mentioned in the Proclamation, and enjoined for the maintainance of Religion, as it is now already, or at this preſent time eſtabliſhed, and profeſſed within this Kingdom without any Innovation of Religion or Law, be any manner of way prejudicial to our Covenant, wherein we have ſworn to forbear the practice of Novations already introduced, *&c.* till they be tried in a Free Aſſembly; and to labour by all lawful means to recover the Purity and Liberty of the Goſpel, as it was eſtabliſhed and profeſſed before the aforeſaid Innovation.

And in like manner, that no Subſcription aforeſaid, be any derogation to the true and ſound meaning of our worthy Predeceſſors, at the time of their ſubſcription, in the Year 1581. and afterward. Withall, warning and exhorting all men who lay to heart the Cauſe of Religion againſt the Corruptions of the Time, and the preſent Eſtate of Things, both to ſubſcribe the Covenant, as it hath been explained, and neceſſarily applied; and as they love the Purity and Liberty of the Goſpel, to hold back their hands from all other Covenants, till the Aſſembly now Indicted be Convened, and determine the preſent Differences and Diviſions, and preſerve this Country from contrary Oaths.

7. As his Majeſties Royal Clemency appeareth in forgiving and forgetting what his Majeſty conceiveth to be a Diſorder, or done amiſs in the proceeding of any; ſo are we very confident of his Majeſties approbation, to the integrity of our hearts, and peaceableneſs of our ways and actions all this time paſt; and therefore,

We proteſt that we will ſtill adhere to our former Complaints, Proteſtations, lawful Meetings, Proceedings, Mutual Defences, *&c.* All which, as they have been in themſelves lawful, ſo were they to us preſſed with ſo many Grievances in his Majeſties abſence from this Native Kingdom, moſt neceſſary, and ought to be regarded as good Offices, and pertinent Duties of Faithful Chriſtians, Loyal Subjects, and Senſible Members of this Kirk and Commonwealth.

As we truſt at all occaſions to make manifeſt to all good men, eſpecially to his Sacred Majeſty, for whoſe long and proſperous Government, that we may live a peaceable and quiet life in all godlineſs and honeſty, we earneſtly pray.

Whereupon a Noble Earl, *James* Earl of *Montroſs*, *&c.* in name of the Noblemen, Mr. *Alexander Gibſon* Younger, of *Dury*, in name of the Barons, *George Porterfield* Merchant, Burgeſs of *Glaſcow*, in name of the Burroughs, Mr. *Harry Rollock* Miniſter at *Edinburgh*, in name of the Miniſters, and Mr. *Archibald Johnſton* Reader hereof, in name of all who adhere to the Confeſſion of Faith and Covenant lately renewed within this Kingdom, took Inſtruments in the hands of three Notars preſent at the ſaid Mercate Croſs at *Edinburgh*, being invironed with great numbers of the aforeſaid Noblemen, Barons, Gentlemen, Burroughs, Miniſters, and Commons, before many hundred Witneſſes, and craved the Extract thereof; and in token of their dutiful reſpect to his Majeſties Confidence of the equity of their Cauſe, and Innocency of their Carriage, and hope of his Majeſties gracious acceptance, they offered in all humility, with ſubmiſs reverence, a Copy thereof to the Herald.

His Majeſties Pleaſure Declared, the Eighteenth of Auguſt 1637. *concerning Eccleſiaſtical Courts.*

Whereas in ſome of the Libellous Books and Pamphlets lately publiſhed, the moſt Reverend Fathers in God, the Lord Archbiſhops and Biſhops of the Realm, are ſaid to have uſurped upon his Majeſties Prerogative Royal, and to have proceeded in the High Commiſſion, and other Eccleſiaſtical Courts, contrary to the Laws and Statutes of the Realm, It was Ordered by his Majeſties High Court of Star-Chamber, the Twelfth day of *June* laſt, that the Opinion of the two Lords Chief Juſtices, the Lord Chief Baron, and the reſt of the Judges and Barons, ſhould be had and certified in theſe particulars, *viz.* Whether Proceſſes may not iſſue out of the Eccleſiaſtical Courts in the names of the Biſhops? Whether a Patent under the Great Seal be neceſſary for the keeping the Eccleſiaſtical Courts, and enabling Citations, Suſpenſions, Excommunications, and other Cenſures of the Church? and, Whether the Citations ought to be in the Kings name, and under his Seal of Arms; and the like for Inſtitutions, and Inductions to Benefices, and correction of Eccleſiaſtical Offences? Whether Biſhops, Archdeacons, and other Eccleſiaſtical Perſons, may or ought to keep any Viſitation at any time, unleſs they have expreſs Commiſſion or Patent under the Great Seal of *England* to do it, and that his Majeſties Viſitors onely, and in his name and right alone? Whereupon his Majeſties ſaid Judges having taken the ſame into their ſerious conſideration, did unanimouſly concur and agree in Opinion, and the firſt day of *July* laſt certified under their Hands, as followeth, *That Proceſſes may iſſue out of Eccleſiaſtical Courts in the name of the Biſhops; and that a Patent under the Great Seal is not neceſſary for the keeping of the ſaid Eccleſiaſtical Courts, or for the enabling of Citations, Suſpenſions, Excommunications, and other Cenſures of the Church; and that it is not neceſſary that Summons, Citations, or other Proceſſes Eccleſiaſtical in the ſaid Courts, or Inſtitutions, or Inductions to Benefices, or Correction of Eccleſiaſtical Offences by Cenſure in thoſe Courts, be in the Kings name, or with the ſtile of the King, or under the Kings Seal, or that their Seals of Office have in them the Kings Arms: And that the Statute of* Primo Edwardi Sexti, cap. ſecundo, *which Enacted the contrary, is not now in force: And that the Biſhops, Archdeacons, and other Eccleſiaſtical Perſons,* *may keep their Viſitations as uſually they have done, without Commiſſions under the Great Seal of* England *ſo to do.*

Which Opinions and Reſolutions being declared under the Hands of all his Majeſties ſaid Judges, and ſo certified into his Court of Star-Chamber, were there Recorded. And it was by that Court further Ordered the fourth day of the ſaid Moneth of *July*, that the ſaid Certificate ſhould be enrolled in all other his Majeſties Courts at *Weſtminſter*, and in the High Commiſſion, and other Eccleſiaſtical Courts, for the ſatisfaction of all men, that the Proceedings in the High Commiſſion, and other Eccleſiaſtical Courts, are agreeable to the Laws and Statutes of the Realm.

And his Royal Majeſty hath thought fit, with advice of his Council, that a publick Declaration of theſe the Opinions and Reſolutions of his Reverend and Learned Judges, being agreeable to the Judgments and Reſolutions of former times, ſhould be made known to all his Subjects, as well to vindicate the legal proceedings of his Eccleſiaſtical Courts and Miniſters, from the unjuſt and ſcandalous imputation of Invading or Intrenching on his Royal Prerogative, as to ſettle the minds, and ſtop the mouths of all unquiet Spirits, that for the future they preſume not to cenſure his Eccleſiaſtical Courts or Miniſters in theſe their juſt and warranted proceedings. And hereof his Majeſty admoniſheth all his Subjects to take warning, as they will anſwer the contrary at their perils.

The Kings Pleaſure Declared, to confirm to his Subjects their Defective Titles, Eſtates, and Poſſeſſions (as well by colour of former Grants, as without any Grant from the Crown) by his Commiſſion lately renewed and granted to that purpoſe.

WHereas the Kings moſt excellent Majeſty, in his gracious favour towards his loving Subjects, did not onely renew his Commiſſion of Grace, but alſo by his Proclamation given at *Whitehall*, dated the ſixth day of *December*, in the fourth Year of his Reign, did Declare, That in his gracious intention towards his ſaid Subjects, that he had authorized the Lords, and others of his Privy Counſel, and others of his Judges, and Counſel learned, by his ſaid Commiſſion to Sell, Grant, and Confirm to ſuch of his Subjects whom it might concern, their Defective Titles, Eſtates, and Poſſeſſions in ſuch Mannors and Lands which they did enjoy, not onely under colour of ſome defective, void, or inſufficient Grants, or by Letters Pattents of Concealments; but alſo for thoſe Mannors and Lands which they did poſſeſs meerly by Intruſion and Uſurpation, without any colour of Right and Title, they never having had any Grants thereof at all, either from his Majeſty, or any of his Predeceſſors; and yet their ſaid Eſtates and Poſſeſſions are not ſetled by the Act of Parliament made in the One and twentieth Year of the Reign of his Dear and Royal Father King *James* of bleſſed Memory, lately deceaſed,

ſed, intituled, *An Act for the General Quiet of the Subjects, againſt all Pretences of Concealments*; conceiving that his ſaid Subjects would have been as forward to have embraced his ſaid intended Grace towards them, for their own good and relief, as he was graciouſly pleaſed to offer it them. But his Majeſty finding the contrary, and the ſame wholly to be neglected, might now in Juſtice and Reaſon reduce to the Crown, all ſuch other Mannors and Lands whereto his Highneſs hath Right and Title, and which were not ſetled by the ſaid Act to the increaſe of his Revenue.

But his Majeſty not being willing to conſtrue this in the worſt ſenſe, and having nothing more in his Princely deſire, than the general Good of his Subjects, preferring their Peace and Quiet before his own Benefit, hath once more, not onely renewed, but alſo for the greater relief of his ſaid Subjects, enlarged his ſaid Commiſſion of Grace to ſundry his ſaid Lords, and others of his Privy Council, Judges, and Counſel Learned, giving them the like Authority to compound with ſuch of his loving Subjects whom it may concern, and ſhall ſeek Compoſition at their hands, for any of the Mannors, Lands, Tenements, and other the Hereditaments of the ſeveral natures and qualities contained and expreſſed in the Schedule, which his Majeſty hath cauſed hereunto to be annexed; whereby each one whom it concerneth, may take knowledge, for what and how he may be relieved by the ſaid Commiſſion, if in time, and by a due courſe he ſhall ſeek the ſame.

But his Majeſty doth further declare his Royal Pleaſure by this publick Declaration to be, That if thoſe whom it may concern, ſhall not by, or before the Feaſt of *All-Saints* next, attend his Majeſties Commiſſioners, for ſuch moderate and reaſonable Compoſitions as ſhall be found fit and equal for them, for or concerning any of the ſaid Premiſſes ſo by them intruded upon, and unjuſtly detained from his Majeſty, that his Majeſty will not in prejudice of his juſt Title and Revenue, defer his own Benefit any longer, but either take a legal Courſe for the reducing of ſuch of the ſaid Mannors and Lands, and other the Premiſſes (of ſuch perſon and perſons as ſhall any longer neglect this his gracious Offer) to the increaſe of his Revenue, or otherwiſe grant the ſame over unto ſuch others as ſhall be Suitors to him for the ſame.

And his Majeſty the better to be informed who embraceth this his Royal Grace, and who neglecteth the ſame, hath appointed and commanded *Robert Tipper* of *Grays-Inn* his Majeſties Servant, to attend his Majeſties Commiſſioners, as in former times he hath done, who is to acquaint his Majeſties ſaid Commiſſioners with the ſtate of the ſeveral Caſes of thoſe that ſhall ſeek a Compoſition as aforeſaid, and who do accept this his Majeſties Grace, and who not, whereupon ſuch further proceeding may be had, according to their ſaid ſeveral neglects, as his Majeſty in his Wiſdom ſhall think fitteſt.

Given at Whitehall the Seven and twentieth day of May, *in the ſixth Year of the Reign of King Charles, of* Great Britain, France, *and* Ireland.

A Proclamation for Adjournment of part of TRINITY TERM.

The Kings moſt Excellent Majeſty finding that the Infection of the Plague is at this preſent ſcattered and diſperſed in the City of London, and Suburbs, and ſome Pariſhes adjoining to the ſame; and weighing the danger and inconveniencies which may fall out, by the reſort of his Subjects from all parts of the Kingdom to his Cities of London and Weſtminſter, for their neceſſary Cauſes and Suits, the next Term: and being providently careful to prevent all Occaſions that may tend to the increaſing or diſperſing of the Plague; hath thought good (by the advice of his Privy Council) to publiſh his Royal Pleaſure, to adjourn ſome part of Trinity Term next; that is to ſay, in, and from the ſecond Return thereof, called Octabis Trinitatis, until Tres Trinitatis, being the laſt Return of the ſame. And that to be for ſuch Cauſes onely, and for ſuch intent and purpoſe, as hereafter is expreſſed.

And therefore his Majeſty doth hereby Signifie and Declare his Will and Pleaſure is, That Writs of Adjournment ſhall be directed to the Juſtices of either Bench, and to the Judges of all other his Majeſties Courts, to whom like Writs have been uſually directed, giving them power to adjourn the next Trinity Term, in, and from Octabis Trinitatis next, until Tres Trinitatis then next following; and the ſaid Adjournment to be made the firſt day of the ſaid Octabis Trinitatis, called the day of the Eſſoigns; and his Majeſty conſidering in his Princely Wiſdom the prejudice that may grow to many of his Subjects in their Cauſes and Suits if that Term ſhould be wholly Adjourned, hath therefore by the Advice of his ſaid Council determined, to have ſome part thereof to be holden and continued for ſome few days in the beginning and ending of the ſame, as is before Declared; wherein, nevertheleſs, his Majeſties intention is, that the ſame days ſhall be uſed onely for the better expediting and continuing Cauſes and Suits, and Returning and Suing out of Proceſs, and for ſuch other like things as may be performed and done in the abſence of the Parties by their Attornies; And therefore his Majeſty doth hereby Declare his Will and Pleaſure to be, That in the ſaid Term there ſhall be no Trials by Juries, or any Judgments upon Demurs, or ſpecial Verdicts, or ſuch like in any of his Courts of Kings Bench, Common Pleas, or Exchequer; And alſo, that there ſhall be no Judicial hearing, or Determining of any Cauſes or Matters, in any of his Courts of Star-Chamber, Chancery, Exchequer-Chamber, Court of Wards, Dutchy-Chamber, or Court of Requeſts, during the ſaid Term: And that no Party ſhall need to be preſent in perſon for any ſuch Cauſes or Suits, but the ſame may be attended and done by their Attornies. And his Majeſty doth hereby further Notifie and Declare, That no Party ſhall be compelled or need to appear in perſon in any of his Majeſties ſaid Courts at any time during the ſaid Term, but may make their Appearance by their Attornies ſaving onely in Caſes of Out-Lawry, and other the Caſes mentioned in the Proviſo hereafter following: And alſo that no Juries, or any whom the ſame may concern, ſhall be compelled, or need to appear in any of his Highneſſes Courts at Weſtminſter, at any time during the ſaid Term, for any Cauſe or matter whatſoever, unleſs it be for ſome ſpecial and important Cauſe for his Majeſties Service only: Provided nevertheleſs, and his Majeſties Pleaſure and Commandment is, that all Collectors, Receivers, Sheriffs and other Accomptants, and all other perſons that ſhould or ought to account, or pay any Sum or Sums of money in any of his Majeſties Court of Exchequer, Court of Wards and Liveries, or of his Dutchy of Lancaſter, or in any one of them, or enter into any Account in any of the ſaid Courts ſhall repair to the accuſtomed places at Weſtminſter, and there to pay, aud do in every behalf, as though no ſuch Proclamation or Adjournment had been had or made.

And his Majeſties further Pleaſure and Commandment is, That all Sheriffs ſhall Return into his Majeſties Court of Exchequer, Court of Wards and Liveries, and Dutchy of Lancaſter, all manner of Writs and Proceſs iſſued out of the ſame Courts, and Returnable in Trinity Term next, which in any ſort concern his Majeſties Revenues, Debts, or Duties, at or before the days of Returns thereof into ſuch Offices from whence the ſaid Writs and Proceſs did iſſue: And that all Commiſſioners likewiſe Return all manner of Commiſſions and Inquiſitions Returnable the ſame Trinity Term, and from the ſaid Court ſent, whereby his Majeſty is to receive Profit and Commodity.

And all Sheriffs, Collectors, and all manner of Accomptants, and every perſon that is to pay any kind of Debt or Duty unto the Kings Majeſty, in any of the ſaid Courts, do either by themſelves, their Deputies, or Attornies, pay the ſame in ſuch ſort as they ought to have done, if no ſuch Proclamation or Adjournment had been made, or elſe to ſuſtain ſuch Damage of Iſſues, Seiſure, Fine, Amerceament, and Penalty to be impoſed upon them, as hath been accuſtomed, without any hope to be diſcharged thereof. And that all Sheriffs by themſelves, or their ſufficient Deputies, ſhall give their attendance at the day appointed for their Oppoſal in the Court of Exchequer, to anſwer their Returns before his ſaid Barons, as hath been heretofore accuſtomed: and if any default ſhall be made by any of the perſons aforeſaid, that then (in reſpect of the Kings preſent neceſſary and extraordinary charges) Serjeants at Arms and Purſevants ſhall be ſent to bring them up to anſwer their Contempt and ſlackneſs in payment.

And his Majeſties further pleaſure is, and he doth expreſly Require and Command, That all and every perſon and perſons, who by any of his Majeſties former Proclamations have been required to depart from the Cities of London and Weſtminſter, Suburbs and Liberties thereof, and places adjoining, and to reſide in the Country, do conform themſelves accordingly, and that they preſume not to remain here, after the end of this preſent Eaſter Term, under pretence of Law-Suits, or otherwiſe. And becauſe his Majeſty hopeth, that by the ſending away of thoſe multitudes of perſons inhabiting in the Country, there may be a better opportunity for the Magiſtrates in and near the City of London to Govern the ſaid City and the parts adjacent, in ſuch ſort as that the Sick and Infected may be ſevered and kept from the Whole; whereby, and by the Bleſſing of God, the further ſpreading of the Infection may be ſtaid.

Therefore his Majeſty doth eſpecially Charge and Require, as well the Lord Maior and Aldermen of the City of London, as the Juſtices of Peace, and all other Officers and Miniſters within Weſtminſter, Middleſex, Surry, and Kent, to take ſpecial care, that as well the Orders lately publiſhed by his Majeſties direction, as ſuch other as ſhall be found neceſſary for preventing the ſpreading of the Infection, be from time to time ſtrictly put in execution: And alſo that all other Juſtices of Peace in all other Counties, Maiors, Bailiffs, and Chief Officers of Cities and Towns Corporate, and other places within their ſeveral Juriſdictions, be careful to do the like, as there ſhall be occaſion, as they tender his Majeſties Royal Commands, and the Common Safety of his Kingdoms and People in theſe times of Danger.

Given at our Honour of *Hampton-Court* the Seven and twentieth day of *May*, in the Twelfth Year of our Reign of *England*, *Scotland*, *France*, and *Ireland*.

The Intentions of the Army of the Kingdom of Scotland, *Declared to their Brethren of* England, *by the Commiſsioners of the late Parliament, and by the General, Noblemen, Barons, and other Officers of the Army.*

THe beſt Endeavours and greateſt *Works* wherein the good Hand and Providence of God have been moſt evident and ſenſible, and the hearts and intentions of Men, called to be the Inſtruments, moſt *pious* and *ſincere*, Though they found approbation with the *Wiſer Sort*, and ſuch as are given to *Obſervation*, yet they have ever been ſubject to be miſconſtrued by blind *Suſpicion*, to be reproved by Cavelling Cenſure, which maketh place for it ſelf to enter, where it findeth none, and to be condemned of the *Ignorant*, but moſt of all of the *Malicious*, who cannot be pleaſed, even when God is beſt pleaſed; and when men ſeek to approve themſelves to every ones Conſcience, but in their hearts wiſh rather that the Temple ſhould not be Built, Religion never Reformed, and they themſelves, *Iſſachar* like, couch between the two Burthens, than that they ſhould be in their Worldly Projects or Poſſeſſions oppoſed or troubled. The *deliverance* of the People of *God* of Old from the Ægyptian *Servitude*, the *Redemption* of the Church by the Son of *God*, and the *Planting* of Chriſtian Religion by his *Servants*, and the *Vindication* of Religion from Romiſh Superſtition and Tyranny, which are the *greateſt* and moſt *wonderful works* of *God*, have been moſt bitterly calumniated, and ſpitefully ſpurned againſt by the Wicked.

The *Nature* and *Quality* of this *good work* wherein the *Lord* hath honoured us to be *Actors*, and the experience which we have found of continual *oppoſition* ſince the beginning, may teach us, if we be not *as the Horſe and Mule which have no Underſtanding*, that we are to expect the gain-ſaying of *Sinners*, and that nothing can be hatched in *Hell* by Satan, or prompted by his Suppoſts on Earth, which will not be produced to make us, and the Cauſe of *God* which we maintain, odious to all men, but moſt of all to our Neighbors and deareſt Brethren. When we ſhall now enter into *England* it will be laid to our charge that we mind nothing but Invaſion, and that no leſs hath been intended by us from the beginning, than under the pretext of ſeeking our Religion and Liberties to enrich our ſelves with their *Poſſeſſions* and *Goods*: But our peaceable carriage many years paſt before the time of thoſe late *Troubles*, our *Informations*, *Declarations* and *Remonſtrances* publiſhed to the World, wherein we have Curſed all National Invaſion, and our willingneſs when we were in Arms, to lay them down, upon the ſmall hopes of injoying our Religion and Liberties; and our forbearing now, by way of Repriſal, to ſatisfie our ſelves upon the Ships and *Goods* of our Dear Brethren of *England*, for thoſe Ships and *Goods* of ours that have been taken by the Kings Ships, which poſſibly we might have been able to do, had not Juſtice forbidden us to take from them, whom we are aſſured, neither wiſh us *harm*, nor have done us *wrong*, will be conceived by the *Wiſe* and well affected to be more plain and ſure evidences of our meaning, than all that *Malice* can deviſe, or *Calumny* can expreſs againſt us.

Neither have any new Emergents altered, but rather confirmed our former *Reſolutions*: for although both before and ſince the late *Pacification* we have been highly injured by ſome *Papiſts and Prelats*, and their Adherents there, who have been, and are ſtill ſeeking no leſs, than that we ſhould no more be a Church or Nation; and therefore themſelves cannot think but we muſt accompt of them as *Gods* Enemies and ours: Yet above all the *favours* we have received from the *Good People and Body of the Kingdom of* England, One there is which hath highly honoured them before the World, and endeared them unto us more than before, which ſhall never be forgotten by us, and we hope ſhall be thankfully remembred by our Children, and Childrens Children aſter us, to all *Generations*; that when upon miſinformation the Council of *England* had concluded to raiſe Force againſt us, when the Parliament of *Ireland* had offered their Perſons and Eſtates for ſupply againſt us; when all *Plots* and *Policies* were ſet on work, and Publick *Declarations* by Authority were made, and the *Parliament* called for this very end, when we had been traduced, and Proclaimed as Traitors and Rebels at every Pariſh Church, yet ſo *wiſe*, ſo *grave*, ſo *juſt* was that High Court of *Parliament* (to their everlaſting *honour* be it remembred) that no *threatnings* nor *fears*, no *promiſes* nor *hopes*, no *fineneſs* nor cunningly deviſed *ſuggeſtion* could move them to decern a War, or grant any Subſidy for a War againſt us, but rather by their *Speeches*, *Complaints* and *Grievances* parallel to ours, did juſtifie the Cauſe (ſo much as in them was) which we *defend*. This *rich* and *recent favour* doth ſo bind our *hearts*, that were our *Power* never ſo *great*, we ſhould judge our ſelves the *unworthieſt of all men*, and could look for no leſs than *Vengeance from the righteous* GOD, if we ſhould move *hand* or *foot* againſt that Nation ſo comfortably to us repreſented in that *Honourable Meeting*. In this our *thankful acknowledgment*, we deſire that the City of *London* may have their own large ſhare, as they well deſerve by the noble profeſſion they have given of their conſtant affection to Religion, and the *Peace* of both Kingdoms, notwithſtanding the continual aſſaults of the miſleaders of the King againſt them, always rendring them *ſeditious* in his ears. And if this which doth ſo convince us ſhall not be *thought ſufficient* to *ſatisfie all the good People of* England: We now before *God* and the World make offer in general, and we make offer to ſo many of them as ſhall require it in particular, *of the ſtrongeſt and moſt inviolable bond of our ſolemn Oath and Religious atteſtation of the Great Name of GOD, who is our fear and dread, and from whom we hope for a bleſſing upon our Expedition, that we intend no Enmity or Rapine, and ſhall take no mans goods, nor engage our ſelves in bloud by fighting, unleſs we be forced unto it*, which we may look for from the Papiſts and Prelates: But if any ſuch thing ſhall come from *godly men*, or good Patriots, who love the *truth of Religion*, or the Kings *Honour*, and their own *Liberty*, both the rule of *Charity* (which entertaineth no ſuſpicion where there is no evil deſerving) and the ſoul of *Wiſdom* (which teacheth that both Nations muſt now *ſtand* or *fall* together) do forbid us to apprehend. All the deſign of both Kingdoms is for the *truth of Religion*, and for the *juſt Liberty* of the Subject, and all the devices and doings of the Enemy are for the *oppreſſing* of both; that our Religion may be turned into Superſtition and Atheiſm, and our *Liberty* into baſe *Servitude* and *bondage*. To bring this to paſs they have certainly conceived, that the blocking up of this Kingdom by Sea and Land would prove a *powerful* and *infallible means*: For, for either within a very ſhort time ſhall we through want of *Trade*, and ſpoyling of our *goods* be brought to ſuch extreme *Poverty* and *Confuſion*, that we ſhall miſerably deſire the *Conditions* which we now deſpiſe, and decline, and be *forced* to imbrace their *will* for a Law, both in Church and *Policy*, which will be a Precedent for the like miſery in *England*, who timouſly foreſeeing it may be taught by their and our danger to be more *wiſe*; or upon the other part, we ſhall by this Invaſion be conſtrained furiouſly and without *order* to break into *England*, which we believe is the moſt earneſt deſire of our common *Enemies*, becauſe a more ſpeedy execution of their *deſign*: For we doubt not but upon our *coming* Clamours will be raiſed, Poſts ſent, and Proclamations made, through the Kingdom. to ſlander our *pious* and *juſt intentions* (as if this had been our meaning from the beginning) to ſtir up all the Engliſh againſt us, that once being entred in *Bloud*, they may with their own Swords extirpate their own Religion, lay a preſent *foundation* with their own hands for building of *Rome* in the midſt of them, and be made the Actors of their own and our *ſlavery* to continue for ever. But in this admirable *opportunity* of *vindicating* of *true Religion* and *juſt liberty*, if *Divine Providence* be looked upon with a *reverent eye*, and *men fearing God*, and loving the Kings *Honour*, and *Peace* of both Kingdoms, ſhall walk worthy of their *Profeſſion*, although the Enemies have obtained ſo much of their deſires, as by cords of their own twiſting, to draw us into *England*, yet may their main deſign be diſappointed, the Rope which they have made brought upon their own necks, and their *wiſdom* turned to *fooliſhneſs*, which we have reaſon to hope for from that *Supreme Wiſdom* and *Power* which hath in all the proceedings of this work turned their devices upon their own pates that *plotted* them.

In our *Informations*, *Remonſtrances*, and the true *Repreſentation* of our proceedings ſince the laſt *Pacification*, we have ſo far expreſſed the wrongs which we have ſuſtained, and the *diſtreſſes* which we ſuffer, as may make manifeſt our preſſing neceſſity to take ſome other courſe for our preſent relief, than ſuch *Petitions*, *Supplications*, and *Commiſſions*, as we have uſed before with leſs ſucceſs than could be expected of a Kingdom from their *native* King. Before we ſtirred ſo much as with a *Petition*, we endured for many years, not only the continual *oppoſition* of the *truth*, and power of Religion by Prelates and Papiſts, but alſo the violation of all our *Liberties*, and almoſt the total ſubverſion of our Religion, which was our comfort in the ſight of *God*, and the glory of this Nation in the ſight of other Churches, who by the teſtimony of their Divines made our Reformation the meaſure of their Wiſhes, and would have redeemed it with their greateſt worldly loſſes, when groſs Popery was notoriouſly obtruded upon us in the Book of Canons and Common Prayer, without conſent or knowledge of the Churches; and the Plot of the Prelates and Papiſts wholly diſcovered how to ſettle it in both Nations: We added to our former ſufferings no other Arms but *Prayers* and *tears* unto *God*; and Petitions to our King, which were utterly rejected; the Books and corruptions againſt which we *petitioned* highly *exalted*, and by the *inſolent advice* of thoſe who govern now his Councils, labour to eſtabliſh their own ill acquired greatneſs upon our oppreſſion, and the ruins of our Religion and Liberties. We were forbidden to inſiſt, under the pain of High Treaſon, when we found our ſelves thus oppoſed and born down; ſtill inſiſting in our humble deſires we ſolemnly renewed our ſolemn and National Oath and Covenant for preſerving of our Religion and Liberties, and of his Majeſties Authority, knowing the *violation* of that Oath to be the guiltineſs which had procured our woes, and that our Repentance and turning to *God* were the means by his bleſſing for a good ſucceſs: When contrary to our deſerving and expectation his Majeſty was moved by wicked Counſel to march toward us with an Army, we chooſed rather to neglect ſuch courſes as might ſerve for our humane ſafety, than to fall in ſeeming diſobedience to our King, or to give the ſmalleſt diſtaſte to our Brethren in *England*, and therefore diſbanded our Forces, delivered all Holds which were craved, in teſtimony of our *obedience*, and ſo far complied with his Majeſties pleaſure, that notwithſtanding the determination of our lawful former Aſſembly, called by his Majeſty, we were contented that a new free Aſſembly and Parliament ſhould be appointed, where all things both concerning our Religion and Liberties might again be conſidered and eſtabliſhed. When matters Eccleſiaſtical were determined in the Aſſembly according to the Conſtitutions of the Church, in the preſence, and with the conſent of his Majeſties Commiſſioner; and the Parliament was convened for perfecting the work, although we walked therein ſo warily that no juſt provocation was given to his Majeſty, yet contrary to the Laws and Cuſtoms of this Kingdom, the Parliament ſo certainly promiſed, when his Majeſty was free of thoſe bad Counſellours, was (being egain in their power) by their advice prorogued, which to ſhew our invincible *obedience* we were centent to ſuffer, and did ſend up our Commiſſioners to *London* to render the reaſons of our Demands. When our Commiſſioners and Petitions of the Parliament, called by his Majeſty, were ſo far rejected, that they were never ſeen or heard. We ſend up our Commiſſioners again with our *Propoſitions*, which contained nothing but what was neceſſary for the *peace* and *Good* of the Kingdom, and was granted to us before under his Majeſties hand, yet could they find no anſwer at all, which will be wondred at, and hardly believed by ſo many as are ſtrangers at Court, and know not the Biſhop of *Canterbury*, and the Lieutenant of *Ireland*, with the aſſiſtance of the too too powerful Faction of the *Hiſpanioliz'd* Papiſts labour to ſhew their zeal for his Majeſties greatneſs, by oppreſſing the juſt Liberties of the free Subjects, and the Reformed Religion in all the three Kingdoms: But in place of the gracious Anſwer which we expected, our Commiſſioners were *reſtrained*, and one of the Noble men *impriſoned*; Garriſons of *Strangers* ſet over our heads, in an *inſolent* and Barbarous way exerciſing their cruelty, even againſt Women and Children; our Ships and *Goods* taken and ſunk, and the Owners ſtript naked, and more inhumanely uſed at the Commandment of abuſed Authority, by the Subjects of our own King, than by Turks and Infidels, and great Armies prepared againſt us, with a terrible Commiſſion to ſubdue and deſtroy our *ſelves*, our Religion, Liberties, Laws and all. In this extremity for us to ſend new Commiſſioners and Petitions were againſt *ſenſe* and *experience*, thoſe that Govern the Kings Counſels being far from any inclination or intention to ſatisfie the juſt deſires and *grievances* of the Subjects, as they have made manifeſt by breaking up of the Parliament in both Kingdoms, (though we know them to be often countervoted by many of that Honourable Board, more candid and peaceably minded.) To ſit ſtill in ſenſeleſneſs and ſecurity, waiting for our own deſtruction at the diſcretion of our mercileſs enemies (which were it not at this time with the Cauſe of *God* would move us the leſs) is not only againſt Religion, but Nature, teaching and commanding us to ſtudy our own *preſervation*. To endure continual *threatnings*, and ſo great *hoſtility* and *invaſion* from year to year, which is the profeſſed policy of our enemies is impoſſible, and when we have examined our own ſtrength, more than we are able to bear. We have therefore, after much agitation and debating with and amongſt our ſelves, reſolved to have our proceedings, which have been canvaſed by ſo many, and are brought to ſome point of *determination* in our own Parliament, to be better known to the Kings Majeſty, and the world, and eſpecially to the Kingdom of *England*, that againſt all falſe and artificial relations,they being nakedly ſeen to be what they are, we may obtain a better grounded and more durable *peace* for the injoying of our own Religion,and Laws; and as we deſire the unworthy Authors of our *Troubles*, who have come out from our ſelves to be tried at home, and *juſtice* to be done upon them according to our own Laws, ſo ſhall we preſs no further proceſs againſt *Canterbury*, the Lieutenant of *Ireland*, and the reſt of thoſe pernicious Counſellours in *England*, the Authors of all the miſeries of both Kingdoms, than what their own Parliament ſhall diſcern to be their juſt deſerving. When we look upon this work of *Reformation* from the beginning, and perceive the impreſſions of the Providence of *God* in it, we are forced in the midſt of all our *difficulties* and *diſtreſſes* to bleſs *God* for his Fatherly care and free love to his Church and Kingdom, and to take courage and ſpirit to proceed in *patience* and *perſeverance* whither he ſhall go before us, and lead us on. When the Prelates were grown by their Rents and Lordly Dignities, by their power over all ſorts of his Majeſties Subjects, Miniſters and others, by their places in Parliament, Council, Colledge of Juſtice, Exchequer, and High Commiſſion, to an abſolute Dominion and Greatneſs, and ſetting the one foot upon the Church, and the other upon the State, were become miſerably Inſolent; even then did the work begin, and this was the *Lords opportunity*. The beginnings were ſmall, and promiſed no great thing, but have been ſo ſeconded and continually followed by *Divine*

Providence, preſſing us from ſtep to ſtep, that the *neceſſity* was invincible, and could not be reſiſted. It cannot be expreſſed what motions filled the *heart*, what *tears* were poured forth from the *eyes*, and what *cries* came from the *mouths* of many thouſands in this Land at that time, from the ſenſe of the *love* and *power* of *God*, raiſing them as from the *dead*, and giving them hopes after ſo great a deluge and vaſtation to ſee a new world, wherein Religion and Righteouſneſs ſhould dwell. When we were many times at a pauſe, and knew not well what to do, the *fears*, the *furies*, the *peeviſhneſs*, and the *plots* of our dementat Adverſaries opened a way unto us, and taught us how to proceed; and what they deviſed to ruine us, ſerved moſt againſt themſelves, and for raiſing and promoting the work. *O Providence to be adored!* Although neither Counſel nor Seſſion, nor any other Judicature hath been all this time ſitting, and there have been meetings of many thouſands at ſome times, yet have they been kept without *tumult* or *trouble*, and without exceſs or riot, in better *order* and greater quietneſs, than in the moſt *peaceable times* have been found in this Land. When we were content at the *pacification* to lay down *Arms*, and with great loſs to live at home in *peace*, our wicked *Enemies* have been like the troubled Sea when it cannot reſt, whoſe *waters caſt up mire and dirt*, and will have us to do that which it ſeems the *Lord* hath decreed againſt them. The *purity* of our *intentions* far from baſe and earthly reſpects, the bent and inclination of our *hearts* in the midſt of many dangers, the fitting of inſtruments, not only with a deſire and diſpoſition, but with ſpirit and abilities to overcome *oppoſition*, and the conſtant peace of *heart* accompanying us in our ways, which beareth us out againſt all *accuſations* and *aſperſions*, are to us ſtrong grounds of aſſurance that *God* hath *accepted* our *work*, and will not leave us: We know the *Lord* may uſe even wicked men in his *ſervice*, and may fill their Sails with a fair gale of *abilities*, and carry them on with a ſtrong hand, which ſhould make us to ſearch our hearts more narrowly. But as this ought not to diſcourage his own *faithful Servants*, who out of *love* to his Name intend his *honour*, walk in his *ways*, find his *peace comforting them*, his *Providence directing them*, and his *preſence bleſſing them* in their *Affairs*. So can it not be any any juſt ground of quarrelling againſt the *work of God*. Yet all theſe our incouragements which have upholden our *hearts* in the midſt of many *troubles*, could not make our entry into *England* warrantable, if our *peace* (which we earneſtly ſeek and follow after) could be found at home or elſewhere. Where it is to be found we muſt ſeek after it, and no ſooner ſhall we find it clearly ſecured to us, but by laying down our Arms, and by the evidences of our *peaceable* diſpoſition, we ſhall make it manifeſt to the world, and eſpecially to the Kingdom of *England*, that we are ſeeking nothing elſe but *peace*, and that our taking up of Arms was not for Invaſion, but for Defence. No man needeth to plead by *poſitive Law* for *neceſſity*. It is written in every mans *heart* by *nature*, and in all *actions* we find men have received it by *practice*, *that Neceſſity is a Sovereignty*. A Law above all Law is ſubject to no Law, and therefore is ſaid *to have no Law*. Where *Neceſſity commandeth*, the Laws of *Nature* and Nations give their *conſent*, and all *poſitive Laws* are *ſilent* and give place. This Law hath place, ſometimes to *excuſe*, ſometimes to *extenuate*, and ſometimes to *juſtifie* and *warrant actions* otherwiſe queſtionable: And no *greater neceſſity* can be than the *preſervation of Religion*, which is the *Soul*; of the *Country*, which is the *Body*; of our *Lives*, who are the *Members*; and of the *honour* of our King, who is the *Head*. All theſe at this time are in a common hazard, and to *preſerve* and *ſecure* all, we know no other way under the Sun. (And if any be ſo wiſe as to know it, we deſire to hear it, and ſhall be ready to follow it) but to take order with our common Enemies where they may be found, and to ſeek our *aſſurance* where it may be given. The Queſtion is not, Whether we ſhall content our ſelves with our own *poverty*, or *enrich* our ſelves in *England*? That Queſtion is *impious* and *abſurd*. Neither is the Queſtion, Whether we ſhall *defend* our ſelves at *home*, or *invade* our *Neighbours* and deareſt Brethren? This alſo were *unchriſtian* and *unreaſonable*. But this is the Queſtion, Whether it be *Wiſdom* and *Piety* to keep our ſelves within the Borders till our *Throats* be cut, and our Religion, Laws, and Country *deſtroyed*? Or, ſhall we beſtir our ſelves, and ſeek our *ſafeguard*, *peace*, and *liberty* in *England*; whether we ſhall *do* or *die*, whether we ſhall *go* and *live*, or *abide* and *periſh*? Or more largely to expreſs all, Whether we who are not a few *private perſons*, but a whole Kingdom, ſhall lie under the *burden* of ſo many *accuſations*, as ſcarcely in the *worſt times* have been charged againſt Chriſtians, receive the Service Book, and the whole body of Popery, embrace the Prelates and their abjured Hierarchy, renounce our ſolemn Oath and Covenant, ſo many times ſworn by us, loſe all our labour and pains in this Cauſe, and forget our former *ſlavery* and wonted deſires of *redemption* at the deareſt rate; tickle the minds of our enemies with *joy*, and ſtrengthen their hands with *violence*, and fill the *hearts* of our Friends with *ſorrow*, and their *faces* with *ſhame* becauſe of us; *deſert* and *diſhonour* the Son of *God*, whoſe Cauſe we have undertaken, whoſe *Banner* we have *diſplayed*, and whoſe *truth* and *power* hath been this time paſt more comfortable to us, than all the *peace* and *proſperity* of the world could have rendered, and draw upon our ſelves all the *Judgments* which *God* hath executed upon Apoſtates ſince the beginning, and ſhall we fold our hands, and wait for the perfect *ſlavery* of our ſelves and our Poſterity, in our *Souls*, *Bodies*, and *Eſtates*, and (which is all one) fooliſhly to ſtand to our *defence* where we know it is impoſſible? Or ſhall we ſeek our relief in following the Calling of *God* (for our *neceſſity* can be interpreted no leſs) and entring by the *door* which his *Providence* hath opened unto us, when all ways are ſtopped beſide. Our Enemies at firſt did ſhroud themſelves ſo far under the Kings Authority, that they behooved to ſtand or fall together, and that to Cenſure them was Treaſon againſt the King. Now we have ſhewn that a Kings Crown is not tied to a Prelates Mitre, and that the one may be caſt unto the ground, and the other have a greater luſtre and glory than before. Now they take themſelves to another ſtarting hole, and would have men to think that to come into *England* againſt them is to come againſt *England*, and to purſue them, although Legally, is to invade the Kingdom where they live; as if the cutting away of an Excreſcence, or the curing of an Impoſtume were the killing of the *Body*. Let them ſecure themſelves under the ſhelter of their own *Phantaſies*, but we are not ſo undiſcerning, as like mad men to run furiouſly upon ſuch as we firſt meet with and come in our way: For although it cannot be denied but the wrongs done to us, as the breaking of the late *Peace*, crying us down as Rebels and Traytors, the taking of our Ships and Goods, the Impriſoning of our Commiſſioners; the Acts of Hoſtility done by the Engliſh in our Caſtles: Had they been done by the State or Kingdom of *England*, there might have been juſt cauſes of a National quarrelling, yet ſeeing the Kingdom of *England* convened in Parliament have refuſed to contribute any Supply againſt us, have ſhewn themſelves to be preſt with *grievances* like unto ours, and have earneſtly pleaded for redreſs and remedy, and a Declaration made that his Majeſty out of Parliament will redreſs them, which might be a cure for the grievances of particular Subjects: But National grievances require the hand of the Parliament for their cure; for preventing whereof the Parliament was broken up and diſſolved. Neither do we quarrel with the Kingdom for the Injuries which we ſuſtain, but our quarrel is only with particular men, the Enemies of both Nations: Nor can they quarrel with us, for taking order with the prevalent Faction of Papiſts and Prelates, the Authors of ſo many woes to both Nations.

Let all who love Religion and their *Liberty* joyn againſt the common Enemies, and let them be accurſed that ſhall not ſeek the preſervation of their neighbour Nation, both in Religion and Laws, as their own; as knowing that the ruine of one will prove the ruine of both. And knowing well (as having from their own Counſels diſcovered it) that the ruine of both was intended, and that it was ever their plot and purpoſe, that if they could not engage our deareſt Brethren, and neighbour Nation in a War for our *deſtruction*; then to give us ſome ill aſſured *peace*, which might bind our hands, and hold us quiet, until the yoak of bondage were more heavily and unremovably laid upon our Brethren of *England* by the help of ſuch an Army as was pretended to be gathered againſt us, rooting out the Godly people, and active ſpirits of that Nation, and all thoſe who, as good Patriots, ſtand well affected to Religion, and their juſt *Liberties*, and might be ſuſpected would dare ſtir for the defence and maintenance of either, and thereafter eaſily find ground to break again with us, when they were once aſſured that we were like to ſtand alone: And all the benefit of our *Peace* ſhould be, to be laſt *deſtroyed*.

And as we atteſt the *God* of heaven, that thoſe and no other are our *Intentions*, ſo upon the ſame greateſt atteſtation do we declare, That for atchieving thoſe ends, we ſhall neither ſpare our *pains*, *fortunes*, nor *lives*, which we know cannot be more profitably and honourably ſpent. That we ſhall not take from our Friends and Brethren from a *Thread* even to a *Shooe Latchet*, but for our own moneys, and the juſt payment: That we come amongſt them as their Friends and Brethren, very ſenſible of their by-paſt-ſufferings, and preſent dangers both in Religion and Liberties, and moſt willing to do them all the good we can, like as we certainly expect that they (from the like ſenſe of our hard condition and intolerable diſtreſs which hath forced us to come from our own Country) will joyn and concur with us in the moſt juſt and Noble ways for obtaining their and our moſt juſt deſires. And when our own *moneys* and means are ſpent, we ſhall crave nothing but upon ſufficient ſurety of payment how ſoon poſſibly it can be made, what is neceſſary for the entertainment of our Army, which we are aſſured ſo many as love Religion and the *peace* of both Kingdoms will willingly offer, as that which they know we cannot want, and in their wiſe foreſight will provide the way to furniſh neceſſaries, and to receive the *ſurety*. This courſe being kept by both ſides, will neither harm our Brethren (for they ſhall be ſatisfied to the laſt *farthing*) nor our ſelves, who look for a recompenſe from the *rich Providence* of *God*, for whoſe ſake we have hazarded the loſs of all things.

The eſcapes of ſome Souldiers (if any ſhall happen) we truſt ſhall not be imputed to us, who ſhall labour by all means to prevent them more *carefully*, and puniſh them more *ſeverely* than if done to our ſelves, and in our own Country. Our profeſſed Enemies the Papiſts, Prelates, with their Adherents, and the Receivers of their *Goods* and *Geir*, we conceive will be more *provident* than to refuſe us neceſſary *ſuſtentation*, when they remember what Counſel was given by them for Declaring all our *Poſſeſſions* to be *forfeited*, and to be diſpoſed of to them as well deſerving Subjects.

We ſhall demand nothing of the Kings Majeſty but the ſettling and ſecuring of the *true Religion* and *Liberties* of this Kingdom, according to the Conſtitutions and Acts of the late Aſſemblies and Parliament, and what a *juſt* Prince oweth by the Laws of *God* and the Country to his grieved Subjects, coming before him with their *humble deſires* and *ſupplications*. Our abode in *England* ſhall be no longer time than in their Parliament, our juſt *Grievances* and *Complaints* may be heard and Redreſſed, ſufficient Aſſurance given for the legal trial and *puniſhment* of the Authors of their and our *Evils*; and for Reforming and injoyning their and our Religion and Liberties in *peace*, againſt the Machinations of Romiſh contrivance acted by their degenerate Country-men. Our returning thereafter ſhall be with expedition in a peaceable and orderly way, far from all moleſtation; and we truſt the effect ſhall be againſt Papiſts, the extirpation of Popery; againſt Prelates, the Reformation of the Church; againſt Atheiſts, the flouriſhing of the Goſpel; and againſt Traitors and Firebrands, a perfect and durable *Union* and *Love* between the two Kingdoms: which He grant who knoweth our *Intentions* and *deſires*, and is able to bring them to paſs. And if any more be *required*, *God* will *reveal* it, and go *before* both Nations, and if *God* go *before* us, who will not *follow*, or refuſe to put their *necks to the work of the Lord*?

The Battel of Lutzen, 1632. *when the King of* Sweden *was ſlain, with Circumſtances preceding the ſame.*

THe King being arrived at *Naumburg* upon *Thurſday November* the firſt, (old Style) took order to have his Army lodged in the Field, Town, and Suburbs. The ſame day the King went out upon a Party, for diſcovering of the Enemy. After him, that Afternoon, went theſe three Gentlemen of the Engliſh Nation, Lieutenant-Col. *Francis Terret*, or *Terwhit*, Sergeant-Major *John Pawlet*, and Captain *Edward Fielding*; Theſe three going alone by themſelves, to a forſaken Village, where there were two ways thorow it (the King having gone the left-hand way, and they now taking the right) fell into an Ambuſh of the *Crabats*: The firſt, and the laſt named of theſe three, were taken Priſoners by two Rit-maſters of the *Crabats*: One of them, named *Potnick*, a Greek Captain. Theſe two Gentlemen, being carried Priſoners into the Imperial Leaguer, were on the day of the Battel kept Priſoners in the Rear of the Enemies Army, and after the Battel haled into *Prague* among the fleeing Imperialiſts. They were the firſt night carried into *Weiſſenſels*, where *Walenſtein* then lay in the Caſtle of it. He ſent the Count of *Pappenheim* to them, the ſame Evening; to enquire of the

King of *Swedens* Strength, Lodging, and Intentions. The moſt of the Imperial Foot lay now in, and near about this *Weiſſenfels*: Seven or eight hundred of them keeping Guard upon the Market-place. The Imperialiſts then gave out themſelves to be 50000. but it appeared to be ſpoken by a figure, and to terrifie the King: For that they were not any thing near that number.

To return to the King: His Majeſty the next day (being *Friday*) in Perſon viſited all the Avenues and Paſſes about the Town, and went out again with great Parties of Horſe, to take ſome Priſoners, by whom to learn ſomething of the Enemies. Finding that the Imperialiſts lay ſtill; and that the Paſſes, by which he ſhould have gotten to them, were both dangerous and difficult: He returned at night again, and gave order to entrench the Army before *Naumburg* towards *Weiſſenfels*. Till the Trenches could be made, the Army lay in the Field: After which, the Foot were enquartered in the Town and Suburbs, and the Horſe in the next Villages: Some two or three thouſand being only left abroad all night to watch the Trenches.

Upon *Sunday*, *November* 4. came there a *Saxon* Boor to *Naumburgh* unto the King, with a Letter in his hand, to ſhew. The Letter was written by the Count *Coloredo*, Sergeant Major-General of the Imperial Army, unto an Officer of his, that lay with his Regiment at *Querfurdt*, on the Weſtern ſide of the River *Sala*, right againſt *Hall*, and ten Engliſh miles from it. *Coloredo* had enforced this Boor to carry this Letter; And the Contents of it were to this purpoſe: That the *Generaliſſimo* had ſent the Count of *Pappenheim* to take the *Hall*-Caſtle: That his men of *Querfurdt* ſhould march up to joyn with *Pappenheim*: And that the next Morning the Imperial Army was to part from *Weiſſenfels*. This Letter ſeems to have been written upon the *Saturday* night: According to which date, it agrees rightly with *Walenſteins* diſcamping from about *Weiſſenfels*; which was indeed done upon the *Sunday*; after that *Pappenheim* was diſpatched towards *Hall*-Caſtle.

Upon this Intelligence, his Majeſty the ſame day, Duke *Bernard*, and Serjeant-Major *Kniphauſen*, being at a Council of War, the King propounded the great queſtion unto them two; Whether that in *Pappenheims* abſence, (he being gone to take in *Hall*-Caſtle) the Duke of *Fridland* alone were to be ſet upon? Duke *Bernard* was for the valiant Affirmative: That the advantage was good; and that ſeeing they knew not how how long they ſhould enjoy the opportunity of this diviſion; *Walenſtein* was preſently to be attacked. But Major *Kniphauſen* was for the ſober Negative; and that the Enemy was not to be fought withal: His reaſons were two:

Firſt, No man is to fight, but when he is apparently ſtronger than his Enemy, which the King at this time was not.

Secondly, No man is to attack a ſtronger Enemy, unleſs compelled by a preſſing and unavoidable neceſſity: That is, either to force his paſſage when he is hemmed in; or when hunger and want of Victuals conſtrain him to it. Neither of which being the Kings caſe, there was no reaſon for preſent fighting.

Theſe Reaſons ſo far prevailed with the King, that giving over all thoughts of preſent fighting, he was reſolved to have left a Garriſon in *Naumburg*, and to have marcht with his whole Army to conjoyn with the Dukes of *Saxony* and of *Lunenburg*, who deſigned to joyn their Forces to the Kings Army, being eight thouſand Horſe and Foot.

The King being thus reſolved, ſends Poſt unto the Elector of *Saxony*, to inform him of his purpoſes, and to lay the Plot for their uniting. The King deſired him to come to *Eilenburg*, upon the Weſt of the River *Mulde*, 14 miles Weſt of *Torgau*, where the Duke then lay with an Army of 4000 Foot, and as many Horſe: whereof 2000 Foot and 1500 Horſe were the Duke of *Lunenburgs*.

Walenſtein the ſame Sunday, drew out from *Weiſſenfels*, leaving a Captain onely with his Hundred Men, for the keeping of the Caſtle. Thence marched *Walenſtein* unto *Lutzen*, two Dutch Leagues to the Eaſt of it: where, and in the Dorps round about it, his whole Army enquartered.

The next day being Monday *Novemb.* 5. the King according to his former Reſolution, parted out of *Naumburgh*, to go towards the Duke of *Saxony*, leaving the Town and Garriſon under the Command of the *Saxon* Colonel *Vitzdum*. For the more lightneſs and expedition in his March, he commanded his Baggage to ſtay with the Garriſon ſtill in *Naumburgh*, for a day or two; being he thought but onely to have gone and joined with the Elector of *Saxony*, and then to have returned again to *Naumburgh*. He ſuppoſing withal, that *Pappenheim* being now abſent, and *Walenſteins* men not together, that he ſhould not be diſturbed in his March. About Four, before day-light (the Drums having beaten ever ſince One of the Clock) on the Monday morning he advances towards *Pegau*. The King having notice of *Walenſteins* forſaking *Weiſſenfels*, ſends by the way, to take in that Caſtle. The Hundred Men that *Walenſtein* had left in it, did *Coloredo* come ſo timely to fetch off, that he had done it a very little before the *Swedes* coming.

In the middle of his March, about ten of the Clock the ſame Forenoon, came there ſome Gentlemen riding, and ſome Boors running to the King, with advice that the Imperialiſts were lying ſtill in ſeveral Dorps and Villages hard by, about *Lutzen*, without any intelligence at all of the Kings being in motion. This the King being informed of, calls preſently his High Officers to a Council of War, to adviſe what were beſt to be determined. His Majeſty even then, (and then firſt) put on the Reſolution for Fighting; openly ſpeaking it out, That he now verily ſuppoſed that God had given his Enemies into his hand. Ho! Brave Occaſion, ſays the Duke of *Saxon—Lawenburg*: Now God bleſs us (ſay divers great Officers) it is a happy opportunity. And truly ſo it was; for divers Priſoners (even then brought in by the Kings Parties, and by Boors) being by the King examined whether they had any Alarm in their Quarters, of his Marching: freely confeſſed that they had none, and ſo much was evident enough, for that they were now ſurprized in their Quarters. Thus thought all the Officers: all being reſolved to fall on preſently; and indeed there was great reaſon for it: for could the Kings Army have fallen in amongſt thoſe Villages, he had given a Camiſado to ſeveral of their Quarters at once, have cut off all ſingly, for that they could never have come together, to unite their Forces, or have ſuccoured one another. This was evident.

The Gentry and Boors that brought him the intelligence, told him *Lutzen* was but hard by: which the King was in good hope of, for that he was even then in ſight of it. The Army advanced ſtoutly, and doubled their March upon it: but their Legs found it a longer way than their Eyes, it being a ſad Campagnia, full eight Engliſh miles of ground to *Lutzen*. Beſides all this, was there a filthy Paſs in the way, at a Bridge over a River, (where but one or two men could go over abreſt) which hindred the Army full two hours going. By this hindrance, was it even night before the Army could get within two Engliſh Miles of *Lutzen*.

This ill-favoured Paſs was within two Engliſh Miles of *Lutzen*, and in the Village that belonged to it, were there two Imperial Regiments of Horſe (one of them Crabats) enquartered. Theſe having a little notice of the Kings coming, had gotten up their Horſes, and taken up a high Hill on the other ſide of the Paſs next to *Lutzen*; they made as though they would have diſturbed the Kings paſſage, but they did not, the Kings Foot marching fairly over, with ſome Horſe amongſt them. Some of the Kings Foot were ſtill marching over, till it was dark night or within it. Thoſe that got over firſt, entertained a ſlight Skirmiſh with the Imperial Horſemen, without any loſs to the King, killing ſome 50 or 100 of them, and taking one Crabats Enſign. And now the King taking another Hill (right againſt that which the Imperialiſts poſſeſſed) he from thence let fly ſome pieces of Ordinance amongſt them, which cauſed them to take the benefit of the night, with ſome confuſion to march off in.

And here the King being ſurprized with the darkneſs, was forced to ſit down in the open Fields with his Army, himſelf lying in his Coach, as other Officers did that had them. Here lay he all night in Battalia, every Regiment lying down in the ſame order that they had marched, with their Arms by them. The Pike-men they ſtuck up their Pikes an end by them; and every Rott (that is every ſix) of Muſquetiers bringing their Muſquets to their Rott-maſter, he ſet them right up with their mouths upward, and bound them together with a piece of Match, where they ſtood ready at hand for all occaſions.

The Imperial Army was in a terrible Hubub at the Kings coming over the Paſs; for now was the Alarm ſent in hot to all the ſeveral Dorps and Quarters, even from *Lutzen* unto *Hall* and *Leipſich*. Order upon pain of Death was given, for every man of the Imperial Army, with all ſpeed poſſible, to repair towards *Lutzen*, to their Generaliſſimo. Preſently upon this began all the Regiments to draw together, ſome of which were all night upon their Marches, and ſome Horſe that Quartered very far off, being not able to reach up till 10 of the Clock the next morning. And thus (even then) did the Miſt ſo long keep off the King next morning, till his Enemies could be made ſtrong enough for him.

As every Regiment came in, ſo were they put into order, which continued all night long, as the two Engliſh Gentlemen (then Priſoners there) obſerved. About 10 at night did *Walenſtein* begin to think of the places moſt advantagious for the planting of his Ordnance; ſome of which having mounted upon the Windmill-hills, he then began to caſt up a Trench of Earth about them. All night and next morning his Dragoons and Pioneers wrought with their Spades about the High-way, and to make the Ditches or Drain by it, ſerve them for a Breſt-work to lodge their Muſquetiers in. And this was their work too, all the next miſty morning, which fatal Weather gave them alſo the more reſpite to recover their fears and wearineſs, and to fortifie themſelves againſt their unconquered Enemy. And thus was the night (the laſt night to ſome thouſands) over-paſſed.

The King now over the Paſs, had put himſelf into a neceſſity of Fighting; and being thus engaged, the ſooner he fought, the better: for that his Enemy ſhould be the leſs provided for him.

Tueſday (that fatal ſixth of *November*) at laſt began to draw near, and alas it came all too early. A gentle Miſt, as if fore-dooming how black a day it would be, did his good will to have kept it Night ſtill; and the Sun, as if his great eye had before hand over-read the fatality of the following day, ſeemed very loth to have begun it. But the Martial King, even forcing himſelf to awaken time, and haſten on Mortality, would needs make theſe Clocks and Larums of the Wars, his fatal Drums, to beat two hours before day-light. Arm, Arm, repair to your Colours, keep your Order, ſtand to your Arms. Theſe were the morning Summons to awaken the hearty Souldiers from a cold, a hard, and earthly Lodging. The Army was eaſie to be put in order, for that the moſt part of it had lain and ſlept in Battalia. One while was the King purpoſed to have advanced and fallen on preſently: but the War being Gods Cauſe, he would, like *David*, and himſelf, firſt ask Council of the God of Battels, and at leaſt recommend his own Cauſe unto him. The Drums having beaten the firſt march, he cauſed Prayers to be read to himſelf by his own Chaplain D. *Fabritius*; and when there were Miniſters at hand, the ſame was done through every Regiment of the Army.

The Morning proved ſo miſty, that it was not poſſible to ſee which way to march, nor where to find an Enemy to ſtrike at. And this (unluckily) ſtaid the Kings thoughts from advancing preſently. This was a Fog of advantage unto *Walenſtein*, who purpoſing but to ſtand his ground, (which by working all night about the Ditch and High-way, his Pioneers had made more troubleſom to be aſſaulted) was now reſolved that, if he muſt fight, he would there abide the firſt ſhock; and no way to ſeek the Battel, or to move towards his Adverſary.

About Eight of the Clock the Miſt brake up, and but for one miſchance in it, promiſed as fair a day as ever was ſixth of *November*. As it began to clear, the King took occaſion to encourage up his Souldiers; and going to his own Subjects firſt, he to this purpoſe beſpake them.

The Kings Oration to the *Sweeds.*

My dear Brethren, carry your ſelves bravely this day; fight valiantly, in Gods name, for your Religion, and for your King. This if you do, Gods bleſſing, and the Peoples praiſes, ſhall be your guerdon: and you for ever ſhall even be laden with an honourable and glorious memorial: nor will I forget to reward you nobly. If you play the Pultrons, I here call God to witneſs, that not a bone of you ſhall ever return again to Sweden.

To the *Germans.*

To the *German* Troops this was the Oration. *O you my Brethren, Officers, and Fellow-Souldiers of the German Nation! I here moſt earneſtly intreat and beſeech you, to make full trial of your valour this one day againſt your Enemies; fight manfully againſt them this day, both with me, and for me. Be not faint-hearted in the Battel, nor for any thing diſcouraged. Set me before your eyes, and let me be your great example.*

Theſe Orations of the Kings, being from both Nations, with a horrid claſhing of their Armour, and with chearful Vows, and Acclamations, anſwered; the King as chearfully then replied: *And now, my hearts, let us on bravely againſt our Enemies: And God proſper our endeavours.* Sprightfully withal caſting his eyes towards Heaven, he with a loud voice ſent up this forcible Ejaculation, *Jeſu, Jeſu, Jeſu, Vouchſafe thou this day, to be my ſtrong helper; and give me courage this day to fight for thy glory, and the honour of thy great names ſake.*

The Kings Prayer.

His Attendance.

His Royal Perſon was that day waited upon by Duke *Francis Charles* of *Saxon-Lawenburg*, and by ſome of his Majeſties own neareſt Servants.

The Lord *Crailſham* alſo, Great Maſter or Marſhal of his Majeſties Houſhold, had the leading of a Body of Reformadoes, which were eſpecially commanded to wait upon the Kings own perſon. And amongſt theſe were our *Engliſh* and *Scottiſh* Gentry and Officers, whom the King had at *Schlenſing* heretofore reformed. Of this Body (which conſiſted of ſeveral Nations) were there ſtill ſeven or eight to be cloſe about the King, ready to be ſent with Orders up and down the Army, who were ſtill ſupplied by *Crailſham*. The King was that day attired, as uſually he was accuſtomed, in a plain Buff Coat, and unarmed. Some report that a tenderneſs in his ſhoulder, where a Muſquet Bullet had a long time ſtuck, would not ſuffer him to endure Armour. And therefore when he was this morning deſired to put on his Corſlet, he ſaid, *The Lord was his Armour*; and refuſed it.

His Watch-word.

The Kings Watch-word, was the ſame which had been of ſo good an *Omen* before at *Leipſich*, **Gott mit uns**, *God with us*. The General *Walenſteins* being now the ſame which *Tillies* then was, *Jeſus Maria*. This was the Kings order of embattailing his whole Army, which now (after he had left ſome at *Naumburgh*, and at *Weiſenfels*, was between 17 and 18000 men) he divided into two Fronts; and each of theſe into the Wings and Battel, with their Reſerves. Each of the Wings was compoſed of ſix ſeveral Regiments or Squadrons of Horſe, lined with five ſeveral Bodies of commanded Muſquetiers; every one of which Bodies had two ſmall Drakes or Field-Pieces, which advanced playing ſtill before them. The Battel in each Front, conſiſted of four Brigades of Foot, a Reſerve of Front, and a Reſerve of Horſe hindmoſt of all, betwixt the two middle Brigades of the Reer, or ſecond Front. Before each Brigade marched ſix Pieces of greater Ordnance. And this was the firſt ſight of the Figure.

His Order.

The Right Wing was led by the King himſelf; the firſt Brigade Bodies of Commanded Muſquetiers, were commanded by the Count of *Eberſtein*. The Horſe Squadrons of the Left Wing were committed unto the Glory of the Day, Duke *Bernard* of *Saxon-Weymar*. The five Bodies of Foot in the Left Wing, were the charge of the Colonel *Gerſdorff*. The Battel made up of the four Brigades of Foot, was commanded to the Swediſh Count of *Nieles*, Colonel of the Kings Life-guards. The four Foot Brigades of the ſecond Front, or Reer, were commanded by *Dodo Kniphauſen*, Serjeant Major General of the whole Army, to whoſe fair Conduct the Victory is alſo much beholden. The Horſe of the Right Wing were entruſted to Colonel *Claus Conrade Zorn* of *Bulach*, by which name of *Bulach* he is commonly known. The Horſe of the Left Wing were committed to Prince *Ernest* of *Anhalt*. The Reſerve of Foot was commanded by Colonel *John Henderſon* a Scottiſh Gentleman: and the Reſerve of Horſe by Col. *Ocem* of the *Palatinate*.

Walenſteins Order.

The Imperial Army had his Excellency the Generaliſſimo thus ordered. He firſt drew it all up into one mighty Front: which he then divided into three Bodies. His Right Wing of Horſe (whoſe end was near the Town of *Lutzen*) was committed to the Count *Ridolfo Coloredo*, that day Serjeant Major General of the Army. This Wing had alſo its Commanded Muſquetiers, beſides ſome others that were lodged in the Gardens by the Town aforeſaid. This Wing having alſo the advantage of the Windmills, and their Hills, by the Town ſide, made uſe of thoſe Natural Batteries for the planting of nine Pieces of Ordnance; the Mills and Millers

Houſe ſerving them alſo for a good ſhelter. The Battle or middle Ward, was commanded by the Duke of *Fridland* himſelf, whoſe place was ſaid to be in the head of that great Regiment of *Piccolominies* Horſe, which was in the very middle of the Foot Regiments. The left Wing oppoſite to the right Wing, was led by Colonel *Hendrick Holck*, newly made Lieutenant-Felt-Marſhal unto *Pappenheim*, who but commanmanded untill Felt-Marſhal *Pappenheim* ſhould be come into the Field.

The Figure deſcribed.

All this Imperial Order of Embattailing, is preſented in one mighty Front; ſo namely, as it appeared to the Kings people, and to him that took the Figure of it: ſince (very largely) Cut and Imprinted in Copper, by *John Jacob Gabler* of *Leipſich*; who alſo by the Kings own directions, after the Battle at *Leipſich*, made a deſcription laſt year, and ſet forth the Figures of the Battle of *Leipſich*. And the manner of the ſame Figures of the Battle of *Leipſich*, we have in have in this alſo followed. We know that betwixt every Brigade of Foot, there ſhould be ſo much room left, as that another Brigade might advance up in the diſtance between them being the breadth of one of them.

Having thus deſcribed the Order, the Field of the Battle would next be conſidered of. The King had a North-Eaſterly march of it, from *Naumburgh* towards *Lutzen*; ſo that the riſing of the Sun was ſomething within a while favourable. The Wind alſo (that little that was) blew fairly for him; ſo that the King very joyfully ſpake it, *I thank God I have both Wind and Sun to favour me.*

The Country was a goodly vaſt Level and Campaign as Corn Lands could be, even as far almoſt as the Eye could rove over. And yet was the place of Battle ſubject to as many accidents (and *Walenſtein* was Maſter of them all) as a plain Country almoſt could be. The King right in his way of advancing, had a wet Ditch (made by hand) called the *Floſſgraben*, cut traverſe to him, ſo that he was fain to edge about to the Right with his whole Army, to paſs by it; and then to edge as much to the Left again, to put himſelf right before the Enemy. The Imperial Army was embatled all along beyond a broad High-way, which led from *Lutzen* unto *Leipſich*. On this ſide of this, was there a kind of a broad Drain, or a Ditch, which ſerved for bounding and ſaving the Plowed Lands, and to keep withall the High-way the drier. This had *Walenſteins* Pioneers beſtowed ſome coſt upon: ſo that putting ſome Commanded Muſquetiers down into it, it ſerved them as well as a Trench or Breſt-work. This was ſo troubleſom for the Kings Horſmen, that many of them were overturned and left behind, in the getting over to charge *Walenſtein*; for indeed there were divers Gaps through it, which the Horſe juſtling for, overturned one another. The ground alſo, behind the Ditch, had two little riſings, and thoſe did *Walenſtein* make choice of, for the planting of ſome Pieces: That part of the High-way alſo towards *Lutzen*, had an old Trench or dry Ditch drawn to it, which being nothing of it ſelf, but a Boundary for Lands; that alſo did *Walenſtein* put Muſquetiers into, which ſerved them like the High-way Ditch, for a Parapet or Breſt-Work. A pretty diſtance beyond the High-way, near unto the Town of *Lutzen*, were there three or four Windmills, amongſt which, another Party ſtood. Behind theſe had *Walenſtein* lodged ſome Muſquetiers, and the Mill-hills ſerved as natural Batteries for him to plant nine Pieces of Ordnance upon. Between the Mills and the Town, were there divers Gardens with Mud-walls round about them; and in theſe alſo (in one of them three hundred being after found dead) had he cauſed

Muſquetiers to be placed. *Leipſich* High-way, as it went ſloping along, ſo had he cauſed his men to bend and hang towards it.

And now to the Action. The Sun having by nine of the Clock clearly diſpelled the Fog, it proved as promiſing a morning as ever was ſixth of *November*. And now the King ſhot his looſing or Warning-piece; and ſo advanced.

The King advances.

Being paſſed the the *Floſs-graben*, he left alſo the Dorp of *Churſitz* behind him: betwixt which and his Army, he left his Coach and his Ammunition Wagons, of which there were not above 100 at moſt, the King having left the reſt at *Naumburgh*, with no purpoſe of fighting. The King advanced, till he came with the end of his right Wing within Muſquet-ſhot of a little Wood: having all the way a full view of the Imperial Army.

That *Walenſtein* much over-powered the King in number, may appear by the mighty long Front that he put out, near two Engliſh miles from one Wings end to the other. This is alſo to be conſidered, that *Walenſteins* Diſcipline is to march ten deep in a File; whereas the King was no more but ſix deep of Foot, (I mean) and of the Horſe but three or four deep, according as the Brigades were either ſtronger or weaker. Beſides this, that *Walenſteins* Files were all the way almoſt as deep again; his Ranks alſo were in Front ſo much longer, that the King was fain to ſend for *Bulach*, and all the Squadrons of Horſe, from the right Wing of the Reer, or ſecond Front, to imp out his Feathers at the end of the right Wing, for fear that *Walenſtein* ſhould ſurround him. Theſe Squadrons, when General Major *Kniphauſen* found out of their places, he ſent a Gentleman to his Majeſty, to know whether he had otherwiſe imployed them. The King was at the ſame time likewiſe ſending the Duke of *Saxon-Lawenburg* unto *Kniphauſen*, to tell him that he would but uſe them in that firſt Charge,and then return them back again to their Order. The Duke meeting with the Gentleman, and telling him thus much, both then returned to their places.

The King wondred not a little at it, when he ſaw how fair a Clew *Walenſtein* ſpread; affirming to thoſe about him, That if he had any Seconds behind his firſt Front, he could not judge him to be leſs than 30000.

True it is indeed, that *Walenſtein* had given out *Proviant* Commiſſions for 40000. and ſometimes for 50000. Men; but yet had he not ſo many fighting Men, for that there were at leaſt 10000 Women, Servants, and Children, and ſuch Hangbies belonging to the Army, which are to be diſcounted. Beſides this, it is to be conſidered, that *Walenſtein* had but one Front, and the King two. So that we may well allow *Walenſtein* to be 20000 in the firſt Front, at the very firſt ordering of the Battle. After which accounting thoſe that were ſtill coming in, even till 10 a Clock, and *Papenheims* Horſe and Dragoons, which came in about One or Two of the Clock; and his Foot, (who, as was thought made the ſecond fierce Charge towards night,) and then (doubtleſs) theſe could not be fewer than 10 or 12000 which made up in all 30000 fighting men.

The Armies being come within Cannon-ſhot, the great Ordnance began to play one upon another terribly. The Air roar'd, and the Earth trembled, and thoſe manly hearts that feared not dying, were yet very loth to have no more play for their lives, than to be beaten to pieces with the Bullet of a Cannon. And here had *Walenſtein*, ſurely, a great advantage over the Kings Army: for his Ordnance being all ready planted upon ſteddy and fixt Batteries, the Cannoneers traverſed their Pieces, and delivered their Volleys with more aim than the Kings men could poſſibly, who were in motion ſtill, and advancing. His Majeſties Cannon, ever after it was diſcharged, was there left to be brought after; the Army ſtill advancing, and marching away from it. The King liked not this ſport, for that the Imperial Cannon did his men far more ſpoil and execution, than he poſſibly could again return them. Seeing therefore no good to be done this way, he commands his Army to advance upon the very mouth of the Cannon, and to charge towards the High-way, and to beat out thoſe Muſquetiers that were lodged in it.

The Imperial Army ſtood their ground all this time, expecting that the fierceneſs of their Enemies Charge, would indifferently well be abated by that time they had beaten out thoſe Muſquetiers, and had put themſelves out of Order and Breath, with ſcrambling over the Ditches. And indeed the place being almoſt mans height, many of the Kings Horſemen were there left tumbling up and down; but of the reſt that got over, this was the order of their Charge: The Commanded Muſquetiers, and the Foot of the *Swedes* Brigade having cleared the High-way. The whole Front advanced to charge together.

The Order of the firſt Charge.

This whileſt they were doing, the little Drakes or Field-Pieces (two of which marched before every body of Muſquetiers that lined the Horſe of the Wings) were firſt fired, and the Muſquetiers at the ſame time giving their firſt *Salve*, the Horſe then charged home upon the Imperial Horſe, by the Drakes and Muſquetiers, ſomething before diſordered. This Order was held in the firſt Charge by the whole Front of the Army.

But I muſt now leave the Battle and left Wing engaged, to ſpeak of the Right Wing: Firſt, where the King in perſon commanded.

The Kings Speech of the Imperial Curiaſiers.

The King at his firſt advancing, having obſerved whereabouts in the Imperial left Wing (now oppoſite to him) the Crabats were marſhalled; and where the Curiaſiers, who were compleatly armed in black Harneſs Cap-a-Pee, he calls the *Finniſh* Colonel *Stolhanſche* to him, (as 'tis likely he did other Colonels, as he rode along) and pointing to the Enemy, *As for thoſe Fellows* (meaning the Crabats) *I care not for them*, ſays the King, *but Charge me thoſe black Fellows ſoundly, for they are the men that will undo us.* Thus much did *Stolhanſche* himſelf oftentimes (and at Table) relate unto divers Gentlemen of the *Engliſh* and *Scottiſh* Nation; ſome of which tell the Kings words from *Stolhanſches* mouth, this way; *Charge me thoſe black Fellows ſoundly, for 'tis propheſied they ſhall be the ruine of me.* But this word Propheſie, others confeſs that they heard not.

The Couragiouſneſs of the King.

The King was deſigned to fight, at the head of the *Smalanders* Squadron, himſelf was ſtill the foremoſt, with his Piſtol in one hand, and his Sword in the other. The *Oſtro Goths*, or the *Uplanders* did now advance and charge the Enemy. Perchance theſe three now got the ſtart, and were ſomething more forward than the three Squadrons of the *Ingermanlanders*; the *Weſt Goths*, and the *Finlanders*, towards the end of the Wing.

Theſe three Squadrons, indeed, fell not on at the ſame place with the King, but advanced directly upon the Faces of thoſe three Imperial Regiments of Curiaſiers. Nor were they blamed after the Battle for any ſlackneſs, or not charging: For that the King (as we told you) had ordered *Stolhanſche* to charge thoſe Curiaſiers ſoundly. And as for

Bulach, and thoſe Squadrons of his, now placed to the right hand of *Stalhanske* and his *Fins*; they were in the very beginning of the Encounter ſo diverted, that they could not charge right forward, as the King expected. And for that, this is the true Reaſon. That Regiment of Crabats in the very end of the Imperial left Wing, did in the very beginning of the Battel, wheel about betwixt the Wood and the end of the Kings right Wing, and there endeavour to fall upon the Swediſh Ammunition Wagons in the Rear of the Army. Theſe Crabats would have made a foul pudder among the Ammunition, and have blown up moſt of the Powder doubtleſs, had not *Bulach* had an eye of them. He giving a home Charge upon them, beat them off from the Wagons for the preſent, but the Swediſh Colonel facing about, to return to his own place again, was by the Crabats charged upon the Croops, and put to ſome diſorder. And this diſarray is eaſie enough to be believed, for that the manner of the Crabats fighting, being but for a ſpurt, and in no good order; whoſoever will anſwer their Charge, muſt neceſſarily do it in diſorder too, or elſe they cannot follow the Crabats, to do any good upon them. And juſt now fell the Miſt again, which did this good in that part of the Battel, that this diſorder among the Swediſh Horſe was not diſcerned, and ſo no advantage taken of it.

The Crabats wheeling about upon the Kings Waggons.

Are beaten off by *Bulach*.

In this *interim*, yea, at this inſtant, it is ſaid the King was ſlain, it being 11 of the Clock when the Miſt fell again.

All this while are the Imperialiſts Maſters of the Kings Body, and of the Ground they had beaten the *Swedes* from. They had the King in their poſſeſſion, and there they ſtript him, every man being greedy to get ſome part of his Spoils, that they might hereafter glory to have taken it from the King of *Sweden*.

Several Reports there went abroad the Army, of the Circumſtances of his manner of dying, ſome relating it one way, and ſome another; but all with ſorrow agree he was ſlain.

The Noiſe of the Kings death was preſently diſperſed abroad; but yet belief was not fully given to it, for that ſome Priſoners affirmed he was but hurt, and carried in a cloſe Coach, following his white Enſign. The Swediſh Priſoners that reported him to be but wounded, were thoſe that were taken ſo ſoon as ever he offered to retreat. But that they ſaid he was carried off in his Coach, &c. was their judgment, that being wounded, it was likely he would go off in his Coach, which at firſt ſtood behind the White Regiment, but was gone out of the Field when the Crabats fell upon the Kings Waggons.

His death was not certainly known, but to ſome few of the Great Ones, (no not to thoſe of his own Wing) for 24 hours after: all believing what was, either by Art or Errour, given out, how that he was but carried off wounded.

The Kings death conceal'd from his own Army.

Return we now unto the Battel, and to the right Wing again. The Miſt that we before told you of, was not (by their own ſide) judged to be any way prejudicial, but advantagious rather unto the Swediſh; ſeeing that the Imperialiſts, who had now the better of it, were by the falling of this Miſt ſo arreſted, as that they purſued not the Retreat which they had put the Swediſh unto. The Rumour likewiſe of the Kings death, made them ſo to clutter about the Body, that alſo ſtaid them.

All this while were the four Foot Brigades of the Swediſh Battel, pell-mell at it: And they (even by my *Spaniards* confeſſion) got ground

apace

ſpace of thoſe Imperialiſts whom they had attacked. And now alſo did *Stalhanſk* (who certainly had an *Item* given him of the Kings death, or great danger) charge ſo fiercely towards that very place, that he beat off the Imperialiſts, and recovered the Body; which he brought off naked, after it had been a full quarter of an hour in the Enemies poſſeſſion. And now was *Piccolominis* Regiment ſoundly peppered. The *Swediſh* both Foot and Horſe, after an hours fight, beating all the Imperialiſts along before them, till they had driven them to the very Gallows behind them. And now did the *Swediſh* get poſſeſſion of thoſe ſeven Pieces of Ordnance of *Piccolominius*. Theſe Ordnance were the eaſier to be taken, for that they plaid not; *Walenſteins* Powder-Waggons were by miſchance blown up, ſo that his Cannon were ſcarce heard of all the day after.

And thus ended the ſecond Charge: For by this time was the Miſt become ſo extraordinary, and by the ſmouk ſo thickened, as the *Swedes* could not ſee how to purſue their advantage; and here was the Miſt become as beneficial to the Imperialiſts, as it had been favourable before unto the Swediſh. In this time fell there ſo terrible an affrightment in the Imperial Army, that 1000, or 1500 Dutch Horſe ran all away together. One of them was by a Gentleman of our Nation (then Priſoner in their Rear) over-heard to ſay: *Oh I know the King of Sweden well enough, I have ſerved him; he is left at the latter end of the day.* But the chief fright was among the Ladies, the Captains Wives, and other Women, then behind the Army. Many Gentlewomen got out of their Coaches, cut aſunder the Harneſs, and mounted ſtradlings upon the bare horſe backs, and away they ſpudded among the Souldiers. Now went the Waggon-horſes and the Ordnance-horſes to it; all were ridden away with, divers Women and Children were there trodden to death. Nor would the Horſemen turn head, notwithſtanding they heard the Charge preſently again renewed, and thoſe about the Mills all this time at it; Till they were gotten over a Paſs, four or five Engliſh Miles from the place of Battel. The fright ſo purſued them, though no body elſe did, That coming to this Paſs, the Officers drew out their Swords, and laſht and beat off the Souldiers to give them way to get over. There were at leaſt four or five thouſand People of them, and they quartered themſelves confuſedly up and down in the Villages which the Boors had forſaken: Nor durſt they ever return into the Battel. Amongſt theſe was my Author carried away: From whom I learned it.

After a little pauſe, the Count of *Pappenheim*, with his Horſe and Dragoons, arrived; whom ſome will needs have to have been in perſon at the beginning of the Battel. By his coming was the Charge thereabouts renewed. He put himſelf into the Imperial left Wing, (which was moſt diſtreſſed, and which had been reſerved for him:) to be oppoſite to the Swediſh right Wing; where he ſuppoſed the King in Perſon had commanded. Juſt as he was ordering his Horſe, he was ſtruck with a Bullet of a Falconet, or ſmall Sling-piece, about the ſhoulder, of which he died preſently: Even ſo ſoon as he was taken down from his horſe, to have been carried into *Leipſick*. This was a brave fighting Gentleman; whoſe body was by *Walenſtein* carried into *Prague*; where it was to be ſeen publickly. The Emperour (as a little French Relation affirmeth) had newly ſent the Collar of the Golden Fleece unto him and *Walenſtein*: Which honour before ever he received, he was, in the place where he ſhould have worn his Order, thus dubbed with a Sling-piece.

He had made his Will a little before: Had ſhriven himſelf, and Communicated at a dry Maſs: And made this ſhort Teſtament upon it. His Soul he commended to God, his Body (if he were ſlain) to the Emperour; and his Wife and Children unto Walenſtein.

His being ſlain, his Officers, flocking about him, were heard to cry, *Oh! our General is ſlain*: Immediately whereupon his Horſe turned head, and ran out of the Battel without ſtroke ſtriking, back again towards the *Weſer*, and the Lower *Saxony*.

But the *Walenſteiners*, whom *Pappenheims* coming had ſet on, fell to it afreſh: *Piccolomini* advanced, and *Terſica* with their Cavalry; and the Foot Regiments ſeconded them with extremity of reſolution. And now began the ſoreſt, the longeſt, and the obſtinateſt Conflict, that had been ſince the King was killed. The Charge was ſuſtained by the Swediſh, with much gallantry, and never was Battel better fought: Nor ſeldom have Battalions ever ſtood, amongſt whom ſo much ſpoyl hath been committed. Full two hours were they in hot Battel. On the Imperial ſide was *Piccolominis* twice or thrice ſhot; Sergeant Major *Brauner* ſlain, and ſo was a young Count of *Wallenſtein*. The Abbot *Fulda* was at this Charge alſo ſlain. And think then how many Officers and Common Souldiers was it likely that theſe great Commanders did take along to wait upon them to the next world.

On the *Swedes* ſide, the chief of the ſpoyl light upon the two middlemoſt Brigades of Foot belonging unto Grave *Nels*, and Collonel *Winckle*: The Imperialiſts charged with ſo much fury, and with Battalions of two or three thouſand in a Regiment, that they by force drove the Swediſh to the retreat in the plain field, and (as the moſt ſay) even then recovered their ſeven Pieces of Ordnance. Grave *Neiles*, Colonel of the Life-guards (which is the Yellow Regiment) was there ſhot a little above the knee, of which, being carried off ſpoyled, he after died. Out of this Brigade, did the Imperialiſts carry away ſeven Colours, and to tell the truth, the Kings own Company, which ſerved here among the Guards, loſt their own Enſign or Standard Royal too. He that had carried the Colours was after ſeen with his Sword in his hand, but his Clout was miſſing.

Colonel *Winckles* Blue Regiment likewiſe found as hard treatment. Himſelf (a brave man) was ſhot in the Arm a little above the Elbow, and in the hand, and carried out of the Battel. His Lieutenant, *Caſpar Wolff*, was ſlain upon the place, and moſt of his Colours taken. Theſe two Brigades were of the flower of the Army; old Souldiers of ſeven or eight years ſervice, (the moſt of them) and whom the King had there placed, for that he moſt relied on them. Theſe old Blades ſtood to their Arms ſtoutly; and the adverſe Writers confeſs, that their dead bodies now recovered the ſame ground, which living they had defended. Theſe were old beaten Souldiers indeed, but it was ſo long ſince they had been laſt beaten, that they had by this time forgotten to run away. This is the reaſon they were ſo ſhattered; that when, towards night, they were to have faln on again, both theſe Brigades put together, could not make one Squadron ſtrong, which is but the third part of one of them.

The *Swedes* Brigade fared ſomething better, becauſe near unto the Horſe: And yet there came not above four hundred off, alive or unwounded. Duke *Bernards* Brigade was ſomething more out of Gunſhot, for that they were next the Horſe of the left Wing. Yet here was Colonel *Wildeſtein* ſhot in the Breſt, of which he after died: Duke

Bernard, Lieutenant Col. *Winkler* being ſlain upon the place. In this ſore bickering, the ſpoyl, on the Imperial ſide, fell moſtly upon old *Bruners* and young *Walenſteins* Regiments, both which were here killed; with full half, if not two thirds of the Souldiers. Theſe Regiments performed their duties ſo valiantly, and *Walenſtein* himſelf took ſuch ſpecial notice of them, that he a long time after (if not ſtill) maintained them in his own houſe at *Prague* for it. *Henderſons* Reſerve of Foot in the mean time had alſo their ſhare in the knocking: One of the Offices and uſes of the Reſerve, being ſtill to ſupply and ſecond where moſt need is; with freſh men to dearn up the holes, and ſtop up the gaps of the ſlaughtered. And whereas thoſe four Brigades of the Van had ſo terribly been ſhattered, General-Major *Kniphauſen* had out of his care ſent up theſe two Brigades of the Count of *Thurn*, and the Colonel *Mitzlaff* to relieve them. After a while he ſent them up thoſe four Squadrons of Horſe, who ſo well (altogether) reſtored the encounter, that the Imperialiſts began to give ground; which the *Swedes* ſo far purſued, till they had recovered the ſeven Pieces again, and four others at the left hand of them.

Look we now aſide, to ſee what was done in the Reer, and left Wing, by *Kniphauſen* and Duke *Bernard*. General Major *Kniphauſen* having ſent two Brigades of his four, and four Squadrons of Horſe to the relief of the Vantguard, ſent alſo his other two Horſe Squadrons, commanded by the Prince of *Anhalt*, and the Lieutenant of Baron *Hoffkirch*, unto Duke *Bernard*. As for the other two Brigades of Foot, (his own and *Boſens*) together with *Oems* his Reſerve of Horſe, theſe did *Kniphauſen* ſtill keep by him in the Reer of the Battel.

Duke *Bernard* had as hard a Chapter of it, as any man againſt the Imperialiſts right Wing, at the Wind-Mills, and (ſurely) had the moſt renowned *Don Quixot* been there, there had been exerciſe enough for his valour at theſe Wind-Mills. Soberly, This was the hardeſt Poſt for advantage of ſituation, all the field over: And Count *Coloredo* as well maintained it againſt him. Never man did more gallantly behave himſelf (avoucht it) that firſt and laſt, in this and other places, he charged ſeveral times, one after another. And *Coloredo* gave Duke *Bernard* leave to charge all: He had ſo good an advantage of the two Ditches and the Wind-Mills, that he would not ſcarce offer upon Duke *Bernard*.

The brave young Duke, preſſing on in the beginning of the fight, had ſet the Town of *Lutzen* on fire: His Reaſon being, that ſeeing if he would get the Wind-Mills, he muſt with the end of his Wing even touch (as it were) the very Walls of the Town. Should *Coloredo*, then, have firſt filled thoſe Walls with Musketteers, they muſt needs have ſo ſorely galled his Horſemen, that there had been no coming near: Nor could Horſe and Piſtols have done any ſervice againſt Walls and Musketteers. In one of theſe Charges, did *Coloredo* ſo Thunder upon Duke *Bernard*, that the valiant Prince thought it not unſouldier-like done to ſhelter himſelf behind the Millers houſe.

At this time (as we told you) did Major *Kniphauſen* keep his two Brigades, and *Oems* his Reſerve, together un-engaged: Doing no more with them, than fair and ſoftly advance them towards the Enemy; at ſuch a time as he ſaw the Brigades of the Van to get any ground of them. The diſtance of his Reer from Front was about ſix hundred paces; and that ſcantling he ſtill kept himſelf behind the other. This was no ſmall occaſion of the winning of the Battel: Seeing that ſo often as any of the

Van were diſordered, and put to the retreat; they with him, ſtill find a whole great Body together, unbroken, by the ſight of which they reſumed new courage, and were ſet in order again.

And very glad was Duke *Bernard* when, in the next breaking up of the Miſt, he came and found *Kniphauſen* in ſo good order; whom (as he openly profeſſed) he feared to have found all to pieces. For now, betwixt three and four of the Clock (which was not long before Sun-ſet) did the Miſt break up; and there was a fair half hour after it. At which time Duke *Bernard* going abroad, to over-view the poſture and countenance of the Army: (which ſince his hearing of the Kings death, the Miſt and ſmoak had not ſuffered him to diſcover any thing of) he came now along by the Battel unto the right Wing, ſpeaking to the Officers and Souldiers, and encouraging them to a new on-ſet; plainly he found the whole Army (except *Kniphauſens* part) in no very good order; which he and *Kniphauſen* (who took much good pains likewiſe about it) did their beſt to reduce them to. When the word was given for a new Charge, *Alas Comrade,* (ſaid the poor Souldiers one to another) *muſt we fall on again? Come,* ſays the other, (embracing him) *Courage; if we muſt, let us do it bravely, and make a day on't.* As Duke *Bernard* was leading on, the Imperial Generaliſſimo ſent his two Colonels, *Perſica* and *Piccolomini,* to diſcover in that clear weather what the *Swedes* were a doing: Who brought his Excellency word again, that they were rallied about the Wood, and in very good order advancing towards him.

This (no doubt) made the Imperialiſts hearts quake to think upon the terrour of a fourth Charge. And now could the *Swedes* diſcover the Imperial Horſe, retreating in indifferent good order towards the Wind-Mills: Whereupon they bringing forwards ten Pieces of Cannon, and turning thoſe likewiſe upon them, which were before taken, they gave the Imperial Horſe ſuch a rouſing *Salve* of great Ordnance, and charged ſo upon it, that they put them into diſorder. And here (as my Spaniſh Relator ſays) did the Generaliſſimo light upon a ſlight fillip by a favourable Muſket Bullet, which made no wound, but left a blew remembrance only upon him.

And now were the Imperialiſts beaten round about, even to the very Wind-Mills, the *Swedes* being Maſters of the ground that they ſhouldered the others out of. But juſt now, a little before Sun-ſet, fell the fatal Miſt again; which ſo haſtened on the night, that the *Swedes* could not well ſee which way to purſue their Enemies. Duke *Bernard,* in his coming back, was thus heard to ſay, *Merciful God! but for this Miſt, we had even now gotten the victory.* Hence went he back again over all the Batallions, to his own Poſt again, towards which he now perceived the Imperialiſts to be making.

And now by Sun-ſetting was all the Field clear of the Imperialiſts, excepting only about the Windmills: And there plainly were both *Coloredoes* and Duke *Bernards* men, faln off one from another, like two Duellers leaning on their Swords to break breath again. Certainly, they had ſo banged one another, that neither of both were in order: But either Party ſhot at adventure right forward, and let the Bullet find his own way, as it could, through that night of ſmoak and miſtineſs. Thoſe Muſketiers which (we told you) were lodged in the mud-walled Gardens, were ſeen to give fire continually, but no men to be diſcerned. And the *Swedes* at adventure ſhot at them again: And as at [illegible] they got ground, they [illegible] into the [illegible] so many Caſtles. Here [illegible] of them.

[illegible] in the edge of the Evening [illegible] been finiſhed. [illegible] *[illegible]heims* Foot were even now arrived from [illegible] a freſh Charge, about the Wind-Mills. Thus [illegible] the Army, *Pappenheims Foot are come, Pappenheims Foot are* [illegible] the Swediſh believed.

[illegible] the Service (after [illegible] an hour [illegible]) turned into the Wind-Mills. The Imperialiſts [illegible], like [illegible] of a dying body, ſtruggled hard at the laſt caſt, for life; [illegible] the time, as fierce a Charge of it, as any had the day before [illegible]. To withſtand this now, does *Kniphauſen* bring his [illegible]; with whom are the other two of *Thurns* and [illegible] that he had before ſent to the relief of the Vanguard; [illegible] had not ſo cruelly been ſhattered. Now alſo Duke [illegible], rallying [illegible] the Horſe together, advanced to the Charge. The Imperialiſts [illegible] down ſome Muskettiers into the croſs [illegible], which not a little troubled the Swediſh. Once or twice [illegible] to force that Trench, and to ſtorm over it: But it was [illegible] and dangerous in the dark, that they did but over-tumble [illegible] and were fain to keep on the other ſide of it, to bring up [illegible] Muſkettiers, and from thence to give their Volleys. The beſt of it was, that it was not above 100 paces diſtant from the High-way, cloſe behind which the Imperialiſts were ranged. That which moſt galled the Imperialiſts, was the Swediſh Ordnance, which on the right-hand Flank of them [illegible] on the nearer ſide of the High-way, were now turned upon them. This moſt cruel and hot fight continued till about five a Clock in the Evening, much about which time the *Walſteiners*, or *Pappenheimers*, or both together, fell off in the dark, and gave it quite over.

A Decree of Starre-Chamber concerning Printing, made the eleventh day of July laſt paſt. 1637.

In Camera Stellata coram Concilio ibidem, undecimo die *Julii*, Anno decimo tertio *Caroli* Regis.

This day Sir John Bankes Knight, *his Majeſties Attourney General pro-duced in Court a Decree drawn and penned by the advice of the Right honourable the* Lord Keeper *of the* Great Seal *of* England, *the moſt Reverend Father in God the* Lord Arch-Biſhop of Canterbury *his* Grace, *the Right Reverend Father in God the* Lord Biſhop of London, Lord High Treaſurer of England, *the two Lord* Chief Juſtices, *and the* Lord Chief Baron, *touching the regulating of Printers and Founders of Letters, whereof the Court having conſideration, the ſaid Decree was directed and ordered to be here publiſhed, to the end the ſame may be publick, and that every one whom it may concern may take notice thereof, The Court hath now alſo ordered, That the ſaid Decree ſhall ſpeedily be Printed, and that the ſame be ſent to his Majeſties Printer for that purpoſe. Whereas the three and twentieth day of June, in the eight and twentieth year of the Reign of the late Queen* Eliz. *and before, divers Decrees and Ordinances have been made for the better government and regulating of Printers and Printing, which Orders and Decrees have been found by experience to be defective in ſome particulars; And divers abuſes have ſithence ariſen, and been practiſed by the craft and malice of wicked and evil diſpoſed perſons, to the prejudice of the Publick; And divers libellous, ſeditious, and mutinous Books have been unduly printed, and other Books and Papers without Licence, to the diſturbance of the Peace of the Church and State: For prevention whereof in time to come, It is now Ordered and Decreed, That the ſaid former Decrees and Ordinances ſhall ſtand in force with theſe Additions, Explanations, and Alterations following,* viz.

I. *Imprimis,* That no Perſon or Perſons whatſoever ſhall preſume to Print, or cauſe to be Printed, either in the parts beyond the Seas, or in this Realm, or other his Majeſties Dominions, any ſeditious, Schiſmatical, or offenſive Books or Pamphlets, to the ſcandal of Religion, or the Church, or the Government, or Governours of the Church or State, or Common-wealth, or of any Corporation, or particular Perſon or Perſons whatſoever, nor ſhall import any ſuch Book or Books, nor ſell or diſpoſe of them, or any of them, nor cauſe any ſuch to be bound, ſtitched, or ſowed, upon pain that he or they ſo offending, ſhall loſe all ſuch Books and Pamphlets, and alſo have, and ſuffer ſuch correction, and ſevere puniſhment, either by Fine, Impriſonment, or other corporal puniſhment, or otherwiſe, as by this Court, or by his Majeſties Commiſſioners for Cauſes Eccleſiaſtical in the High Commiſſion Court reſpectively, as the ſeveral Cauſes ſhall require, ſhall be thought fit to be inflicted upon him, or them, for ſuch their offence and contempt.

II. *Item*, That no Perſon or Perſons whatſoever, ſhall at any time print or cauſe to be imprinted, any Book or Pamphlet whatſoever, unleſs the ſame Book or Pamphlet, and alſo all and every the Titles, Epiſtles, Prefaces, Proems, Preambles, Introductions, Tables, Dedications, and other matters and things whatſoever thereunto annexed, or therewith imprinted, ſhall be firſt lawfully licenſed and authorized only by ſuch Perſon and Perſons as are hereafter expreſſed, and by no other, and ſhall be alſo firſt entred into the Regiſters Book of the Company of Stationers; upon pain that every Printer offending therein, ſhall be for ever hereafter diſabled to uſe or exerciſe the Art or Myſtery of Printing, and receive ſuch further puniſhment, as by this Court, or the High Commiſſion Court reſpectively, as the ſeveral Cauſes ſhall require, ſhall be thought fitting.

III. *Item*, That all Books concerning the Common Laws of this Realm ſhall be printed by the eſpecial allowance of the Lords Chief Juſtices, and the Lord Chief Baron for the time being; or one or more of them, or by their appointment; And that all Books of Hiſtory, belonging to this State, and preſent times, or any other Book of State affairs, ſhall be licenſed by the Principal Secretaries of State, or one of them, or by their appointment; And that all Books concerning Heraldry, Titles of Honour and Arms, or otherwiſe concerning the Office of Earl Marſhal, ſhall be licenſed by the Earl Marſhal, or by his appointment; And further, that all other Books, whether of Divinity, Phyſick, Philoſophy, Poetry, or whatſoever, ſhall be allowed by the Lord Archbiſhop of *Canterbury*, or Biſhop of *London* for the time being, or by their appointment, or the Chancellours, or Vice-Chancellours of either of the Univerſities of this Realm for the time being.

Always provided, that the Chancellour or Vice-Chancellour of either of the Univerſities, ſhall Licence only ſuch Book or Books that are to be Printed within the limits of the Univerſities reſpectively, but not in *London*, or elſewhere, not medling either with Books of the Common Law, or matters of State.

IV. *Item*, That every Perſon and Perſons, which by any Decree of this Court are, or ſhall be appointed or authorized to Licence Books, or give Warrant for imprinting thereof, as is aforeſaid, ſhall have two ſeveral written Copies of the ſame Book or Books, with the Titles, Epiſtles, Prefaces, Proems, Preambles, Introductions, Tables, Dedications, and other things whatſoever thereunto annexed. One of which ſaid Copies ſhall be kept in the publick Regiſtries of the ſaid Lord Archbiſhop, and Biſhop of *London* reſpectively, or in the Office of the Chancellour, or Vice-Chancellour of either of the Univerſities, or with the Earl Marſhal, or Principal Secretaries of State, or with the Lords Chief Juſtices, or Chief Baron, of all ſuch Books as ſhall be licenſed by them reſpectively, to the end that he or they may be ſecure, that the Copy ſo licenſed by him or them ſhall not be altered without his or their privity, and the other ſhall remain with him whoſe Copy it is, and upon both the ſaid Copies, he or they that ſhall allow the ſaid Book, ſhall teſtifie under his or their hand or hands, that there is nothing in that Book or Books contained, that is contrary to Chriſtian Faith, and the Doctrine and Diſcipline of the Church of *England*, nor againſt the State or Government, nor contrary to good life, or good manners, or otherwiſe, as the nature and ſubject of the work ſhall require; which Licenſe or Approbation ſhall be imprinted in the beginning of the ſame Book, with the name or names of him or them that ſhall authorize or licenſe the ſame, for a teſtimony of the allowance thereof.

V. *Item*, That every Merchant of Books, and Perſon and Perſons whatſoever, which doth, or hereafter ſhall buy, import, or bring any Book or Books into this Realm, from any parts beyond the Seas, ſhall before ſuch time as the ſame Book or Books, or any of them be delivered forth, or out of or their hand or hands, or expoſed to ſale, give and preſent a true Catalogue in writing of all and every ſuch Book and Books unto the Lord Archbiſhop of *Canterbury*, or Lord Biſhop of *London* for the time being, upon pain to have and ſuffer ſuch puniſhment for offending herein, as by this Court, or by the ſaid High Commiſſion Court reſpectively, as the ſeveral Cauſes ſhall require, ſhall be thought fitting.

VI. *Item*, That no Merchant, or other Perſon or Perſons whatſoever, which ſhall import, or bring any Book or Books into the Kingdom, from any parts beyond the Seas, ſhall preſume to open any Dryfats, Bales, Packs, Maunds, or other Fardals of Books, or wherein Books are; nor ſhall any Searcher, Waiter, or other Officer belonging to the Cuſtom-houſe, upon pain of loſing his or their Place or Places, ſuffer the ſame to paſs, or to be delivered out of their hands or cuſtody, before ſuch time as the Lord Archbiſhop of *Canterbury*, or Lord Biſhop of *London*, or one of them for the time being, have appointed one of their Chaplains, or ſome other learned man, with the Maſter and Wardens of the Company of Stationers, or one of them, and ſuch others as they ſhall call to their aſſiſtance, to be preſent at the opening thereof, and to view the ſame: And if there ſhall happen to be found any ſeditious, ſchiſmatical, or offenſive Book or Books, they ſhall forthwith be brought unto the ſaid Lord Archbiſhop of *Canterbury*, Lord Biſhop of *London* for the time being, or one of them, or to the High Commiſſion Office, to the end that as well the Offender or Offenders may be puniſhed by the Court of Star-Chamber, or the High Commiſſion Court reſpectively, as the ſeveral Cauſes ſhall require, according to his or their demerit; as alſo that ſuch further courſe and order may be taken concerning the ſame Book or Books, as ſhall be thought fitting.

VII. *Item*, That no Perſon or Perſons ſhall within this Kingdom, or elſewhere, imprint, or cauſe to be imprinted, nor ſhall import or bring in, or cauſe to be imported or brought into this Kingdom, from, or out of any other his Majeſties Dominions, nor from other, or any parts beyond the Seas, any Copy, Book or Books, or part of any Book or Books, Printed beyond the Seas, or elſewhere, which the ſaid Company of Stationers, or any other Perſon or Perſons have, or ſhall by any Letters Patents, Order, or Entrance in their Regiſter Book, or otherwiſe, have the right, priviledge, authority, or allowance ſolely to Print, nor ſhall bind, ſtitch, or put to ſale, any ſuch Book or Books, upon pain of loſs and forfeiture of all the ſaid Books, and of ſuch Fine, or other Puniſhment, for every Book or part of a Book ſo imprinted, or imported, bound, ſtiched, or put to ſale, to be levied of the Party ſo offending, as by the power of this Court, or the High Commiſſion Court reſpectively, as the ſeveral Cauſes ſhall require, ſhall be thought fit.

VIII. *Item*, Every Perſon and Perſons that ſhall hereafter Print or, cauſe to be Printed, any Books, Ballads, Charts, Portraicture, or any other thing or things whatſoever, ſhall thereunto, or thereon print, and ſet his and their own name or names, as alſo the name or names of the Author or Authors, Maker or Makers of the ſame, and by, or for whom any ſuch Book, or other thing is, or ſhall be Printed, upon pain of forfeiture of all ſuch Books, Ballads, Charts, Protraictures, and other thing or things, Printed contrary to this Article; And the Preſſes, Letters, and other Inſtruments for Printing wherewith ſuch Books, Ballads, Charts, Portraictures, and other thing or things ſhall be Printed, to be defaced and made unſerviceable, and the Party and Parties ſo offending, to be fined, impriſoned, and have ſuch other corporal puniſhment, or otherwiſe, as by this Honourable Court, or the ſaid High Commiſſion reſpectively, as the ſeveral Cauſes ſhall require, ſhall be thought fit.

IX. *Item*, That no perſon or perſons whatſoever, ſhall hereafter Print, or cauſe to be Printed, or ſhall Forge, Put, or Counterfeit, in, or upon any Book or Books, the Name, Title, Mark or Vinnet of the Company or Society of Stationers, or of any particular perſon or perſons, which hath, or ſhall have lawful Priviledge, Authority, or Allowance to print the ſame, without the conſent of the ſaid Company, or Party, or Parties, that are or ſhall be ſo priviledged, authorized, or allowed to Print the ſame Book or Books', Thing or Things, firſt had and obtained, upon pain that every perſon or perſons ſo offending, ſhall not onely loſe all ſuch Books and other things, but ſhall alſo have and ſuffer ſuch puniſhment, by impriſonment of his Body, Fine, or otherwiſe, as by this Honourable Court, or High Commiſſion Court reſpectively, as the ſeveral Cauſes ſhall require, it ſhall be to him or them limitted or adjudged.

X. *Item*, That no Haberdaſher of Small Wares, Ironmonger, Chandler, Shop-keeper, or any other perſon or perſons whatſoever, not having been ſeven years Apprentice to the Trade of a Bookſeller, Printer, or Book-binder, ſhall within the City or Suburbs of *London*, or in any other Corporation, Market-Town, or elſewhere, receive, take, or buy, to barter, ſell again, change or do away any Bibles, Teſtaments, Pſalm-Books, Primers, Abces, Almanacks, or other Book or Books whatſoever, upon pain of forfeiture of all ſuch Books ſo received, bought or taken as aforeſaid, and ſuch other puniſhment of the Parties ſo offending, as by this Court, or the ſaid High Commiſſion Court reſpectively, as the ſeveral Cauſes ſhall require, ſhall be thought meet.

XI. *Item*, For that Printing is, and for many years hath been an Art and Manufacture of this Kingdom, for the better encouraging of Printers in their honeſt, and juſt endeavours in their Profeſſion, and prevention of divers Libels, Pamphlets, and ſeditious Books Printed beyond the Seas in Engliſh, and thence tranſported hither;

It is further Ordered and Decreed, that no Merchant, Bookſeller, or other perſon or perſons whatſoever, ſhall imprint, or cauſe to be imprinted, in the Parts beyond the Seas, or elſewhere, nor ſhall import or bring, nor willingly aſſiſt or conſent to the importation or bringing from beyond the Seas into this Realm, any Engliſh Books, or part of Book, or Books whatſoever, which are or ſhall be, or the greater, or more part whereof is or ſhall be Engliſh, or of the Engliſh Tongue, whether the ſame Book or Books have been here formerly Printed, or not, upon pain of the forfeiture of all ſuch Engliſh Books ſo imprinted or imported, and ſuch further Cenſure and puniſhment, as by this Court, or the ſaid High Commiſſion Court reſpectively, as the ſeveral Cauſes ſhall require, ſhall be thought meet.

XII. *Item*, That no Stranger or Foreigner whatſoever, be ſuffered to bring in, or vent here, any Book or Books printed beyond the Seas, in any Language whatſoever, either by themſelves or their ſecret Factors, except ſuch onely as be free Stationers of *London*, and ſuch as have brought up in that Profeſſion, and have their whole means of ſubſiſtance and livelihood depending thereupon, upon pain of Confiſcation of all ſuch Books ſo imported, and ſuch further penalties, as by this Court, or the High Commiſſion Court reſpectively, as the ſeveral Cauſes ſhall require, ſhall be thought fit to beimpoſed.

XIII. *Item*, That no perſon or perſons within the City of *London*, or the Liberties thereof, or elſewhere, ſhall erect or cauſe to be erected any Preſs or Printing-houſe, nor ſhall demiſe, or let, or ſuffer to be held or uſed, any Houſe, Vault, or Celler, or other Room whatſoever, to, or by any perſon or perſons, for a Printing-houſe, or place to Print in, unleſs he or they which ſhall ſo demiſe or let the ſame, or ſuffer the ſame to be ſo uſed, ſhall firſt give notice to the ſaid Maſter and Wardens of the Company of Stationers for the time being, of ſuch demiſe, or ſuffering to Work or Print there, upon pain of impriſonment, and ſuch other puniſhment as by this Court, or the ſaid High Commiſſion Court reſpectively, as the ſeveral Cauſes ſhall require, ſhall be thought fit.

XIV. *Item*, That no Joiner or Carpenter, or other perſon, ſhall make any Printing-preſs, no Smith ſhall forge any Iron-work for a Printing-preſs, and no Founder ſhall Caſt any Letters for any perſon or perſons whatſoever, neither ſhall any perſon or perſons bring, or cauſe to be brought in from any parts beyond the Seas, any Letters Founded or Caſt, nor buy any ſuch Letters for Printing; unleſs he or they reſpectively ſhall firſt acquaint the ſaid Maſter and Wardens, or ſome of them, for whom the ſame Preſs, Iron Works, or Letters are to be made, forged, or caſt, upon pain of ſuch Fine and Puniſhment, as this Court, or the High Commiſſion Court reſpectively, as the ſeveral Cauſes ſhall require, ſhall think fit.

XV. *Item*, The Court doth declare, that as formerly ſo now, there ſhall be but Twenty Maſter Printers allowed to have the uſe of one Preſs or more, as is after ſpecified, and doth hereby nominate, allow, and admit theſe perſons whoſe names hereafter follow, to the number of Twenty, to have the uſe of a Preſs, or Preſſes and Printing-houſe, for the time being, *viz. Felix Kingſton*, *Adam Iſlip*, *Thomas Purfoot*, *Miles Fleſher*,

Flesher, Thomas Harper, John Beale, John Legat, Robert Young, John Haviland, George Miller, Richard Badger, Thomas Cotes, Bernard Alsop, Richard Biſhop, Edward Griffin, Thomas Purſlow, Richard Hodgkinſon, John Dawſon, John Raworth, Marmaduke Parſons. And the Court doth further Order and Decree, That it ſhall be lawful for the Lord Archbiſhop of *Canterbury*, or the Lord Biſhop of *London*, for the time being, taking unto him or them ſix other High Commiſſioners, to ſupply the place or places of thoſe, which are now already Printers by this Court, as they ſhall fall void by Death, or Cenſure, or otherwiſe: Provided that they exceed not the number of Twenty, beſides his Majeſties Printers, and the Printers allowed for the Univerſities.

XVI. *Item*, That every perſon or perſons, now allowed or admitted to have the uſe of a Preſs, and Printing-houſe ſhall within ten days after the date hereof, become bound with Sureties to his Majeſty in the High Commiſſion Court, in the ſum of three hundred pounds, not to print, or ſuffer to be Printed in his Houſe or Preſs, any Book or Books whatſoever, but ſuch as ſhall from time to time be lawfully licenſed, and that the like Bond ſhall be entered into by all, and every perſon and perſons that hereafter ſhall be admitted or allowed to Print, before he or they be ſuffered to have the uſe of a Preſs.

XVII. *Item*, That no allowed Printer ſhall keep above two Preſſes, unleſs he hath been Maſter or Upper Warden of his Company, who are thereby allowed to keep three Preſſes and no more, under pain of being diſabled for ever after to keep or uſe any Preſs at all, unleſs for ſome great and ſpecial occaſion for the Publick, he or they have for a time leave of the Lord Archbiſhop of *Canterbury*, or Lord Biſhop of *London* for the time being, to have or uſe one or more, above the foreſaid number, as their Lordſhips, or either of them ſhall think fit. And whereas there are ſome Maſter Printers that have at this preſent one, or more Preſſes allowed them by this Decree, the Court doth farther Order and Declare, That the Maſter and Wardens of the Company of Stationers, do forthwith certifie the Lord Archbiſhop of *Canterbury*, or the Lord Biſhop of *London*, what number of Preſſes each Maſter Printer hath, that their Lordſhips, or either of them, taking unto them ſix other High Commiſſioners, may take ſuch preſent order for the ſuppreſſing of the ſupernumerary Preſſes, as to their Lordſhips, or to either of them ſhall ſeem beſt.

XVIII. *Item*, That no perſon or perſons do hereafter reprint, or cauſe to be reprinted, any Book or Books whatſoever (though formerly Printed with Licence) without being reviewed, and a new Licence obtained for the Reprinting thereof. Always provided, that the Stationer or Printer be put to no other charge hereby, but the bringing and leaving of two printed Copies of the Book to be printed, with the before expreſſed of written Copies, with all ſuch Additions as the Author hath made.

XIX. *Item*, The Court doth Declare, as formerly ſo now, That no Apprentices be taken into any Printing-houſe, otherwiſe than according to this proportion following, (*viz.*) every Maſter Printer that is or hath been Maſter or Upper Warden of his Company, may have three Apprentices at one time and no more, and every Maſter-Printer that is of the Livery of his Company, may have two Apprentices at one time and no more, and every Maſter-Printer of the Yeomanry of the Company may have one Apprentice at one time and no more, neither by Copartnerſhip, Binding at the Scriveners, nor any other way whatſoever; neither ſhall it be lawful for any Maſter-Printer when any Apprentice or Apprentices ſhall run or be put away, to take another Apprentice, or other Apprentices in his or their place or places, unleſs the name or names of him or them ſo gone away, be raced out of the Hall Book, and never admitted again, upon pain of being for ever diſabled of the uſe of a Preſs or Printing-houſe, and of ſuch further puniſhment, as by this Court, or the High Commiſſion Court reſpectively, as the ſeveral Cauſes ſhall require, ſhall be thought fit to be impoſed.

XX. *Item*, The Court doth likewiſe Declare, That becauſe a great part of the ſecret Printing in Corners, hath been cauſed for want of orderly imployment for Journeymen-Printers. Therefore the Court doth hereby require the Maſter and Wardens of the Company of Stationers, to take ſpecial care that all Journeymen-Printers, who are Free of the Company of Stationers, ſhall be ſet to work, and imployed within their own Company of Stationers; for which purpoſe the Court doth alſo Order and Declare, That if any Journeyman-Printer, and Free of the Company of Stationers, who is of honeſt and good behaviour, and able in his Trade, do want Imployment, he ſhall repair to the Maſter and Wardens of the Company of Stationers, and they or one of them, taking with him or them one or two of the Maſter-Printers, ſhall go along with the ſaid Journeyman-Printer, and ſhall offer his Service in the firſt place to the Maſter-Printer under whom he ſerved his Apprentiſhip, if he be living, and do continue an allowed Printer, or otherwiſe to any other Maſter-Printer whom the Maſter and Wardens of the ſaid Company ſhall think fit. And every Maſter-Printer ſhall be bound to imploy one Journeyman, being ſo offered to him, and more, if need ſhall ſo require, and it ſhall be ſo adjudged to come to his ſhare, according to the proportion of his Apprentices and Imployments, by the Maſter and Wardens of the Company of Stationers, although he the ſaid Maſter-Printer with his Apprentice or Apprentices be able, without the help of the ſaid Journeyman or Journeymen to diſcharge his own Work, upon pain of ſuch puniſhment, as by this Court, or the High Commiſſion Court reſpectively, as the ſeveral Cauſes ſhall require, ſhall be thought fit.

XXI. *Item*, The Court doth Declare, That if the Maſter and Wardens of the Company of Stationers, or any of them, ſhall refuſe or neglect to go along with any honeſt and ſufficient Journyman-Printer, ſo deſiring their aſſiſtance, to find him imployment, upon complaint and proof made thereof, he or they ſo offending, ſhall ſuffer impriſonment, and ſuch other puniſhment, as by this Court, or the High Commiſſion Court reſpectively, as the ſeveral Cauſes ſhall require, ſhall be thought fit to be impoſed. But in caſe any Maſter-Printer hath more imployment than he is able to diſcharge with help of his Apprentice or Apprentices, it ſhall be lawful for him to require the help of any Journyman or Journymen-Printers, who are [illegible] Journyman or Journymen [illegible] or neglect it when he or [illegible] impriſonment, and undergo ſuch puniſhment as this Court ſhall think fit.

XXII. *Item*, The Court doth hereby Declare, That it doth not hereby reſtrain the Printers of either of the Univerſities from taking what number of Apprentices for their Service in Printing there, they themſelves ſhall think fit. Provided always, that the ſaid Printers in the Univerſities ſhall imploy all their own Journymen within themſelves, and not ſuffer any of their ſaid Journymen to go abroad for Imployment to the Printers of *London*, (unleſs upon occaſion ſome Printers of *London* deſire to imploy ſome extraordinary Workman or Workmen amongſt them, without prejudice to their own Journymen, who are Freemen) upon ſuch penalty as the Chancellor of either of the Univerſities for the time being, ſhall think fit to inflict upon the Delinquents herein.

XXIII. *Item*, That no Maſter-Printer ſhall imploy either to work at the Caſe, or the Preſs, or otherwiſe about his Printing, any other perſon or perſons, than ſuch onely as are Free-men, or Apprentices to the Trade or Myſtery of Printing, under pain of being diſabled for ever after to keep or uſe any Preſs or Printing-houſe, and ſuch further puniſhment as by this Court, or the High Commiſſion Court reſpectively, as the ſeveral Cauſes ſhall require, ſhall be thought fit to be impoſed.

XXIV. *Item*, The Court doth hereby Declare their firm reſolution, that if any perſon or perſons that is not an allowed Printer, ſhall hereafter preſume to ſet up any Preſs for Printing, or ſhall work at any ſuch Preſs, or Set, or Compoſe any Letters to be wrought by any ſuch Preſs; he or they ſo offending, ſhall from time to time, by the Order of this Court, be ſet in the Pillory, and Whipt through the City of *London*, and ſuffer ſuch other puniſhment, as this Court ſhall Order or think fit to inflict upon them, upon complaint or proof of ſuch offence or offences, or ſhall be otherwiſe puniſhed, as the Court of High Commiſſion ſhall think fit, and is agreable to their Commiſſion.

XXV. *Item*, That for the better diſcovery of Printing in Corners without Licence; The Maſter and Wardens of the Company of Stationers for the time being, or any two licenſed Maſter-Printers, which ſhall be appointed by the Lord Arch-biſhop of *Canterbury*, or Lord Biſhop of *London* for the time being, ſhall have power and authority to take unto themſelves ſuch aſſiſtance as they ſhall think needful, and to ſearch what Houſes and Shops (and what time they ſhall think fit) eſpecially Printing-houſes, and to view what is in Printing, and to call for the Licence to ſee whether it be licenſed or no; and if not, to ſeize upon ſo much as is printed, together with the ſeveral Offenders, and to bring them before the Lord Archbiſhop of *Canterbury*, or the Lord Biſhop of *London* for the time being, that they or either of them may take ſuch further Order therein as ſhall appertain to Juſtice.

XXVI. *Item*, The Court doth Declare, that it ſhall be lawful alſo for the ſaid Searchers, if upon Search they find any Book or Books, or part of Book or Books, which they ſuſpect to contain matter in it or them, contrary to the Doctrine and Diſcipline of the Church of *England*, or againſt the State and Government, upon ſuch ſuſpicion to ſeize upon ſuch Book or Books, or part of Book or Books, and to bring it, or them to the Lord Archbiſhop of *Canterbury*, or the Lord Biſhop of *London* for the time being, who ſhall take ſuch further courſe therein, as to their Lordſhips, or either of them ſhall ſeem fit.

XXVII. *Item*, The Court doth Order and Declare, That there ſhall be four Founders of Letters for Printing allowed, and no more; and doth hereby nominate, allow, and admit theſe perſons, whoſe names hereafter follow, to the number of four, to be Letter-Founders for the time being, (*viz.*) *John Griſmand*, *Thomas Wright*, *Arthur Nichols*, *Alexander Fifield.* And further, the Court doth Order and Decree, that it ſhall be lawful for the Lord Archbiſhop of *Canterbury*, or the Lord Biſhop of *London* for the time being, taking unto him or them, ſix other High Commiſſioners, to ſupply the place or places of thoſe who are now allowed Founders of Letters by this Court, as they ſhall fall void by Death, Cenſure, or otherwiſe.

Provided, that they exceed not the number of four, ſet down by this Court. And if any perſon or perſons, not being an allowed Founder, ſhall notwithſtanding take upon him or them, to Found or Caſt Letters for Printing, upon complaint and proof made of ſuch offence or offences, he or they ſo offending, ſhall ſuffer ſuch puniſhment as this Court, or the High Commiſſion Court reſpectively, as the ſeveral Cauſes ſhall require, ſhall think fit to inflict upon them.

XXVIII. *Item*, That no Maſter-Founder whatſoever, ſhall keep above two Apprentices at one time, neither by Copartnerſhip, Binding at the Scriveners, nor any other way whatſoever; neither ſhall it be lawful for any Maſter-Founder, when any Apprentice or Apprentices, ſhall run or be put away, to take another Apprentice, or other Apprentices in his or their place or places, unleſs the name or names of him or them ſo gone away, be raſed out of the Hall Book of the Company whereof the Maſter-Founder is Free, and never admitted again, upon pain of ſuch puniſhment, as by this Court, or the High Commiſſion reſpectively, as the ſeveral Cauſes ſhall require, ſhall be thought fit to be impoſed.

XXIX. *Item*, That all Journymen-Founders be imployed by the Maſter-Founders of the ſaid Trade, and that idle Journymen be compelled to work after the ſame manner, and upon the ſame penalties, as in caſe of the Journymen Printers is before ſpecified.

XXX. *Item*, That no Maſter-Founder of Letters ſhall imploy any other perſon or perſons in any work belonging to the Caſting or Founding of Letters, than ſuch onely as are Free-men or Apprentices to the Trade of Founding Letters, ſave onely in the pulling off the Knots of Metal hanging at the ends of the Letters when they are firſt Caſt, in which Work it ſhall be lawful for every Maſter-Founder to imploy one Boy only that is not, nor hath been bound to the Trade of Founding Letters, but not otherwiſe, upon pain of being for ever diſabled to uſe or exerciſe that Art, and ſuch further puniſhment, as by this Court, or the High Commiſſion Court reſpectively, as the ſeveral Cauſes ſhall require, ſhall be thought fit to be impoſed.

XXXI. *Item*, That every perſon or perſons whatſoever, which ſhall at any time or times hereafter, by his or their confeſſion, or otherwiſe by proof be convicted of any of the offences, by this, or any other Decree of this Court made, ſhall before ſuch time as he or they ſhall be diſcharged, and over and above their Fine and puniſhment, as aforeſaid, be bound with good Sureties, never after to tranſgreſs, or offend in that or the like kind, for which he or they ſhall be ſo convicted and puniſhed, as aforeſaid; And that all and every the Forfeitures aforeſaid (excepting all Seditious Schiſmatical Books or Pamphlets, which this Court doth hereby Order to be preſently burnt) And except ſuch Books as the Forfeitures are already granted by Letters Patents, ſhall be divided and diſpoſed of, as the High Commiſſion Court ſhall find fit. Always providing that one moitie be to the King.

XXXII. *Item*, That no Merchant, Maſter, or Owner of any Ship or Veſſel, or any other perſon or perſons whatſoever, ſhall hereafter preſume to land, or put on Shore any Book or Books, or the part of any Book or Books to be imported from beyond the Seas, in any Port, Haven, Creek, or other place whatſoever, within the Realm of *England*, but only in the Port of the City of *London*, to the end the ſaid Books may there be viewed, as aforeſaid: And the ſeveral Officers of his Majeſties Ports are hereby required to take notice thereof.

XXXIII. *Item*, That whereas there is an Agreement betwixt Sir *Thomas Bodley* Knight, Founder of the Univerſity Library at *Oxford*, and the Maſter, Wardens, and Aſſiſtants of the Company of Stationers, (*viz.*) That one Book of every ſort that is new printed, or re-printed with Additions, be ſent to the Univerſity of *Oxford* for the Uſe of the Publick Library there; The Court doth hereby Order and Declare, That every Printer ſhall reſerve one Book new printed, or reprinted by him with Additions; and ſhall before any publick venting of the ſaid Book, bring it to the Common Hall of the Company of Stationers, and deliver it to the Officer thereof, to be ſent to the Library at *Oxford* accordingly, upon pain of Impriſonment, and ſuch further Order and Direction therein, as to this Court, or the High Commiſſion Court reſpectively, as the ſeveral Cauſes ſhall require, ſhall be thought fit.

FINIS.